

Introduced by Senator Huff

February 16, 2010

An act to add Section 49414.7 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1051, as introduced, Huff. Emergency medical assistance: administration of diastat.

Existing law provides that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, a school district is authorized to provide school personnel with voluntary medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia.

This bill would authorize a school district, in the absence of a credentialed school nurse or other licensed nurse onsite at the school, to provide school employees with voluntary emergency medical training to provide emergency medical assistance to pupils with epilepsy suffering from seizures in accordance with performance standards developed by specified entities. The bill would require the State Department of Public Health to approve the performance standards for distribution and make the standards available upon request.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares that all
- 2 individuals with exceptional needs have a right to participate in a
- 3 free appropriate public education, and that special instruction and

1 services for these individuals are needed in order to ensure they
2 have the right to an appropriate educational opportunity to meet
3 their unique needs in compliance with the federal Individuals with
4 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

5 (b) It is the intent of the Legislature that individuals with
6 exceptional needs and children with disabilities under the federal
7 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
8 et seq.) and Section 504 of the federal Rehabilitation Act of 1973
9 (29 U.S.C. Sec. 794) shall have a right to an appropriate
10 educational opportunity to meet their unique needs, and that
11 children suffering from seizures due to epilepsy have the right to
12 appropriate programs and services that are designed to meet their
13 unique needs. In order to meet that goal, it is the intent of the
14 Legislature to authorize nurses to train and supervise employees
15 of school districts and county offices of education to administer
16 diastat to children with epilepsy in the public schools. The
17 American Academy of Pediatrics and the Epilepsy Foundation of
18 America support training of school employees to administer diastat
19 and believe that diastat may be safely and effectively administered
20 by trained school employees. The Legislature further finds and
21 declares that it is in the best interest of the health and safety of
22 children to allow trained school employees to administer diastat
23 to pupils in public schools.

24 SEC. 2. Section 49414.7 is added to the Education Code, to
25 read:

26 49414.7. (a) In the absence of a credentialed school nurse or
27 other licensed nurse onsite at the school, a school district may
28 provide school employees with voluntary emergency medical
29 training to provide emergency medical assistance to pupils with
30 epilepsy suffering from seizures. A school employee with voluntary
31 emergency medical training shall provide this emergency medical
32 assistance in accordance with the standards established pursuant
33 to subdivision (b), and the performance instructions set forth by
34 the licensed health care provider of the pupil. A school employee
35 who does not volunteer or who has not been trained pursuant to
36 subdivision (b) shall not be required to provide emergency medical
37 assistance pursuant to this section.

38 (b) (1) The Legislature encourages the Epilepsy Foundation of
39 America to develop performance standards for the training and
40 supervision of school employees in providing emergency medical

1 assistance to pupils with epilepsy suffering from seizures. The
2 performance standards may be developed in cooperation with the
3 State Department of Education, the California School Nurses
4 Organization, the California Medical Association, and the
5 American Academy of Pediatrics. Upon development of the
6 performance standards, the State Department of Public Health
7 shall approve the performance standards for distribution and make
8 those standards available upon request.

9 (2) Training established pursuant to this subdivision shall include
10 all of the following:

11 (A) Recognition and treatment of epilepsy.

12 (B) Administration of diastat.

13 (C) Basic emergency followup procedures including, but not
14 limited to, calling the emergency 911 phone number and, if
15 possible, contacting the pupil's parent or guardian and his or her
16 licensed health care provider.

17 (3) Training by a physician and surgeon, credentialed school
18 nurse, registered nurse, or certificated public health nurse in
19 accordance with the performance standards established pursuant
20 to this section shall be deemed adequate training for the purpose
21 of this section.

22 (4) (A) A school employee shall notify the credentialed school
23 nurse assigned to the school district if he or she administers diastat
24 pursuant to this section.

25 (B) If a credentialed school nurse is not assigned to the school
26 district, the school employee shall notify the superintendent of the
27 school district, or his or her designee, if he or she administers
28 diastat pursuant to this section.

29 (5) All materials necessary to administer the diastat shall be
30 provided by the pupil's parent or guardian.

31 (c) For purposes of this section, "diastat" means diazepam rectal
32 gel, marketed as Diastat AcuDial, approved by the federal Food
33 and Drug Administration for patients with epilepsy to control
34 seizures.