

HOUSE BILL 370

F1
HB 675/20 – W&M & HGO

(PRE-FILED)

11r0540
CF SB 225

By: **Delegate Kerr**

Requested: August 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public and Nonpublic Schools – Seizure Action Plans**
3 **(Brynleigh’s Act)**

4 FOR the purpose of requiring a county board of education and authorizing a nonpublic
5 school, beginning in a certain school year, to require a certain number of school
6 employees at the school to be trained in recognizing the signs and symptoms of a
7 seizure, administering first aid, administering seizure medication, and performing
8 certain nerve stimulation; authorizing a certain registered nurse to serve as a certain
9 trained school employee; establishing that certain training may count toward the
10 renewal of a professional certificate; requiring a public school, beginning in a certain
11 school year, to provide annual training to school personnel with direct contact and
12 supervision of students on recognizing the signs and symptoms of, and administering
13 first aid for, a seizure; requiring the training program for school personnel to be fully
14 consistent with training programs and guidelines developed by a certain epilepsy
15 foundation; requiring the parent or guardian of a student diagnosed with a seizure
16 disorder to collaborate with school personnel to create a seizure action plan;
17 requiring the State Board of Education to adopt regulations establishing procedures
18 for the development and content of a seizure action plan; specifying where a seizure
19 action plan shall be retained and to whom the plan shall be distributed; requiring
20 the parent or guardian of a student diagnosed with a seizure disorder to provide the
21 school with a certain written authorization, a certain written statement from the
22 student’s health care practitioner, and the prescribed medication in a certain form;
23 providing that a certain written authorization is effective for a certain school year
24 and may be renewed under certain circumstances; providing for a certain immunity;
25 requiring a public school and authorizing a nonpublic school, beginning in a certain
26 school year, to provide a certain age-appropriate seizure education program to all
27 students with a certain frequency; establishing that a schoolwide seizure education
28 program satisfies a certain requirement; defining a certain term; and generally
29 relating to responding to seizure symptoms and emergencies in schools in the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Education
3 Section 7–447
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2020 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Education**

9 **7–447.**

10 (A) IN THIS SECTION, “SEIZURE ACTION PLAN” MEANS A WRITTEN
11 INDIVIDUALIZED HEALTH PLAN DESIGNED TO ACKNOWLEDGE AND PREPARE FOR
12 THE HEALTH CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

13 (B) (1) BEGINNING IN THE 2022–2023 SCHOOL YEAR, A COUNTY BOARD
14 SHALL REQUIRE TWO SCHOOL EMPLOYEES AT EACH PUBLIC SCHOOL TO BE TRAINED
15 IN:

16 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

17 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A
18 SEIZURE; AND

19 (III) ADMINISTERING OR ASSISTING WITH THE
20 SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION
21 PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S.
22 FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

23 (2) A REGISTERED NURSE WHO IS EMPLOYED IN A SCHOOL FULL TIME
24 AND ASSUMES RESPONSIBILITY FOR THE ADMINISTRATION OF A SEIZURE RESCUE
25 MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS,
26 AND MANUAL VAGUS NERVE STIMULATION MAY SERVE AS ONE OF THE TRAINED
27 SCHOOL EMPLOYEES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

28 (3) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS
29 SUBSECTION MAY COUNT TOWARD THE RENEWAL OF A PROFESSIONAL
30 CERTIFICATE.

31 (C) (1) BEGINNING IN THE 2022–2023 SCHOOL YEAR, A PUBLIC SCHOOL
32 SHALL PROVIDE ANNUAL TRAINING TO ADMINISTRATORS, FACULTY, THERAPISTS,
33 GUIDANCE COUNSELORS, CLASSROOM AIDES, BUS DRIVERS, CONTRACTED

1 EMPLOYEES, AND ANY OTHER SCHOOL PERSONNEL WITH DIRECT CONTACT AND
2 SUPERVISION OF STUDENTS ON:

3 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;
4 AND

5 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A
6 SEIZURE.

7 (2) A TRAINING PROGRAM FOR SCHOOL PERSONNEL ON THE HEALTH
8 CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER SHALL BE
9 FULLY CONSISTENT WITH TRAINING PROGRAMS AND GUIDELINES DEVELOPED BY
10 THE EPILEPSY FOUNDATION OF AMERICA OR ANY SUCCESSOR ORGANIZATION.

