

ASSEMBLY, No. 5336

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 23, 2023

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblymen Umba, Conaway and Assemblywoman Jasey

SYNOPSIS

Requires public schools to develop policy for emergency administration of nasal seizure rescue medication and use of manual vagus nerve stimulators on students with seizure disorders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/21/2023)

1 AN ACT concerning seizure disorder emergencies in public schools
2 and amending and supplementing P.L.2019, c.290.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.2019, c.290 (C.18A:40-12.34) is amended
8 to read as follows:

9 1. As used in **[this act]** P.L.2019, c.290 (C.18A:40-12.34 et
10 seq.) and P.L. , c. (C.) (pending before the Legislature as this
11 bill):

12 "Individualized emergency health care plan" means a document
13 developed by the school nurse, in consultation with the parent or
14 guardian of a student with epilepsy or a seizure disorder and other
15 appropriate medical professionals, which is consistent with the
16 recommendations of the student's health care providers and which
17 provides specific actions for non-medical school staff to do in a
18 particular emergency situation and is signed by the parent or
19 guardian and the school nurse.

20 "Individualized health care plan" means a document developed
21 by the school nurse, in consultation with the parent or guardian of a
22 student with epilepsy or a seizure disorder and other appropriate
23 medical professionals who may be providing epilepsy or seizure
24 disorder care to the student, which is consistent with the
25 recommendations of the student's health care providers and which
26 sets out the health services needed by the student at school and is
27 signed by the parent or guardian and the school nurse.

28 "School" means an elementary or secondary public school
29 located within this State.

30 "School employee" means a person employed by a school
31 district.

32 "Seizure action plan" means a comprehensive document provided
33 by the student's physician, advanced practice nurse, or physician's
34 assistant which includes, but is not limited to, information regarding
35 presentation of seizures, seizure triggers, daily seizure medications,
36 seizure first aid, and additional treatments. The seizure action plan
37 shall indicate whether a non-nursing employee may be designated
38 to: administer emergency nasal rescue medication; and use a
39 manual vagus nerve stimulator.

40 (cf: P.L.2019, c.290, s.1)

41

42 2. Section 5 of P.L.2019, c.290 (C.18A:40-12.38) is amended
43 to read as follows:

44 5. No school employee, including a school nurse, a school bus
45 driver, a school bus aide, or any other officer or agent of a board of

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 education, shall be held liable for any good faith act or omission
2 consistent with the provisions of **【this act】** P.L.2019, c.290
3 (C.18A:40-12.34 et seq.) and P.L. , c. (C.) (pending before the
4 Legislature as this bill), nor shall an action before the New Jersey
5 State Board of Nursing lie against a school nurse for any such
6 action taken by a person trained in good faith by the school nurse
7 pursuant to **【this act】** these acts. Good faith shall not include
8 willful misconduct, gross negligence, or recklessness.
9 (cf: P.L.2019, c.290, s.5)

10
11 3. (New section) a. Each board of education shall develop a
12 policy in accordance with the guidelines established by the
13 Department of Education pursuant to section 4 of P.L. , c. (C.)
14 (pending before the Legislature as this bill) for the emergency
15 administration of nasal seizure rescue medication and the
16 emergency use of a manual vagus nerve stimulator on a student
17 with a seizure disorder.

18 b. The policy shall provide that the school nurse shall have the
19 primary responsibility for the administration of nasal seizure rescue
20 medication and the use of a manual vagus nerve stimulator. The
21 certified school nurse shall designate, in consultation with the board
22 of education, at least two additional employees of the school district
23 who volunteer to administer the nasal seizure rescue medication and
24 use a manual vagus nerve stimulator on a student when the school
25 nurse is not physically present at the scene. The Department of
26 Education, in consultation with the Department of Health, shall
27 require trained designees for students enrolled in a school who may
28 require the emergency administration of the nasal seizure rescue
29 medication or the use of a manual vagus nerve stimulator.

30 c. The certified school nurse shall determine that:

31 (1) the designees have been properly trained in the
32 administration of the nasal seizure rescue medication and the use of
33 a manual vagus nerve stimulator using standardized training
34 protocols established by the Department of Education and the
35 Department of Health;

36 (2) the parents or guardians of the student consent in writing to
37 the administration of the nasal seizure rescue medication and use of
38 a manual vagus nerve stimulator by the designees;

39 (3) the school board informs the parents or guardians of the
40 student in writing that the school district and its employees or
41 agents shall have no liability as a result of any injury arising from
42 the administration of the nasal seizure rescue medication and the
43 use of a manual vagus nerve stimulator on the student;

44 (4) the parents or guardians of the student sign a statement
45 acknowledging their understanding that the district shall have no
46 liability as a result of any injury arising from the administration of
47 the nasal seizure rescue medication and the use of a manual vagus
48 nerve stimulator on the student and that the parents or guardians

1 shall indemnify and hold harmless the district and its employees or
2 agents against any claims arising out of the administration of the
3 nasal seizure rescue medication and the use of a manual vagus
4 nerve stimulator on the student; and

5 (5) the permission is effective for the school year for which it is
6 granted and is renewed for each subsequent school year upon
7 fulfillment of the requirements in paragraphs (1) through (4) of this
8 subsection.

