

Chapter 385

(Senate Bill 161)

AN ACT concerning

**Public ~~and Nonpublic~~ Schools – ~~Student~~ Students With Sickle Cell Disease
Management Programs – Guidelines**

FOR the purpose of requiring the State Department of Education and the Maryland Department of Health, ~~in collaboration with certain individuals,~~ to establish certain guidelines for ~~certain employees to utilize in the management of a student's sickle cell disease while the student is on the premises of a public or nonpublic school during certain hours and at school sponsored activities;~~ requiring a county board of education, on or before a certain date, to establish a policy for public schools within its jurisdiction to utilize certain guidelines; requiring a county board to require ~~certain public schools to establish a sickle cell disease management program in the schools;~~ requiring a nonpublic school, on or before a certain date, to utilize certain guidelines to establish a certain sickle cell disease management program in the school; specifying the purpose and requirements of a sickle cell disease management program; authorizing certain employees to volunteer in a certain program; ~~prohibiting a school from compelling certain employees to participate in a certain program;~~ requiring a parent or a guardian of a certain student who receives sickle cell disease care at a school to submit a certain sickle cell disease school management plan to the school; requiring a public school to conduct a sickle cell disease school management plan review meeting within a certain time frame; authorizing a certain student to perform certain tasks under certain circumstances; providing that the provision of certain sickle cell disease care services by certain employees may not be construed as the performance of certain acts of practical nursing or registered nursing; granting certain immunity to certain employees for certain acts or omissions in the course of providing certain health care services, except under certain circumstances; defining certain terms; and generally relating to the establishment of student sickle cell disease management programs in public and ~~nonpublic schools.~~ public schools regarding the administration of health care services to students with sickle cell disease; requiring the guidelines to include certain items; requiring the State Department of Education and the Maryland Department of Health to provide certain technical assistance and develop a process to monitor the implementation of the guidelines; requiring the State Department of Education and the Maryland Department of Health to, in consultation with certain stakeholders, establish a certain plan for public school health services programs in the State; requiring the State Department of Education and the Maryland Department of Health to report on or before a certain date on the implementation of this Act to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means; and generally relating to the establishment of guidelines for public schools on students with sickle cell disease.

BY adding to

Article – Education
 Section 7–441
 Annotated Code of Maryland
 (2014 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Education

7–441.

(A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A COUNTY BOARD, INCLUDING PART TIME EMPLOYEES, CERTIFIED AND NONCERTIFIED SUBSTITUTE TEACHERS EMPLOYED BY THE COUNTY BOARD FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, AND ADMINISTRATIVE STAFF.~~

~~(3) “PROGRAM” MEANS A STUDENT SICKLE CELL DISEASE MANAGEMENT PROGRAM.~~

~~(4) “SCHOOL SPONSORED ACTIVITIES” INCLUDES FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES.~~

~~(5) “SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN” MEANS A PLAN DEVELOPED BY A STUDENT’S PHYSICIAN THAT DESCRIBES THE HEALTH CARE SERVICES NEEDED BY THE STUDENT FOR THE MANAGEMENT OF THE STUDENT’S SICKLE CELL DISEASE AT SCHOOL.~~

~~(6) “TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE” MEANS AN EMPLOYEE TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF SICKLE CELL DISEASE.~~

~~(B) (1) THE ON OR BEFORE DECEMBER 1, 2018, THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH SHALL DEVELOP GUIDELINES FOR EMPLOYEES TO UTILIZE IN THE MANAGEMENT OF A STUDENT’S SICKLE CELL DISEASE WHILE THE STUDENT IS ON THE PREMISES OF A PUBLIC OR NONPUBLIC SCHOOL DURING SCHOOL HOURS AND AT SCHOOL SPONSORED ACTIVITIES, IN COLLABORATION WITH THE FOLLOWING INDIVIDUALS WHO HAVE EXPERTISE, SPECIAL SKILL, OR KNOWLEDGE DERIVED FROM TRAINING OR EXPERIENCE IN THE CARE AND MANAGEMENT OF SICKLE CELL DISEASE:~~

- ~~(I) TWO PEDIATRIC HEMATOLOGISTS WITH SPECIFIC TRAINING AND PRACTICE IN SICKLE CELL DISEASE;~~
- ~~(II) A PARENT OF A PUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;~~
- ~~(III) A PARENT OF A NONPUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;~~
- ~~(IV) A PUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;~~
- ~~(V) A NONPUBLIC SCHOOL STUDENT WITH SICKLE CELL DISEASE;~~
- ~~(VI) A SCHOOL NURSE EMPLOYED BY A COUNTY BOARD;~~
- ~~(VII) A SCHOOL NURSE EMPLOYED BY A NONPUBLIC SCHOOL;~~
- ~~(VIII) A REPRESENTATIVE OF A PUBLIC SCHOOL SYSTEM; AND~~
- ~~(IX) A REPRESENTATIVE OF NONPUBLIC SCHOOLS.~~ PUBLIC SCHOOLS REGARDING THE ADMINISTRATION OF HEALTH CARE SERVICES TO STUDENTS WITH SICKLE CELL DISEASE.

