

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 290 Department or Agency State Department of Education
Chapter No. 290-4-5

Chapter Title: Student Health Services
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any matter any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Eric G. Mackey
Eric G. Mackey
State Superintendent of Education

Date

REC'D & FILED

MAR 10 2022

LEGISLATIVE SVC AGENCY

APA-2
07/04

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-4-5, Student Health Services

INTENDED ACTION: The Department of Education will adopt amended Chapter 290-4-5;

SUBSTANCE OF PROPOSED ACTION: The Alabama State Board of Education will amend Chapter 290-4-5, pertaining to Student Health Services to comply with Alabama House Bill 27.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m., May 12, 2022, at the Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-694-4900) no later than May 1, 2022, in order to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 12, 2022

CONTACT PERSON AT AGENCY: Dr. Marilyn Lewis
Jennifer Ventress
Alabama State Department of Education
Gordon Persons Building
P.O. Box 302101
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Eric G. Mackey
State Superintendent of Education

ALABAMA STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-4-5
STUDENT HEALTH SERVICES

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290-4-5-.01 ~~Palliative and End of Life Individual Health Plans.~~

~~A Palliative and End of Life Individual Health Plan (PEEL IHP) shall be developed and administered in accordance with Chapter 30B of Title 16 in order to provide guidance to schools, school nurses, a terminally ill or injured student to whom the plan applies, and the student's parents or guardians, with regard to the care provided to that student and expectations for attendance or participation in school-sponsored activities. In accordance with the mission of promoting student health in public schools of Alabama, school nurses employed by local boards should follow these educational guidelines as described herein.~~

Author: Eric G. Mackey

Statutory Authority: Code of Alabama (1975) §16-30B-3; 16-3-12;

History: New Rule: Filed July 9, 2019; effective August 23, 2019. Filed Amended _____; Effective _____;

290-4-5-.02 **Definitions.**

(1) INDIVIDUAL HEALTH PLAN: A document that outlines health care to be provided to a student in the school setting, developed by the school nurse in conjunction with the student's parents or guardians and may contain the orders from the physician, certified registered nurse practitioner operating under a valid collaborative agreement, or physician assistant operating with a valid supervisory agreement.

(4) (2) PALLIATIVE AND END OF LIFE INDIVIDUAL HEALTH PLAN: A document that outlines activities in which a qualified minor may participate in the school setting or in selected school situations as prescribed in the plan. A plan shall be developed by the school nurse in conjunction with the qualified representatives of the qualified minor, as provided under this chapter, and shall outline the health care to be provided, including an Order for Pediatric Palliative

and End of Life Care, as defined in Ala. Code §22-8A-3 (1975), to a qualified minor in a school setting. The contents of the plan shall include the medical needs of the student. The execution of the plan shall be determined by the crisis team specified in the PPEL-IHP. Termination of the plan shall be when the student is no longer enrolled in the local education agency (LEA).

~~(2)~~ (3) SCHOOL: A primary or secondary public school located in the state.

~~(3)~~ (4) SCHOOL SETTING. Preschool through twelfth grade in a public school.

~~(4)~~ (5) SCHOOL EMPLOYEE. An individual employed by a public school system located in the state.

~~(5)~~ (6) SCHOOL NURSE. A nurse licensed by the Alabama Board of Nursing and employed as a school nurse by a public school system located in the state. Pursuant to Rule 610-X-7-.02(1), the school nurse is accountable and responsible for the nursing care delivered to students under the nurse's jurisdiction.

~~(6)~~ (7) SEIZURE ACTION PLAN: Contains the essential information school staff may need to know in order to help a student who has seizures. It includes information on first aid, parent and health care provider contacts, and medications specially for that child.

~~(7)~~ (8) SEIZURE INDIVIDUAL HEALTH PLAN: (seizure -IHP) The Seizure Individual Health Plan shall be developed by the school nurse, in consultation with the parent or guardian and contain the seizure management plan and valid health care orders by an authorized prescriber.

~~(8)~~ SEIZURE MANAGEMENT AND TREATMENT PLAN.

~~(9)~~ (10) LEAD NURSE. A Registered Nurse designated by the local school superintendent whose responsibilities shall include annually providing a full and comprehensive assessment of all student health needs within the local education agency. Based on the assessment findings, the designated nurse shall make recommendations to the local school superintendent concerning the implementation and coordination of student health needs. (THIS INFORMATION IS NOT INCLUDED IN THE ORIGINAL TEXT NOR IN JESSICA'S OR JENNIFER'S TEXT)

~~(10)~~ (11) PHYSICIAN. An individual licensed to practice medicine in the state of Alabama selected by or assigned to the patient who has primary responsibility for the treatment and care of the patient.

~~(11)~~ (12) COMPETENT ADULT. An adult who is alert, capable of understanding a lay description of medical procedures and able to appreciate the consequences of providing, withholding, or withdrawing medical procedures.

(12) (13) HEALTH CARE PROXY. Any person designated to act on behalf of an individual pursuant to Ala. Code §22-8A-4 (1975).

(13) (14) ORDER FOR PEDIATRIC PALLIATIVE AND END OF LIFE CARE. A directive that, once executed by the representative of a qualified minor and entered into the record by the attending physician of the qualified minor in accordance with Ala. Code §22-8A-15 (1975), becomes the medical order for all health care providers with respect to the extent of emergency medical equipment and treatment, medication and any other technological or medical interventions available to provide palliative and supportive care to the qualified minor.

