

JAN 17 2020

A BILL FOR AN ACT

RELATING TO SEIZURE DISORDER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Administration of emergency seizure rescue
5 medication; training. (a) Beginning January 1, 2022, each
6 school shall have at least one school employee on duty during
7 the entire school day to administer or assist with:

8 (1) The self-administration of seizure rescue medication
9 or medication prescribed to treat seizure disorder
10 symptoms approved by the United States Food and Drug
11 Administration or any successor agency; and

12 (2) A manual dose of prescribed electrical stimulation
13 using a vagus nerve simulator magnet as approved by
14 the United States Food and Drug Administration or any
15 successor agency.

16 (b) The department shall ensure that all personnel
17 assigned to administer or assist with the self-administration of



1 seizure rescue medication, vagus nerve stimulator magnet, or any
2 other medication prescribed to treat seizure disorder symptoms
3 are either trained:

4 (1) Through a training program adopted by rule in
5 accordance with chapter 91 for the training of school
6 personnel in the health care needs of students
7 diagnosed with a seizure disorder; or

8 (2) By a physician, advance practice registered nurse, or
9 physician assistant consistent with best practice
10 guidelines on seizure treatment and the recognition of
11 the signs and symptoms of seizures and the appropriate
12 steps for seizure first aid.

13 (c) Beginning January 1, 2022, and on an annual basis
14 thereafter, all principals, guidance counselors, and teachers
15 employed by the department shall complete at least one hour of
16 self-study review of seizure disorder materials developed by
17 medical professionals with expertise in seizure treatment and
18 consistent with best practice guidelines on the recognition of
19 the signs and symptoms of seizures and the appropriate steps for
20 seizure first aid.



1 (d) Beginning January 1, 2022, and on an annual basis
2 thereafter, each school shall provide an age appropriate seizure
3 education program to all students on seizures and seizure
4 disorders. The seizure education program shall be consistent
5 with guidelines published by the Epilepsy Foundation of America
6 or any successor organization.

7 (e) This section shall not apply to any school that does
8 not have at least one student enrolled who has either:

9 (1) A seizure disorder; or

10 (2) A seizure rescue medication or medication prescribed
11 to treat seizure disorder symptoms approved by the
12 United States Food and Drug Administration or any
13 successor agency prescribed by the student's health
14 care provider."

15 SECTION 2. Chapter 302C, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§302C- Administration of emergency seizure rescue
19 medication; training. (a) Beginning January 1, 2022, each
20 private school shall have at least one employee on duty during
21 the entire school day to administer or assist with:



1 (1) The self-administration of seizure rescue medication
2 or medication prescribed to treat seizure disorder
3 symptoms approved by the United States Food and Drug
4 Administration or any successor agency; and

5 (2) A manual dose of prescribed electrical stimulation
6 using a vagus nerve simulator magnet as approved by
7 the United States Food and Drug Administration or any
8 successor agency.

9 (b) The private school shall ensure that all personnel
10 assigned to administer or assist with the self-administration of
11 seizure rescue medication, vagus nerve stimulator magnet, or any
12 other medication prescribed to treat seizure disorder symptoms
13 are trained by a physician, advance practice registered nurse,
14 or physician assistant consistent with best practice guidelines
15 on seizure treatment and the recognition of the signs and
16 symptoms of seizures and the appropriate steps for seizure first
17 aid.

18 (c) Beginning January 1, 2022, and on an annual basis
19 thereafter, all principals, guidance counselors, and teachers
20 employed by the private school shall complete at least one hour
21 of self-study review of seizure disorder materials developed by



1 medical professionals with expertise in seizure treatment and
2 consistent with best practice guidelines on the recognition of
3 the signs and symptoms of seizures and the appropriate steps for
4 seizure first aid.