9 d. The policy shall also require:

10 (1) the transportation of the student to a hospital emergency
11 room by emergency services personnel after the administration of
12 the nasal seizure rescue medication, and if indicated in the
13 emergency action plan after the use of a manual vagus nerve
14 stimulator. The student shall be evaluated and receive medical
15 clearance to return to school;

16 (2) an alternative plan in the case that a student's seizure action
17 plan does not permit the administration of nasal seizure rescue
18 medication or the use of a manual vagus nerve stimulator by a
19 designee. An alternative plan may provide for seizure first aid, a
20 request for emergency services personnel, or any other action
21 deemed appropriate; and

22 (3) the parent or guardian to provide an ample supply of the
23 prescribed nasal seizure rescue medication to the school nurse and
24 to the designees. Alternatively, if provided for in the seizure action
25 plan, the nasal seizure rescue medication may be permitted to be
26 carried on the student's person.

27
28 4. (New section) a. The Department of Education, in
29 consultation with the Department of Health, appropriate medical
30 experts, and professional organizations representing school nurses,
31 principals, and teachers, shall establish and disseminate to each
32 board of education guidelines for the development of a policy by a
33 school district for the emergency administration of nasal seizure
34 rescue medication and the use of a manual vagus nerve stimulator
35 on students.

36 b. Each board of education shall implement in the schools of the
37 district the guidelines established and disseminated pursuant to
38 subsection a. of this section.

39
40 5. (New section) a. In an effort to assist the certified school
41 nurse in a school district in recruiting and training additional school
42 employees as volunteer designees to administer the nasal seizure
43 rescue medication and use a manual vagus nerve stimulator when
44 the school nurse is not physically present, the Department of
45 Education and the Department of Health shall jointly develop
46 training protocols, in consultation with the New Jersey State School
47 Nurses Association.

- 1 • the parents sign a statement acknowledging their
2 understanding that the district has no liability as a result
3 of any injury arising from the administration of the nasal
4 seizure rescue medication and the use of a manual vagus
5 nerve stimulator.

6 The policy developed by the school district is to require:

7 (1) the transportation of the student to a hospital emergency
8 room by emergency services personnel after the administration of
9 the nasal seizure rescue medication, and if indicated in the
10 emergency action plan after the use of a manual vagus nerve
11 stimulator. The student is to be evaluated and receive medical
12 clearance in order to return to school;

13 (2) an alternative plan in the case that a student's seizure action
14 plan does not permit the administration of nasal seizure rescue
15 medication or the use of a manual vagus nerve stimulator by a
16 designee; and

17 (3) the parent to provide an ample supply of the prescribed nasal
18 seizure rescue medication to the school nurse and to the designees.
19 Alternatively, if provided for in the seizure action plan, the nasal
20 seizure rescue medication may be permitted to be carried on the
21 student's person.

22 The Department of Education, in consultation with the
23 Department of Health, appropriate medical experts, and
24 professional organizations representing school nurses, principals,
25 and teachers, is required to establish and disseminate to each board
26 of education guidelines for the development of a policy by a school
27 district for the emergency administration of nasal seizure rescue
28 medication and the use of a manual vagus nerve stimulator on
29 students. The Departments of Education and Health are also
30 required to jointly develop protocols, in consultation with the New
31 Jersey State School Nurses Association, for the training of
32 additional school employees as volunteer designees to administer
33 the nasal seizure rescue medication and use a manual vagus nerve
34 stimulator when the school nurse is not physically present.

35 The bill requires the Department of Education to take appropriate
36 action to ensure that each school district incorporates age-
37 appropriate education on epilepsy and seizure disorders, consistent
38 with the classroom education programs developed by the Epilepsy
39 Foundation of America, at least once between kindergarten and
40 third grade and at least once between grades six and 12.

41 The bill will take effect on the first day of the 12th month next
42 following the date of enactment, except that the Department of
43 Education may take anticipatory administrative action to implement
44 the bill's provisions. This delayed effective date will allow time for
45 the development of training protocols for school employees
46 designated by the certified school nurse to administer the nasal
47 seizure rescue medication or use the manual vagus nerve stimulator
48 when the school nurse is not present.