Author: Eric G. Mackey

Statutory Authority: Code of Alabama (1975) §16-30B-3; 16-3-12;

History: New Rule: Filed July 9, 2019; effective August 23, 2019. Filed Amended _____; Effective _____;

290-4-5-.03 Requirements for Palliative and End of Life Individual Health Plans.

A PPEL-IHP shall be developed by the school nurse, in conjunction with the qualified representative of the qualified minor. A plan shall include an Order for Pediatric Palliative and End of Life Care, established pursuant to Chapter 8A of Title 22. The only individual in a school setting subject to the requirements or restrictions of an Order for Pediatric Palliative and End of Life Care is a school nurse. A school nurse shall be on site and available to students with a PPEL-IHP.

Author: Eric G. Mackey

Statutory Authority: Code of Alabama (1975) §16-30B-3; 16-3-12;

History: New Rule: Filed July 9, 2019; effective August 23, 2019.

290-4-5-.04 Training for Palliative and End of Life Individual Health Plans.

(1) The Department of Education, in consultation with the Alabama Board of Nursing and the Alabama Board of Medical Examiners, shall develop guidelines for the training of school employees in the care needed for qualified minors who have an executed PPEL-IHP in place.

(2) Training to care for students with PPEL-IHPs must occur before the school accepts an Order for Pediatric Palliative and End of Life Care.

(3) The school nurse shall follow the training guidelines developed by the Department of Education in consultation with the Alabama Board of Nursing:

(a) The Alabama State Department of Education Curriculum for Training School Nurses on PPEL Care.

(b) Annual Training for PPEL Care to Alabama school nurses through the “Train the Trainer” course for PPEL Care.

(4) The school nurse shall be on site and available to students with PPEL Care.

(5) The lead nurse shall validate the competency of the school nurses that provide care to students with a PPEL IHP.

(6) The lead nurse shall follow the training guidelines developed by the Department of Education in consultation with the Alabama Board of Nursing.

(7) An annual report of the number of PPEL-IHPs in each school shall be provided to the Alabama State Department of Education Nurse Administrator by the Lead Nurse of each local education agency.

Author: Eric G. Mackey

Statutory Authority: Code of Alabama (1975) §16-30B-3; 16-3-12;

History: New Rule: Filed July 9, 2019; effective August 23, 2019. Amended _____

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290-4-5-.05 Requirements for Seizure Management and Treatment Plan

(1) In accordance with Chapter 30C of Title 16, Code of Alabama 1975, seizure management and treatment plan shall be submitted to and reviewed by the lead nurse employed by the local board of education at all of the following times:

(a) Before or at the beginning of the school year.

(b) Upon enrollment of the student, if the student enrolls in a school after the beginning of the school year.

(c) As soon as practicable following a diagnosis of a seizure disorder for the student.

(2) A seizure management and treatment plan shall include all of the following.

(a) A list of the health care services the student may receive at school or while participating in a school sponsored activity.

(b) A list of prescribed medications the student may receive including the name and purpose of the medication, the prescribed dosage, the route of administration, the frequency that the medication may be administered, and the circumstances under which the medication may be administered.

(c) An evaluation of the student's level of understanding and ability to manage his or her seizures.

(d) The signature of the student's parent or guardian.

(e) The name and address of the physician responsible for the student's seizure treatment.

Author: Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §16-30c-1; 16-3-12;

History: Filed Amended _____; Effective _____.

290-4-5-.06

Requirements For Seizure Management and Treatment Plans Training.

(1) The school nurse shall follow the training guidelines developed by the State Department of Education in consultation with the Alabama Board of Nursing found in the Safe School Seizure Curriculum.

(2) Annual school nurse training for seizure management will be provided to all Alabama School Nurses. through the ALSDE ~~“Train the Trainer”~~ The nurse training program shall be developed by lead nurse at the local education agency to meet the needs of the students.

(3) The school nurse shall validate the competency of all unlicensed personal that render care to students with a seizure disorder as directed in the training.

(4) The ALSDE Seizure Safe School Curriculum provides for training levels in a Tier system that directly relates to the responsibility of school personnel who have students with seizure.

Training Tiers

(i) Tier I: All school personnel will receive approved training that provides a basic understanding of seizure recognition and management.

(ii) Tier II: Classroom teachers and all school personnel who have a “need to know” will received approved training for seizure recognition and management detailing their responsibility for students with seizures throughout the day. Training requires review of Seizure-IHP and signature of the staff receiving training.

(iii) Tier III: One or more volunteer school staff members(s) who receive training regarding seizure management and provides emergency rescue medication administration and care for students with seizure. Training requires competency to be validated by registered nurse.

Author: Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §16-30c-1.

History: Filed Amended _____; Effective _____.

290-4-5-.07 **Limitation to Seizure Management, Treatment, and Training**

(1) The Alabama Board of Nursing shall retain the sole authority to adopt rules to permit delegation of limited nursing task by licensed nurses, to trained unlicensed assistive personnel and to implement this act.

(2) Under no circumstances shall rectal or vaginal suppositories be administered by anyone other than a licensed nurse.

(3) The school nurse or trained unlicensed seizure medial assistant, to the extent required by the student's Seizure-IHP shall be on site and available to provide care to students with a secure disorder.

(4) Training to manage and administer medication to students by the unlicensed seizure medical assistant must occur prior to any delegation being established.

Author: Eric G. Mackey

Statutory Authority: Code of Ala. 1975, §16-30c-1.

History: Filed Amended _____; Effective _____.