HOUSE BILL 136

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 _____

AN ACT concerning Education – Public and Nonpublic Schools – Seizure Action Plans
(Brynleigh’s Act)

FOR the purpose of requiring a county board of education and authorizing a nonpublic school, beginning in a certain school year, to require a certain number of school personnel at the school to be trained by a school nurse or an individual designated by the school nurse to receive professional development training in certain seizure recognition and response methods; requiring a public school a certain individual, beginning in a certain school year, to provide training with a certain frequency to school personnel with direct contact and supervision of students on certain seizure recognition and response methods; requiring the State Department of Education and the Maryland Department of Health, in consultation with a certain entity and stakeholders, to develop guidelines and a training program for school personnel on the health care needs of a student diagnosed with a seizure disorder; requiring the parent or guardian of a student diagnosed with a seizure disorder to collaborate with school personnel to create a seizure action plan and provide the school with certain information; requiring the State Department of Education, in collaboration with the Maryland Department of Health, to ensure health guidelines include certain information on seizures; and generally relating to responding to seizure symptoms and emergencies in schools in the State.

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

Article – Education

7–450.

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

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

(i) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

(ii) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A
SEIZURE; AND

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

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

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

(4) TRAINING UNDER THIS SUBSECTION SHALL INCLUDE
TRAINING IN THE GUIDELINES DEVELOPED BY THE DEPARTMENT AND THE
MARYLAND DEPARTMENT OF HEALTH UNDER SUBSECTION (D) OF THIS SECTION.
(3) The training required under paragraph (1) of this subsection may count toward the renewal of a professional certificate issued by the Department.

(c) (1) Beginning in the 2023–2024 school year, a public school shall provide training every 2 years to administrators, faculty, therapists, guidance counselors, classroom aides, bus drivers, contracted employees, and any other school personnel with direct contact and supervision of students on, every 2 years, designate an individual trained in accordance with subsection (b) of this section to present an abridged version of seizure response best practices, based on the guidelines developed under subsection (d) of this section, to all school personnel with direct contact and supervision of students, including:

(I) Recognizing the signs and symptoms of a seizure;

and

(II) Appropriate steps for procedures for notifying the school personnel trained in administering first aid for a seizure.

(2) School personnel who are required to participate in the training under this subsection shall be compensated for the training in accordance with the school personnel’s hourly rate of pay.

(d) The Department and the Maryland Department of Health, in consultation with the Epilepsy Foundation of America and other interested stakeholders, shall develop guidelines and a training program for school personnel on the health care needs of a student diagnosed with a seizure disorder.

(d) (e) (1) Beginning in the 2023–2024 school year, a nonpublic school may require at least two school personnel to be trained in:

(I) Recognizing the signs and symptoms of a seizure;

(II) Appropriate steps for administering first aid for a seizure; and

(III) Administering or assisting with the self-administration of a seizure rescue medication, medication prescribed to treat seizure disorder symptoms approved by the U.S. Food and Drug Administration, and manual vagus nerve stimulation.
(2) School personnel must be approved by the school nurse before the personnel are authorized to administer or assist with self-administration of a seizure rescue medication.

(3) A school nurse may serve as one of the trained school personnel required under paragraph (1) of this subsection.

(F) (1) The parent or guardian of a student diagnosed with a seizure disorder shall collaborate with school personnel to create a seizure action plan.

(2) The Department, in collaboration with the Maryland Department of Health, shall ensure:

(i) Health guidelines include seizure first aid procedures; and

(ii) Health plans include seizure action plans.

(3) A copy of a seizure action plan shall be:

(i) Retained in the office of the school nurse or an administrator; and

(ii) Distributed to any school personnel or volunteer responsible for the supervision or care of a student diagnosed with a seizure disorder.

(G) (1) The parent or guardian of a student diagnosed with a seizure disorder shall provide the school with:

(i) A written authorization for a trained school employee to administer or assist with administering seizure medication at school;

(ii) The prescribed medication in an unopened, sealed package with the label affixed by the dispensing pharmacy intact; and

(iii) A written statement from the student’s health care practitioner that includes:

1. The student’s name;

2. The name and purpose of the medication;
3. The prescribed dosage;
4. The route of administration;
5. The frequency that the medication may be administered; and
6. The circumstances under which the medication may be administered.

(2) A written authorization for the administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms shall be:

(I) Effective for the school year in which it is submitted; and

(II) Renewed each school year if the requirements of this subsection are fulfilled.

(G)(H) Except for any willful or grossly negligent act, an employee or other school personnel who responds in good faith to a student experiencing a seizure or seizure disorder symptoms in accordance with this section is immune from civil liability for any act or omission in the course of responding to the situation.

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