AN ACT to amend the education law, in relation to allowing for unlicensed personnel to administer seizure rescue medication

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1. Section 1. Subdivision 1 of section 921 of the education law, as added by chapter 423 of the laws of 2014, is amended to read as follows:

   1. The board of education or trustees of each school district and board of cooperative educational services and nonpublic schools are authorized, but not obligated to have licensed registered professional nurses, nurse practitioners, physician assistants, and physicians train unlicensed school personnel to inject prescribed glucagon or epinephrine auto injectors, or administer diazepam or midazolam nasal spray in emergency situations, where an appropriately licensed health professional is not available, to pupils who have the written permission of a physician or other duly authorized health care provider for the administration of injectable glucagon, emergency epinephrine auto injector, or diazepam or midazolam nasal spray, along with written parental consent, during the school day on school property and at any school function as such terms are defined, respectively, by subdivisions one and two of section eleven of this chapter. Training must be provided by a physician or other duly authorized licensed health care professional in a competent manner and must be completed in a form and manner prescribed by the commissioner in regulation.

2. The education law is amended by adding two new sections 902-c and 916-c to read as follows:

§ 902-c. Treatment of students diagnosed with epilepsy by school personnel. 1. Licensed nurses, nurse practitioners, physician assist-
ants, or physicians employed by school districts or boards of cooperative educational services shall be authorized to administer prescribed

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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diazepam or midazolam nasal spray, to teach an unlicensed person to
administer a diazepam or midazolam nasal spray to an individual, and to
perform other authorized services pursuant to the scope of practice of
the licensed individual under title eight of this chapter, to pupils who
have received written permission by a physician or other licensed health
care provider and written parental consent to carry and use a diazepam
or midazolam nasal spray pursuant to section nine hundred sixteen-c of
this article during the school day on school property and at any school
function. Nothing in this section shall authorize unlicensed persons to
perform these services except as otherwise permitted by section nine
hundred twenty-one of this article.

2. A school district, board of cooperative educational services and/or
their agents or employees shall incur no legal or financial liability as
a result of any harm or injury sustained by a pupil or other person
caused by reasonable and good faith compliance with this section.

§ 916-c. Pupils with epilepsy. 1. The board of education or trustees
of each school district and board of cooperative educational services
shall allow pupils who have been diagnosed by a physician or other duly
authorized health care provider with epilepsy to carry and use a
prescribed nasal spray for the emergency treatment of seizures during
the school day on school property and at any school function with the
written permission of a physician or other duly authorized health care
provider, and written parental consent. The written permission shall
include an attestation by such physician or health care provider
confirming: (a) the pupil's diagnosis of epilepsy for which a diazepam
or midazolam nasal spray is needed; and (b) that the pupil has demon-
strated that he or she can self-administer the prescribed diazepam or
midazolam nasal spray effectively. Such written permission shall also
include the circumstances which may warrant the use of a diazepam or
midazolam nasal spray. A record of such consent and permission shall be
maintained in the student's cumulative health record. In addition, upon
the written request of a parent or person in parental relation, the
board of education or trustees of a school district and board of coop-
erative educational services shall allow such pupils to maintain an
extra diazepam or midazolam nasal spray for the emergency treatment of
seizures in the care and custody of a licensed nurse, nurse practitio-
er, physician assistant, or physician employed by such district or board
of cooperative educational services, and shall be readily accessible to
such pupil. Nothing in this section shall require a school district or board of cooperative educational services to retain a licensed nurse, nurse practitioner, physician assistant, or physician solely for the purpose of taking custody of a spare diazepam or midazolam nasal spray for the emergency treatment of seizures, or require that a licensed nurse, nurse practitioner, physician assistant, or physician be available at all times in a school building for taking custody of the diazepam or midazolam nasal spray. In addition, the diazepam or midazolam nasal spray provided by the pupil's parents or persons in parental relationship will be made available to the pupil as needed in accordance with the school district's or board of cooperative educational services' policy and the orders prescribed in the written permission of the physician or other authorized health care provider.

2. A school district, board of cooperative educational services and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 3. This act shall take effect immediately.