

[Second Reprint]

**SENATE, No. 4141**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED OCTOBER 24, 2019

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**SYNOPSIS**

“Paul’s Law”; authorizes parent or guardian to request use of individualized health care plan for student with epilepsy or seizure disorder.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 16, 2019.



(Sponsorship Updated As Of: 12/17/2019)

1 AN ACT concerning the care of students with <sup>1</sup>epilepsy and<sup>1</sup> seizure  
 2 disorders, designated as “Paul’s Law,” and supplementing  
 3 chapter 40 of Title 18A of the New Jersey Statutes.

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

7  
 8 1. As used in this act:

9 "Individualized emergency health care plan" means a document  
 10 developed by the school nurse, in consultation with the parent or  
 11 guardian of a student with <sup>1</sup>epilepsy or<sup>1</sup> a seizure disorder and other  
 12 appropriate medical professionals, which is consistent with the  
 13 recommendations of the student's health care providers and which  
 14 <sup>2</sup>**[**outlines a set of procedural guidelines that provide specific  
 15 directions about what **]** provides specific actions for non-medical  
 16 school staff<sup>2</sup> to do in a particular emergency situation and is signed  
 17 by the parent or guardian and the school nurse.

18 "Individualized health care plan" means a document developed  
 19 by the school nurse, in consultation with the parent or guardian of a  
 20 student with <sup>1</sup>epilepsy or<sup>1</sup> a seizure disorder and other appropriate  
 21 medical professionals who may be providing <sup>1</sup>epilepsy or<sup>1</sup> seizure  
 22 disorder care to the student, which is consistent with the  
 23 recommendations of the student's health care providers and which  
 24 sets out the health services needed by the student at school and is  
 25 signed by the parent or guardian and the school nurse.

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

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

30 <sup>2</sup>“Seizure action plan” means a comprehensive document  
 31 provided by the student’s physician, advanced practice nurse, or  
 32 physician’s assistant which includes, but is not limited to,  
 33 information regarding presentation of seizures, seizure triggers,  
 34 daily seizure medications, seizure first aid, and additional  
 35 treatments.<sup>2</sup>

36  
 37 2. a. The parent or guardian of a student with <sup>1</sup>epilepsy or<sup>1</sup> a  
 38 seizure disorder who seeks <sup>1</sup>epilepsy or<sup>1</sup> seizure disorder care while  
 39 at school shall <sup>2</sup>**[**inform **]** submit annually to<sup>2</sup> the school nurse  
 40 <sup>2</sup>**[**who **]** the student’s seizure action plan. The school nurse<sup>2</sup> shall  
 41 develop an individualized health care plan and an individualized  
 42 emergency health care plan for the student<sup>1,1</sup> provided that the  
 43 parents or guardians of the student annually provide to the board of  
 44 education written authorization for the provision of <sup>1</sup>epilepsy or<sup>1</sup>

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SED committee amendments adopted November 14, 2019.

<sup>2</sup>Assembly floor amendments adopted December 16, 2019.

1 seizure disorder care <sup>2</sup>[as may be outlined in the individualized  
2 plans]<sup>2</sup>.

3 b. The individualized health care plan and individualized  
4 emergency health care plan developed in accordance with  
5 subsection a. of this section shall be updated by the school nurse  
6 <sup>2</sup>[prior to the beginning of each school year] annually<sup>2</sup> and as  
7 necessary in the event that there is a change in the health status of  
8 the student.

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

12 (1) written orders from the student's physician or advanced  
13 practice nurse outlining the <sup>1</sup>epilepsy or<sup>1</sup> seizure disorder care;

14 (2) the symptoms of the <sup>1</sup>epilepsy or<sup>1</sup> seizure disorder for that  
15 particular student and recommended care;

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

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

21 (5) education of all school personnel about <sup>1</sup>epilepsy and<sup>1</sup>  
22 seizure disorders, how to recognize and provide care for <sup>1</sup>epilepsy  
23 and<sup>1</sup> seizure disorders, and when to call for assistance;

24 (6) medical and treatment issues that may affect the educational  
25 process of the student with <sup>1</sup>epilepsy or<sup>1</sup> the seizure disorder;

26 (7) the student's ability to manage, and the student's level of  
27 understanding of, the student's <sup>1</sup>epilepsy or<sup>1</sup> seizure disorder; and

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

31 d. (1) The <sup>2</sup>[school nurse assigned to a particular school]  
32 board of education<sup>2</sup> shall coordinate the provision of <sup>1</sup>epilepsy and<sup>1</sup>  
33 seizure disorder care at <sup>2</sup>[that] the<sup>2</sup> school and ensure that all staff  
34 are trained <sup>2</sup>[every two years]<sup>2</sup> in the care of students with  
35 <sup>1</sup>epilepsy and<sup>1</sup> seizure disorders, including staff working with  
36 school-sponsored programs outside of the regular school day <sup>2</sup>[, as  
37 provided in the individualized health care plan and the  
38 individualized emergency health care plan]<sup>2</sup>.

39 (2) The training required pursuant to paragraph (1) of this  
40 subsection shall include a <sup>2</sup>[Department of Education-approved]  
41 Department of Health-approved<sup>2</sup> on-line <sup>1</sup>or in-person<sup>1</sup> course of  
42 instruction provided by a nonprofit national <sup>1</sup>[foundation]  
43 organization<sup>1</sup> that supports the welfare of individuals with <sup>1</sup>epilepsy  
44 and<sup>1</sup> seizure <sup>1</sup>[disorder, such as the Epilepsy Foundation of  
45 America. A seizure training program approved by the department

1 that is provided to a school district on portable media shall be  
2 provided by the nonprofit entity free of charge **】 disorders<sup>1</sup>**.  
3

4 3. In the event that a school bus driver transports a student with  
5 **<sup>1</sup>epilepsy or<sup>1</sup>** a seizure disorder, a school district shall provide the  
6 driver with: a notice of the student's condition; information on how  
7 to provide care for **<sup>1</sup>epilepsy or<sup>1</sup>** the seizure disorder; emergency  
8 contact information; **<sup>1</sup>epilepsy and seizure disorder first aid**  
9 **training;**<sup>1</sup> and parent contact information.  
10

11 4. The school nurse shall obtain a release from the parent or  
12 guardian of a student with **<sup>1</sup>epilepsy or<sup>1</sup>** a seizure disorder to  
13 authorize the sharing of medical information between the student's  
14 physician or advanced practice nurse and other health care  
15 providers. The release shall also authorize the school nurse to share  
16 medical information with other staff members of the school district  
17 as necessary.  
18

19 5. No school employee, including a school nurse, a school bus  
20 driver, a school bus aide, or any other officer or agent of a board of  
21 education, shall be held liable for any good faith act or omission  
22 consistent with the provisions of this act, nor shall an action before  
23 the New Jersey State Board of Nursing lie against a school nurse for  
24 any such action taken by a person trained in good faith by the  
25 school nurse pursuant to this act. Good faith shall not include  
26 willful misconduct, gross negligence, or recklessness.  
27

28 6. This act shall take effect immediately.