

HOUSE BILL 136

F1

(PRE-FILED)

2lr1005
CF SB 299

By: ~~Delegates Kerr and Johnson~~, Johnson, Boteler, Buckel, Charles, Ebersole, Griffith, Hartman, Lisanti, Long, and Rose

Requested: October 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2022

CHAPTER _____

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 ~~personnel at the school to be trained~~ school nurse or an individual designated by the
7 school nurse to receive professional development training in certain seizure
8 recognition and response methods; requiring ~~a public school~~ a certain individual,
9 beginning in a certain school year, to provide training with a certain frequency to
10 school personnel with direct contact and supervision of students on certain seizure
11 recognition and response methods; requiring the State Department of Education and
12 the Maryland Department of Health, in consultation with a certain entity and
13 stakeholders, to develop guidelines and a training program for school personnel on
14 the health care needs of a student diagnosed with a seizure disorder; requiring the
15 parent or guardian of a student diagnosed with a seizure disorder to collaborate with
16 school personnel to create a seizure action plan and provide the school with certain
17 information; requiring the State Department of Education, in collaboration with the
18 Maryland Department of Health, to ensure health guidelines include certain
19 information on seizures; and generally relating to responding to seizure symptoms
20 and emergencies in schools in the State.

21 BY adding to
22 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 7-450
 2 Annotated Code of Maryland
 3 (2018 Replacement Volume and 2021 Supplement)

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

6 **Article – Education**

7 **7-450.**

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

11 (B) (1) BEGINNING IN THE 2023-2024 SCHOOL YEAR, A COUNTY BOARD
 12 SHALL REQUIRE EACH PUBLIC SCHOOL TO DESIGNATE AT LEAST TWO SCHOOL
 13 PERSONNEL AT EACH PUBLIC SCHOOL TO BE TRAINED, WHO ARE EITHER SCHOOL
 14 NURSES OR INDIVIDUALS DESIGNATED BY A SCHOOL NURSE, TO COMPLETE A PAID
 15 PROFESSIONAL DEVELOPMENT TRAINING, ADMINISTERED ONLINE OR IN-PERSON,
 16 IN:

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

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

20 (III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
 21 ADMINISTERING OR ASSISTING WITH THE SELF-ADMINISTRATION OF A SEIZURE
 22 RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER
 23 SYMPTOMS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION, AND
 24 MANUAL VAGUS NERVE STIMULATION.

25 ~~(2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE~~
 26 ~~BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH~~
 27 ~~SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.~~

28 ~~(3) A SCHOOL NURSE MAY SERVE AS ONE OF THE TRAINED SCHOOL~~
 29 ~~PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

30 ~~(4)~~ (2) TRAINING UNDER THIS SUBSECTION SHALL INCLUDE
 31 TRAINING IN THE GUIDELINES DEVELOPED BY THE DEPARTMENT AND THE
 32 MARYLAND DEPARTMENT OF HEALTH UNDER SUBSECTION (D) OF THIS SECTION.

1 **(3) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION MAY COUNT TOWARD THE RENEWAL OF A PROFESSIONAL CERTIFICATE**
3 **ISSUED BY THE DEPARTMENT.**

4 **(C) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A PUBLIC SCHOOL**
5 **SHALL ~~PROVIDE TRAINING EVERY 2 YEARS TO ADMINISTRATORS, FACULTY,~~**
6 **~~THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM AIDES, BUS DRIVERS,~~**
7 **~~CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL PERSONNEL WITH DIRECT~~**
8 **~~CONTACT AND SUPERVISION OF STUDENTS ON, EVERY 2 YEARS, DESIGNATE AN~~**
9 **INDIVIDUAL TRAINED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION TO**
10 **PRESENT AN ABRIDGED VERSION OF SEIZURE RESPONSE BEST PRACTICES, BASED**
11 **ON THE GUIDELINES DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION, TO ALL**
12 **SCHOOL PERSONNEL WITH DIRECT CONTACT AND SUPERVISION OF STUDENTS,**
13 **INCLUDING:**