5 (d) In the case of any student who is certified by the
6 student's physician, advanced practice registered nurse, or
7 physician assistant as having a seizure disorder, the private
8 school shall establish a seizure action plan for that student,
9 in conjunction with the student's parent or guardian, that shall
10 include, but not be limited to the identification of the
11 employee or employees trained to assist the student in the event
12 of a seizure and the method by which the trained employee or
13 employees are contacted in the event of the seizure. The
14 seizure action plan shall be:

- 15 (1) Distributed to every school personnel or volunteer
16 responsible for the supervision or care of the student
17 diagnosed with a seizure disorder; and
18 (2) Kept on file at the school in which the student is
19 enrolled.

20 (e) Beginning January 1, 2022, and on an annual basis
21 thereafter, each private school shall provide an age appropriate



1 seizure education program to all students on seizures and
2 seizure disorders. The seizure education program shall be
3 consistent with guidelines published by the Epilepsy Foundation
4 of America or any successor organization.

5 (f) This section shall not apply to any private school
6 that does not have at least one student enrolled who has either:

7 (1) A seizure disorder; or

8 (2) A seizure rescue medication or medication prescribed
9 to treat seizure disorder symptoms approved by the
10 United States Food and Drug Administration or any
11 successor agency prescribed by the student's health
12 care provider."

13 SECTION 3. Chapter 302D, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§302D- Administration of emergency seizure rescue
17 medication; training. (a) Beginning January 1, 2022, each
18 public charter school shall have at least one school employee on
19 duty during the entire school day to administer or assist with:

20 (1) The self-administration of seizure rescue medication
21 or medication prescribed to treat seizure disorder



1 symptoms approved by the United States Food and Drug
2 Administration or any successor agency; and

3 (2) A manual dose of prescribed electrical stimulation
4 using a vagus nerve simulator magnet as approved by
5 the United States Food and Drug Administration or any
6 successor agency.

7 (b) The public charter school shall ensure that all
8 personnel assigned to administer or assist with the self-
9 administration of seizure rescue medication, vagus nerve
10 stimulator magnet, or any other medication prescribed to treat
11 seizure disorder symptoms are trained by a physician, advance
12 practice registered nurse, or physician assistant consistent
13 with best practice guidelines on seizure treatment and the
14 recognition of the signs and symptoms of seizures and the
15 appropriate steps for seizure first aid.

16 (c) Beginning January 1, 2022, and on an annual basis
17 thereafter, all principals, guidance counselors and teachers
18 employed by the public charter school shall complete at least
19 one hour of self-study review of seizure disorder materials
20 developed by medical professionals with expertise in seizure
21 treatment and consistent with best practice guidelines on the



1 recognition of the signs and symptoms of seizures and the
2 appropriate steps for seizure first aid.

3 (d) In the case of any student who is certified by the
4 student's physician, advanced practice registered nurse, or
5 physician assistant as having a seizure disorder, the public
6 charter school shall establish a seizure action plan for that
7 student, in conjunction with the student's parent or guardian,
8 that shall include, but not be limited to the identification of
9 the employee or employees trained to assist the student in the
10 event of a seizure and the method by which the trained employee
11 or employees are contacted in the event of the seizure. The
12 seizure action plan shall be:

13 (1) Distributed to every school personnel or volunteer
14 responsible for the supervision or care of the student
15 diagnosed with a seizure disorder; and

16 (2) Kept on file at the school in which the student is
17 enrolled.

18 (e) Beginning January 1, 2022, and on an annual basis
19 thereafter, each public charter school shall provide an age
20 appropriate seizure education program to all students on
21 seizures and seizure disorders. The seizure education program



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1 shall be consistent with guidelines published by the Epilepsy
2 Foundation of America or any successor organization.

3 (f) This section shall not apply to any public charter
4 school that does not have at least one student enrolled who has
5 either:

6 (1) A seizure disorder; or

7 (2) A seizure rescue medication or medication prescribed
8 to treat seizure disorder symptoms approved by the
9 United States Food and Drug Administration or any
10 successor agency prescribed by the student's health
11 care provider."

