

CHAPTER 290

AN ACT concerning the care of students with epilepsy and seizure disorders, designated as "Paul's Law," and supplementing chapter 40 of Title 18A of the New Jersey Statutes.

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

C.18A:40-12.34 Definitions relative to epilepsy and seizure disorders.

1. As used in this act:

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

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

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

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

"Seizure action plan" means a comprehensive document provided by the student's physician, advanced practice nurse, or physician's assistant which includes, but is not limited to, information regarding presentation of seizures, seizure triggers, daily seizure medications, seizure first aid, and additional treatments.

C.18A:40-12.35 Annual submission of student's seizure action plan.

2. a. The parent or guardian of a student with epilepsy or a seizure disorder who seeks epilepsy or seizure disorder care while at school shall submit annually to the school nurse the student's seizure action plan. The school nurse shall develop an individualized health care plan and an individualized emergency health care plan for the student, provided that the parents or guardians of the student annually provide to the board of education written authorization for the provision of epilepsy or seizure disorder care.

b. The individualized health care plan and individualized emergency health care plan developed in accordance with subsection a. of this section shall be updated by the school nurse annually and as necessary in the event that there is a change in the health status of the student.

c. Each individualized health care plan shall include, and each individualized emergency health care plan may include, the following information:

(1) written orders from the student's physician or advanced practice nurse outlining the epilepsy or seizure disorder care;

(2) the symptoms of the epilepsy or seizure disorder for that particular student and recommended care;

(3) full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;

(4) accommodations for school trips, after-school activities, class parties, and other school-related activities;

(5) education of all school personnel about epilepsy and seizure disorders, how to recognize and provide care for epilepsy and seizure disorders, and when to call for assistance;

(6) medical and treatment issues that may affect the educational process of the student with epilepsy or the seizure disorder;

(7) the student's ability to manage, and the student's level of understanding of, the student's epilepsy or seizure disorder; and

(8) how to maintain communication with the student, the student's parent or guardian and health care team, the school nurse, and the educational staff.

d. (1) The board of education shall coordinate the provision of epilepsy and seizure disorder care at the school and ensure that all staff are trained in the care of students with epilepsy and seizure disorders, including staff working with school-sponsored programs outside of the regular school day.

(2) The training required pursuant to paragraph (1) of this subsection shall include a Department of Health-approved on-line or in-person course of instruction provided by a nonprofit national organization that supports the welfare of individuals with epilepsy and seizure disorders.

C.18A:40-12.36 Information provided to bus driver.

3. In the event that a school bus driver transports a student with epilepsy or a seizure disorder, a school district shall provide the driver with: a notice of the student's condition; information on how to provide care for epilepsy or the seizure disorder; emergency contact information; epilepsy and seizure disorder first aid training; and parent contact information.

C.18A:40-12.37 Release to share medical information.

4. The school nurse shall obtain a release from the parent or guardian of a student with epilepsy or a seizure disorder to authorize the sharing of medical information between the student's physician or advanced practice nurse and other health care providers. The release shall also authorize the school nurse to share medical information with other staff members of the school district as necessary.

C.18A:40-12.38 Immunity from liability.

5. No school employee, including a school nurse, a school bus driver, a school bus aide, or any other officer or agent of a board of education, shall be held liable for any good faith act or omission consistent with the provisions of this act, nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person trained in good faith by the school nurse pursuant to this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

6. This act shall take effect immediately.

Approved January 9, 2020.