14 **(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;**
15 **AND**

16 **(II) ~~APPROPRIATE STEPS FOR~~ PROCEDURES FOR NOTIFYING**
17 **THE SCHOOL PERSONNEL TRAINED IN ADMINISTERING FIRST AID FOR A SEIZURE.**

18 **(2) SCHOOL PERSONNEL WHO ARE REQUIRED TO PARTICIPATE IN**
19 **THE TRAINING UNDER THIS SUBSECTION SHALL BE COMPENSATED FOR THE**
20 **TRAINING IN ACCORDANCE WITH THE SCHOOL PERSONNEL’S HOURLY RATE OF PAY.**

21 **(D) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH, IN**
22 **CONSULTATION WITH THE EPILEPSY FOUNDATION OF AMERICA AND OTHER**
23 **INTERESTED STAKEHOLDERS, SHALL DEVELOP GUIDELINES AND A TRAINING**
24 **PROGRAM FOR SCHOOL PERSONNEL ON THE HEALTH CARE NEEDS OF A STUDENT**
25 **DIAGNOSED WITH A SEIZURE DISORDER.**

26 ~~(D)~~ **(E) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A NONPUBLIC**
27 **SCHOOL MAY REQUIRE AT LEAST TWO SCHOOL PERSONNEL TO BE TRAINED IN:**

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

29 **(II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A**
30 **SEIZURE; AND**

31 **(III) ADMINISTERING OR ASSISTING WITH THE**
32 **SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION**
33 **PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S.**
34 **FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.**

1 **(2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE**
2 **BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH**
3 **SELF-ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.**

4 **(3) A SCHOOL NURSE MAY SERVE AS ONE OF THE TRAINED SCHOOL**
5 **PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

6 ~~(E)~~ **(F) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED**
7 **WITH A SEIZURE DISORDER SHALL COLLABORATE WITH SCHOOL PERSONNEL TO**
8 **CREATE A SEIZURE ACTION PLAN.**

9 **(2) THE DEPARTMENT, IN COLLABORATION WITH THE MARYLAND**
10 **DEPARTMENT OF HEALTH, SHALL ENSURE:**

11 **(I) HEALTH GUIDELINES INCLUDE SEIZURE FIRST AID**
12 **PROCEDURES; AND**

13 **(II) HEALTH PLANS INCLUDE SEIZURE ACTION PLANS.**

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

15 **(I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN**
16 **ADMINISTRATOR; AND**

17 **(II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER**
18 **RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A**
19 **SEIZURE DISORDER.**

20 ~~(F)~~ **(G) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED**
21 **WITH A SEIZURE DISORDER SHALL PROVIDE THE SCHOOL WITH:**

22 **(I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL**
23 **EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION**
24 **AT SCHOOL;**

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

27 **(III) A WRITTEN STATEMENT FROM THE STUDENT'S HEALTH**
28 **CARE PRACTITIONER THAT INCLUDES:**

29 1. **THE STUDENT'S NAME;**

30 2. **THE NAME AND PURPOSE OF THE MEDICATION;**

- 1 **3. THE PRESCRIBED DOSAGE;**
- 2 **4. THE ROUTE OF ADMINISTRATION;**
- 3 **5. THE FREQUENCY THAT THE MEDICATION MAY BE**
4 **ADMINISTERED; AND**
- 5 **6. THE CIRCUMSTANCES UNDER WHICH THE**
6 **MEDICATION MAY BE ADMINISTERED.**

7 **(2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A**
8 **SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE**
9 **DISORDER SYMPTOMS SHALL BE:**

10 **(I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS**
11 **SUBMITTED; AND**

12 **(II) RENEWED EACH SCHOOL YEAR IF THE REQUIREMENTS OF**
13 **THIS SUBSECTION ARE FULFILLED.**

14 ~~**(G)**~~ **(H) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN**
15 **EMPLOYEE OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN GOOD FAITH TO A**
16 **STUDENT EXPERIENCING A SEIZURE OR SEIZURE DISORDER SYMPTOMS IN**
17 **ACCORDANCE WITH THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT**
18 **OR OMISSION IN THE COURSE OF RESPONDING TO THE SITUATION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.