

By Senator Garcia

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1 A bill to be entitled
2 An act relating to care of students with epilepsy or
3 seizure disorders; creating s. 1006.0626, F.S.;
4 defining terms; providing for the creation of an
5 individualized seizure action plan for a student with
6 epilepsy or seizure disorders to receive health care
7 at school; providing requirements for the student's
8 parent, school nurses, and appropriate school
9 employees; providing requirements for such plans;
10 requiring school nurses or appropriate school
11 employees to coordinate the care of such students and
12 ensure that specified training is provided to
13 specified school employees and individuals; providing
14 requirements for such training; requiring school
15 districts to provide specified information and
16 training to school bus drivers who transport students
17 with epilepsy or seizure disorders; requiring school
18 nurses or appropriate school employees to obtain
19 specified releases relating to the medical information
20 and care of such students; providing immunity from
21 liability under certain conditions; defining the term
22 "good faith"; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 1006.0626, Florida Statutes, is created
27 to read:

28 1006.0626 Care of students with epilepsy or seizure
29 disorders.-

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30 (1) As used in this section, the term:

31 (a) "Individualized seizure action plan" means a document
32 developed and signed by a medical professional who provides
33 epilepsy or seizure disorder care to the student, in
34 consultation with the student's parent, who must also sign the
35 individualized seizure action plan, and reviewed by the school
36 nurse. The individualized seizure action plan must outline a set
37 of procedural guidelines that provide specific directions for
38 the health care services needed by the student at school and
39 what to do in a particular emergency situation.

40 (b) "Medical professional" means a physician licensed under
41 chapter 458 or chapter 459, a physician assistant licensed under
42 chapter 458 or chapter 459, or an advanced practice registered
43 nurse licensed under s. 464.012 who provides epilepsy or seizure
44 disorder care to the student.

45 (c) "School" means a public school within this state.

46 (d) "School employee" means a person employed by the school
47 district at the student's school of enrollment or who has
48 contact with the student.

49 (e) "Student" means a student enrolled in kindergarten
50 through grade 12 in a public school who has been diagnosed with
51 epilepsy or a seizure disorder.

52 (2) (a) A student's parent who seeks epilepsy or seizure
53 disorder care for the student while at school or engaged in a
54 school-related activity must inform the school nurse or an
55 appropriate school employee and provide him or her with an
56 individualized seizure action plan. The parent must annually
57 provide written authorization to the school district for the
58 health care services provided through such plan.

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59 (b) Individualized seizure action plans must be updated by
60 the medical professional before the beginning of each school
61 year and as necessary if there is a change in the health status
62 of the student.

63 (c) Each individualized seizure action plan must include
64 the following information:

65 1. Written orders from the student's medical professional
66 outlining the student's epilepsy or seizure disorder recommended
67 care.

68 2. The student's epilepsy or seizure disorder symptoms.

69 3. Whether the student can fully participate in physical
70 exercise or athletic competitions, any contraindications to such
71 exercise or competitions, or any accommodations that must be
72 made for the student for such exercise or competitions.

73 4. Any accommodations the student requires for school
74 trips, after-school programs and activities, class parties, and
75 any other school-related activities.

76 5. When and whom to call for medical assistance.

77 6. The student's ability to manage, and the student's level
78 of understanding of, his or her epilepsy or seizure disorder.

79 7. How to maintain communication with the student, the
80 student's parent, and the student's health care team, school
81 nurse, and educational staff.

82 8. Any rescue medication prescribed by the student's
83 medical professional and how and when to administer the
84 medication.

85 (3) The school nurse or an appropriate school employee
86 shall:

87 (a) In accordance with s. 1006.062, coordinate the

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88 provision of epilepsy and seizure disorder care at his or her
89 school for each student with an individualized seizure action
90 plan, including administering anti-seizure and rescue
91 medications to the student, as outlined in the student's
92 individualized seizure action plan.

93 (b) Ensure that each school employee and individual working
94 with school-sponsored programs outside of the regular school day
95 are trained every 2 years in the care of students with epilepsy
96 and seizure disorders, including how to recognize the symptoms
97 of and provide care for epilepsy and seizure disorders. Such
98 training must include a course of instruction provided by a
99 nonprofit national organization that supports the welfare of
100 individuals with epilepsy and seizure disorders. The instruction
101 must be approved by the Department of Education and may be
102 provided online or in person. A training program provided to a
103 school district in an online format must be provided by the
104 nonprofit entity free of charge.

105 (4) If a school bus driver transports a student with
106 epilepsy or a seizure disorder, the school district must provide
107 the driver with all of the following:

108 (a) A notice of the student's condition.

109 (b) Information on how to provide the recommended care for
110 the student if he or she shows symptoms of the epilepsy or
111 seizure disorder.

112 (c) The contact information for the student's parent and
113 emergency contacts.

114 (d) Epilepsy and seizure disorder first aid training every
115 2 years.

116 (5) The school nurse or an appropriate school employee

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117 shall obtain a release from the student's parent to authorize
118 the sharing of medical information between himself or herself
119 and the student's health care providers. The release shall also
120 authorize the school nurse or an appropriate school employee to
121 share medical information with other school employees as
122 necessary.

123 (6) A school employee, including a school nurse, a school
124 bus driver, a school bus aide, or any other officer or agent of
125 the school district, acting in good faith is not liable for an
126 act or omission consistent with this section. The Board of
127 Nursing may not take action against a school nurse for any act
128 or omission taken by a person trained by the school nurse
129 pursuant to this section. For purposes of this section, "good
130 faith" does not include willful misconduct, gross negligence, or
131 recklessness.

132 Section 2. This act shall take effect upon becoming a law.