12 SECTION 4. Section 302A-1164, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§302A-1164 Self-administration of medication by student
15 and emergency administration[; ~~self-testing and self-management~~
16 ~~of diabetes by student; assistance with diabetes testing; blood~~
17 ~~glucose monitoring by student; assistance with blood glucose~~
18 ~~monitoring;] permitted. (a) The department shall permit:~~

19 (1) The self-administration of:



1 (A) Medication by a student for asthma, anaphylaxis,
2 diabetes, seizure disorders, or other potentially
3 life-threatening illnesses; and

4 (B) Blood glucose monitoring by a student; and

5 (2) Department employees and agents to volunteer to
6 administer:

7 (A) Insulin or assist a student in administering
8 insulin via the insulin delivery system that the
9 student uses;

10 (B) Glucagon in an emergency situation to students
11 with diabetes;

12 (C) Auto-injectable epinephrine in an emergency
13 situation to students with anaphylaxis; [~~or~~]

14 (D) Seizure medication or vagus nerve stimulation in
15 an emergency situation to students with seizure
16 disorders; or

17 [~~(D)~~] (E) Blood glucose monitoring or assist a student
18 with blood glucose monitoring.

19 (b) The student's parent or guardian shall provide the
20 department with:



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- 1 (1) Written authorization for the self-administration of
2 medication or the emergency administration of glucagon
3 [~~or~~] auto-injectable epinephrine[~~+~~], seizure
4 medications, or vagus nerve stimulation magnet;
- 5 (2) In the case of self-administration of medication:
- 6 (A) Written certification from the student's
7 physician, advanced practice registered nurse, or
8 physician assistant stating that the student with
9 diabetes may perform the student's own blood
10 glucose checks, administer insulin through the
11 student's insulin delivery system, and otherwise
12 attend to the care and management of the
13 student's diabetes during any school-related
14 activity, and that the student may possess on the
15 student's person all necessary supplies and
16 equipment to perform the diabetes monitoring and
17 treatment activities, if applicable; and
- 18 (B) Written certification from the student's
19 physician, advanced practice registered nurse, or
20 physician assistant stating that the student:



- 1 (i) Has asthma, anaphylaxis, seizure disorder,
2 or another potentially life-threatening
3 illness; and
- 4 (ii) Is capable of, and has been instructed in,
5 the proper method of self-administration of
6 medication or blood glucose monitoring; and
- 7 (3) In the case of administration of insulin or emergency
8 administration of glucagon to a student with diabetes,
9 blood glucose monitoring of a student, [~~or~~] auto-
10 injectable epinephrine to a student with anaphylaxis,
11 or administration of seizure medication or vagus nerve
12 stimulation to the student with a seizure disorder,
13 written certification from the student's physician,
14 advanced practice registered nurse, or physician
15 assistant stating that the student has medical orders
16 that insulin, glucagon, blood glucose monitoring, [~~or~~]
17 auto-injectable epinephrine, seizure medication, or
18 vagus nerve stimulation may be administered by a
19 volunteer.
- 20 (c) In the case of any student who is certified by the
21 student's physician, advanced practice registered nurse, or



1 physician assistant as having a seizure disorder, the department
2 shall establish a seizure action plan for that student, in
3 conjunction with the student's parent or guardian, that shall
4 include, but not be limited to the identification of the school
5 employee or employees trained to assist the student in the event
6 of a seizure and the method by which the trained employee or
7 employees are contacted in the event of the seizure.

8 The seizure action plan shall be:

- 9 (1) Distributed to every school personnel or volunteer
10 responsible for the supervision or care of the student
11 diagnosed with a seizure disorder; and
12 (2) Kept on file at the school in which the student is
13 enrolled.

14 [~~(e)~~] (d) The department shall inform the student's parent
15 or guardian in writing that the department and its employees or
16 agents shall not incur any liability as a result of any injury
17 arising from compliance with this section.