~~(2) (B) THE GUIDELINES SHALL INCLUDE INSTRUCTION ON:~~

- ~~(i) APPROPRIATE ACTIONS TO TAKE WHEN A STUDENT'S SICKLE CELL DISEASE SYMPTOMS ARE AT EMERGENCY ALERT LEVELS AS DETAILED IN THE STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN; AND~~
- ~~(ii) METHODS TO COMMUNICATE WITH THE PARENT OR GUARDIAN OF THE STUDENT, A PHYSICIAN, AND EMERGENCY PERSONNEL.~~

~~(C) ON OR BEFORE JULY 1, 2019, A COUNTY BOARD SHALL ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO UTILIZE THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION IN THE MANAGEMENT OF A STUDENT'S SICKLE CELL DISEASE WHILE THE STUDENT IS ON THE PREMISES OF A PUBLIC SCHOOL DURING SCHOOL HOURS AND AT SCHOOL SPONSORED ACTIVITIES.~~

~~(D) (1) A COUNTY BOARD SHALL REQUIRE EACH PUBLIC SCHOOL IN THE LOCAL SCHOOL SYSTEM TO ESTABLISH A STUDENT SICKLE CELL DISEASE MANAGEMENT PROGRAM IN THE SCHOOL.~~

~~(2) ON OR BEFORE JULY 1, 2019, EACH NONPUBLIC SCHOOL SHALL UTILIZE THE GUIDELINES ESTABLISHED IN SUBSECTION (B) OF THIS SECTION TO ESTABLISH A STUDENT SICKLE CELL DISEASE MANAGEMENT PROGRAM IN THE SCHOOL.~~

~~(3) THE PURPOSE OF THE SICKLE CELL DISEASE SCHOOL MANAGEMENT PROGRAM IS TO HAVE EMPLOYEES AVAILABLE TO TAKE APPROPRIATE ACTION AS DESCRIBED IN THE STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN WHILE THE STUDENT IS ON THE PREMISES OF A PUBLIC OR A NONPUBLIC SCHOOL DURING SCHOOL HOURS AND AT SCHOOL SPONSORED ACTIVITIES.~~

~~(E) (1) THE PROGRAM SHALL:~~

~~(I) PROVIDE TRAINING FOR EMPLOYEES TO BECOME KNOWLEDGEABLE IN SICKLE CELL DISEASE EMERGENCY CARE PROCEDURES BEFORE THE START OF A SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT IN THE SCHOOL OF A STUDENT WITH SICKLE CELL DISEASE;~~

~~(II) REQUIRE A TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE TO BE ON SITE AND AVAILABLE TO PROVIDE SICKLE CELL DISEASE CARE SERVICES TO A STUDENT WITH A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN DURING SCHOOL HOURS AND, IF POSSIBLE, AT SCHOOL SPONSORED ACTIVITIES;~~

~~(III) REQUIRE SCHOOL EMPLOYEES TO DISCUSS, WITH THE STUDENT AND THE PARENT OR GUARDIAN OF THE STUDENT, APPROPRIATE ACCOMMODATIONS FOR A STUDENT WITH SICKLE CELL DISEASE;~~

~~(IV) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN SCHOOL ADMINISTRATORS AND THE SCHOOL FACULTY, A SCHOOL NURSE, A TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE, A PARENT OR GUARDIAN OF A STUDENT WITH A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN, AND A STUDENT WITH A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN;~~

~~(V) FACILITATE THE ACCESS OF AN AUTHORIZED SCHOOL EMPLOYEE TO STUDENT SICKLE CELL DISEASE SCHOOL MANAGEMENT PLANS; AND~~

~~(VI) ESTABLISH PROCEDURES FOR THE RESPONSE TO AND MANAGEMENT OF SICKLE CELL DISEASE RELATED EMERGENCIES.~~

~~(2) (I) ANY EMPLOYEE MAY VOLUNTEER TO PARTICIPATE IN THE PROGRAM AND BE TRAINED TO BECOME A TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE.~~

~~(H) A PUBLIC OR NONPUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE TO PARTICIPATE IN THE PROGRAM.~~

~~(3) A TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE WHO PARTICIPATES IN THE PROGRAM SHALL AGREE TO MONITOR SICKLE CELL DISEASE SYMPTOMS, INCLUDING:~~