11 (D) (1) BEGINNING IN THE 2022–2023 SCHOOL YEAR, A NONPUBLIC
12 SCHOOL MAY REQUIRE TWO SCHOOL EMPLOYEES TO BE TRAINED IN:

13 (I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

14 (II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A
15 SEIZURE; AND

16 (III) ADMINISTERING OR ASSISTING WITH THE
17 SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION
18 PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S.
19 FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

20 (2) A REGISTERED NURSE WHO IS EMPLOYED IN A SCHOOL FULL TIME
21 AND ASSUMES RESPONSIBILITY FOR THE ADMINISTRATION OF A SEIZURE RESCUE
22 MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS,
23 AND MANUAL VAGUS NERVE STIMULATION MAY SERVE AS ONE OF THE TRAINED
24 SCHOOL EMPLOYEES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

25 (E) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A
26 SEIZURE DISORDER SHALL COLLABORATE WITH SCHOOL PERSONNEL TO CREATE A
27 SEIZURE ACTION PLAN.

28 (2) THE STATE BOARD SHALL ADOPT REGULATIONS ESTABLISHING
29 PROCEDURES FOR THE DEVELOPMENT AND CONTENT OF A SEIZURE ACTION PLAN.

30 (3) A COPY OF A SEIZURE ACTION PLAN SHALL BE:

31 (I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN

1 ADMINISTRATOR; AND

2 (II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER
3 RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A
4 SEIZURE DISORDER.

5 (F) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A
6 SEIZURE DISORDER SHALL PROVIDE THE SCHOOL WITH:

7 (I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL
8 EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION
9 AT SCHOOL;

10 (II) THE PRESCRIBED MEDICATION IN AN UNOPENED, SEALED
11 PACKAGE WITH THE LABEL AFFIXED BY THE DISPENSING PHARMACY INTACT; AND

12 (III) A WRITTEN STATEMENT FROM THE STUDENT'S HEALTH
13 CARE PRACTITIONER THAT INCLUDES THE:

- 14 1. STUDENT'S NAME;
- 15 2. NAME AND PURPOSE OF THE MEDICATION;
- 16 3. PRESCRIBED DOSAGE;
- 17 4. ROUTE OF ADMINISTRATION;
- 18 5. FREQUENCY THAT THE MEDICATION MAY BE
19 ADMINISTERED; AND
- 20 6. CIRCUMSTANCES UNDER WHICH THE MEDICATION
21 MAY BE ADMINISTERED.

22 (2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A
23 SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE
24 DISORDER SYMPTOMS SHALL BE:

25 (I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS
26 SUBMITTED; AND

27 (II) RENEWED EACH SCHOOL YEAR IF THE REQUIREMENTS OF
28 THIS SUBSECTION ARE FULFILLED.

1 **(G) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE**
2 **WHO RESPONDS IN GOOD FAITH TO A STUDENT EXPERIENCING A SEIZURE OR**
3 **SEIZURE DISORDER SYMPTOMS IN ACCORDANCE WITH THIS SECTION IS IMMUNE**
4 **FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING**
5 **TO THE SITUATION.**

6 **(H) (1) (I) BEGINNING IN THE 2022–2023 SCHOOL YEAR, A PUBLIC**
7 **SCHOOL SHALL PROVIDE AN AGE–APPROPRIATE SEIZURE EDUCATION PROGRAM,**
8 **CONSISTENT WITH THE CLASSROOM EPILEPSY EDUCATION PROGRAMS DEVELOPED**
9 **BY THE EPILEPSY FOUNDATION OF AMERICA OR ANY SUCCESSOR ORGANIZATION,**
10 **TO ALL STUDENTS AT LEAST ONCE BETWEEN:**

11 **1. KINDERGARTEN AND THIRD GRADE; AND**

12 **2. GRADES SIX AND TWELVE.**

13 **(II) A SCHOOLWIDE SEIZURE EDUCATION PROGRAM SHALL**
14 **SATISFY THE REQUIREMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

15 **(2) BEGINNING IN THE 2022–2023 SCHOOL YEAR, A NONPUBLIC**
16 **SCHOOL MAY PROVIDE AN AGE–APPROPRIATE SEIZURE EDUCATION PROGRAM,**
17 **CONSISTENT WITH THE CLASSROOM EPILEPSY EDUCATION PROGRAMS DEVELOPED**
18 **BY THE EPILEPSY FOUNDATION OF AMERICA OR ANY SUCCESSOR ORGANIZATION,**
19 **TO ALL STUDENTS.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2021.