18 [~~(d)~~] (e) The student's parent or guardian shall sign a
19 statement acknowledging that:



1 (1) The department and its employees or agents shall not
2 incur any liability as a result of any injury arising
3 from compliance with this section; and

4 (2) The parent or guardian shall indemnify and hold
5 harmless the department and its employees or agents
6 against any claims arising out of compliance with this
7 section.

8 [~~(e)~~] (f) The permission shall be effective for the school
9 year for which it is granted and shall be renewed for each
10 subsequent school year upon the fulfillment of the requirements
11 in this section.

12 [~~(f)~~] (g) Notwithstanding any other law to the contrary, a
13 student who is permitted to self-administer medication under
14 this section shall be permitted to carry an inhaler or
15 auto-injectable epinephrine, or both, at all times if the
16 student does not endanger the student's person or other persons
17 through the misuse of the inhaler; provided that the department,
18 its employees or agents may confiscate a student's medication,
19 inhaler, or auto-injectable epinephrine if the student's
20 self-administration of the medication exceeds the student's



1 prescribed dosage, or if the student endangers others with the
2 student's medication, inhaler, or auto-injectable epinephrine.

3 For the purposes of this section, the term "inhaler"
4 includes:

5 (1) Metered-dose, breath-actuated, and dry powder
6 inhalers; and

7 (2) Spacers and holding chambers.

8 ~~[(g)]~~ (h) Any employee or agent who volunteers to
9 administer insulin ~~[œ]~~, glucagon, seizure medication, or vagus
10 nerve stimulation in an emergency situation to a student with
11 diabetes ~~[œ]~~, auto-injectable epinephrine to a student with
12 anaphylaxis, or seizure medication or vagus nerve stimulation to
13 a student with a seizure disorder, or who volunteers to
14 administer or assist a student with blood glucose monitoring
15 shall receive instruction in the proper administration of
16 insulin, glucagon, auto-injectable epinephrine, seizure
17 medication or vagus nerve stimulation, or blood glucose
18 monitoring by a qualified health care professional. A
19 "qualified health care professional" means a licensed physician,
20 physician assistant, advanced practice registered nurse or
21 registered nurse, or certified diabetes educator. The student's



1 parent or guardian shall supply the school with the glucagon kit
2 required to administer the glucagon, any supplies necessary to
3 administer insulin, blood glucose monitoring, or with auto-
4 injectable epinephrine supplies to administer epinephrine. The
5 school shall store the glucagon kit, insulin supplies, blood
6 glucose monitoring supplies, seizure medication or vagus nerve
7 stimulation magnet, or auto-injectable epinephrine supplies in a
8 secure but accessible location.

9 [~~h~~] (i) Any person, except for a qualified health care
10 professional providing the training required in subsection (g),
11 who acts in accordance with the requirements of this section
12 shall be immune from any civil or criminal liability arising
13 from these acts, except where the person's conduct would
14 constitute gross negligence, willful and wanton misconduct, or
15 intentional misconduct."

16 SECTION 5. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$100,000 or so much
18 thereof as may be necessary for fiscal year 2020-2021 to train
19 employees to administer or assist with the self-administration
20 of seizure rescue medication at each public school and public
21 charter school.



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1 The sum appropriated shall be expended by the department of
2 education for the purposes of this Act.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval;
6 provided that section 5 shall take effect on July 1, 2020.

7

INTRODUCED BY: *Kal Hancock*

Russell E. Peltier
Randy H. Baker



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Report Title:

Education; Seizure Safe Schools; Seizure Disorder Rescue Medication; School Employee Training; Appropriation

Description:

Requires schools to have an employee trained to administer seizure disorder rescue medication. Exempts schools that do not have a student with a seizure disorder. Requires a seizure action plan for every diagnosed student and distribution of the plan to employees charged with supervising the student. Requires all principals, guidance counselors, and teachers to perform self-review of seizure disorder materials annually. Makes an appropriation.

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