~~(I) COMPLAINTS OF PAIN, INCLUDING CHEST PAIN;~~

~~(II) COMPLAINTS OF DIFFICULTY BREATHING;~~

~~(III) FEVER (101 DEGREES FAHRENHEIT/38 DEGREES CELSIUS OR GREATER);~~

~~(IV) JAUNDICE OR PALENESS;~~

~~(V) EXTREME FATIGUE;~~

~~(VI) SWELLING OF HANDS AND FEET;~~

~~(VII) SEVERE HEADACHES;~~

~~(VIII) SEIZURES; AND~~

~~(IX) OTHER NEUROLOGIC SYMPTOMS, INCLUDING SUDDEN VISION CHANGES, SLURRED SPEECH, WEAKNESS OR INABILITY TO MOVE ANY PART OF THE BODY, OR LOSS OF CONSCIOUSNESS.~~

~~(F) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH SICKLE CELL DISEASE WHO RECEIVES SICKLE CELL DISEASE CARE AT SCHOOL SHALL SUBMIT A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN TO THE SCHOOL.~~

~~(2) EACH STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN SHALL BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:~~

~~(I) A PARENT OR GUARDIAN OF THE STUDENT;~~

~~(II) A PARENT ADVOCATE, IF REQUESTED BY THE PARENT OR GUARDIAN;~~

~~(III) THE STUDENT;~~

~~(IV) THE SCHOOL NURSE;~~

~~(V) THE STUDENT'S CLASSROOM TEACHER;~~

~~(VI) EACH TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE AT THE SCHOOL WHO MAY BE REQUIRED TO PROVIDE CARE TO THE STUDENT; AND~~

~~(VII) ANY OTHER INDIVIDUALS DETERMINED TO BE NECESSARY BY THE SCHOOL.~~

~~(3) A SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN REVIEW MEETING SHALL BE HELD WITHIN 30 DAYS AFTER THE DATE THE SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN IS SUBMITTED TO THE SCHOOL.~~

~~(4) IF A STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN STATES THAT THE STUDENT MAY PERFORM SPECIFIED SICKLE CELL DISEASE CARE TASKS INDEPENDENTLY, THE STUDENT MAY INDEPENDENTLY PERFORM THE SPECIFIED TASKS.~~

~~(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROVISION OF SICKLE CELL DISEASE CARE SERVICES BY A TRAINED SICKLE CELL DISEASE MANAGEMENT EMPLOYEE IN ACCORDANCE WITH THIS SECTION MAY NOT BE CONSTRUED AS PERFORMING ACTS OF PRACTICAL NURSING OR REGISTERED NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.~~

~~(H) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE WHO RESPONDS IN GOOD FAITH TO PROVIDE HEALTH CARE SERVICES TO A STUDENT AS PROVIDED IN THE STUDENT'S SICKLE CELL DISEASE SCHOOL MANAGEMENT PLAN IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF PROVIDING THE HEALTH CARE SERVICES.~~

(1) PROCEDURES FOR EDUCATING CLINICAL AND NONCLINICAL SCHOOL PERSONNEL AND INDIVIDUALS WHO WORK WITH STUDENTS WHO ARE PARTICIPATING IN SCHOOL-RELATED ACTIVITIES ABOUT SYMPTOMS OF DISTRESS RELATED TO SICKLE CELL DISEASE;

(2) PROTOCOLS TO ENSURE STUDENTS WITH SICKLE CELL DISEASE RECEIVE CARE AS DETERMINED BY ORDERS FROM THE STUDENT'S PROVIDER AND THE SCHOOL NURSE'S ASSESSMENT DURING SCHOOL AND SCHOOL-SPONSORED AFTER-SCHOOL ACTIVITIES; AND

(3) ANY OTHER ISSUE PERTAINING TO THE ADMINISTRATION OF HEALTH CARE SERVICES TO STUDENTS WITH SICKLE CELL DISEASE.

(C) ON OR BEFORE DECEMBER 1, 2018, THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH SHALL:

(1) PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS TO:

(I) IMPLEMENT THE GUIDELINES ESTABLISHED UNDER THIS SECTION; AND

(II) INSTRUCT SCHOOL PERSONNEL AT THE LOCAL LEVEL REGARDING THE GUIDELINES ESTABLISHED UNDER THIS SECTION; AND

(2) DEVELOP A PROCESS TO MONITOR THE IMPLEMENTATION OF THE GUIDELINES.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of ~~the~~ Education and the Maryland Department of Health, in consultation with local school systems, local health departments, and other interested stakeholders, shall establish a plan for all public school health services programs in the State to provide sickle cell disease management services through implementation of policies and programs so students with sickle cell disease management can:

(1) remain safe in school;

(2) be supported for optimal academic achievement; and

(3) fully participate in all aspects of school programming, including after-school activities and other school-sponsored events.

(b) On or before December 1, 2018, the State Department of Education and the Maryland Department of Health shall report on the implementation of this Act, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.