

ASSEMBLY, No. 4799

STATE OF NEW JERSEY 218th LEGISLATURE

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Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

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District 19 (Middlesex)

SYNOPSIS

Permits self-administration of hydrocortisone sodium succinate by students for adrenal insufficiency and requires that school districts and nonpublic schools establish policy for emergency administration of medication.

CURRENT VERSION OF TEXT

As introduced.



A4799 LOPEZ, COUGHLIN

2

1 AN ACT concerning the administration of hydrocortisone sodium
2 succinate for certain students, amending P.L.1993, c.308, and
3 supplementing chapter 40 of Title 18A of the New Jersey
4 Statutes.

5

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

8

9 1. Section 1 of P.L.1993, c.308 (C.18A:40-12.3) is amended to
10 read as follows:

11 1. a. A board of education or the governing board or chief
12 school administrator of a nonpublic school shall permit the self-
13 administration of medication by a pupil for asthma or other
14 potentially life-threatening illnesses **[or]**, a life-threatening allergic
15 reaction, or adrenal insufficiency provided that:

16 (1) the parents or guardians of the pupil provide to the board of
17 education or the governing board or chief school administrator of a
18 nonpublic school written authorization for the self-administration of
19 medication;

20 (2) the parents or guardians of the pupil provide to the board of
21 education or the governing board or chief school administrator of a
22 nonpublic school written certification from the physician of the
23 pupil that the pupil has asthma or another potentially life-
24 threatening illness **[or]**, is subject to a life-threatening allergic
25 reaction, or has adrenal insufficiency and is capable of, and has
26 been instructed in, the proper method of self-administration of
27 medication;

28 (3) the board of education or the governing board or chief
29 school administrator of a nonpublic school informs the parents or
30 guardians of the pupil in writing that the district and its employees
31 or agents or the nonpublic school and its employees or agents shall
32 incur no liability as a result of any injury arising from the self-
33 administration of medication by the pupil;

34 (4) the parents or guardians of the pupil sign a statement
35 acknowledging that the district or the nonpublic school shall incur
36 no liability as a result of any injury arising from the self-
37 administration of medication by the pupil and that the parents or
38 guardians shall indemnify and hold harmless the district and its
39 employees or agents or the nonpublic school and its employees or
40 agents against any claims arising out of the self-administration of
41 medication by the pupil; and

42 (5) the permission is effective for the school year for which it is
43 granted and is renewed for each subsequent school year upon
44 fulfillment of the requirements in paragraphs (1) through (4) of this
45 subsection.

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.

1 b. Notwithstanding any other law or regulation to the contrary,
2 a pupil who is permitted to self-administer medication under the
3 provisions of this section shall be permitted to carry an inhaler or
4 prescribed medication for allergic reactions, including a pre-filled
5 auto-injector mechanism, or prescribed medication for adrenal
6 insufficiency at all times, provided that the pupil does not endanger
7 himself or other persons through misuse.

8 c. Any person who acts in good faith in accordance with the
9 requirements of this act shall be immune from any civil or criminal
10 liability arising from actions performed pursuant to this act.

11 (cf: P.L.2007, c.57, s.1)

12

13 2. (New section) a. Each board of education or chief school
14 administrator of a nonpublic school shall develop a policy in
15 accordance with the guidelines established by the Department of
16 Education pursuant to section 4 of P.L. , c. (C.) (pending
17 before the Legislature as this bill) for the emergency administration
18 of hydrocortisone sodium succinate through appropriate delivery
19 devices and equipment to a pupil for adrenal insufficiency provided
20 that:

21 (1) the parents or guardians of the pupil provide to the board of
22 education or chief school administrator of a nonpublic school
23 written authorization for the administration of hydrocortisone
24 sodium succinate;

25 (2) the parents or guardians of the pupil provide to the board of
26 education or chief school administrator of a nonpublic school
27 written orders from the physician or advanced practice nurse that
28 the pupil requires the administration of hydrocortisone sodium
29 succinate for adrenal insufficiency;

30 (3) the board or chief school administrator of a nonpublic school
31 informs the parents or guardians of the pupil in writing that the
32 district and its employees or agents or the nonpublic school and its
33 employees or agents shall have no liability as a result of any injury
34 arising from the administration of hydrocortisone sodium succinate;

35 (4) the parents or guardians of the pupil sign a statement
36 acknowledging their understanding that the district or the nonpublic
37 school shall have no liability as a result of any injury arising from
38 the administration of hydrocortisone sodium succinate to the pupil
39 and that the parents or guardians shall indemnify and hold harmless
40 the district and its employees or agents or the nonpublic school and
41 its employees or agents against any claims arising out of the
42 administration of hydrocortisone sodium succinate; and

43 (5) the permission is effective for the school year for which it is
44 granted and is renewed for each subsequent school year upon
45 fulfillment of the requirements in paragraphs (1) through (4) of this
46 subsection.

47 b. The policy developed by a board of education or chief
48 school administrator of a nonpublic school shall require:

1 (1) the placement of a pupil's prescribed hydrocortisone sodium
2 succinate in a secure but unlocked location easily accessible by the
3 school nurse and designees to ensure prompt availability in the
4 event of emergency situations at school or at a school-sponsored
5 function. The location of the hydrocortisone sodium succinate shall
6 be indicated on the pupil's emergency care plan. Back-up
7 hydrocortisone sodium succinate shall also be available at the
8 school if needed;

9 (2) the school nurse or designee to be promptly available on site
10 at the school and school-sponsored functions in the event of an
11 emergency; and

12 (3) the transportation of the pupil to a hospital emergency room
13 by emergency services personnel after the administration of
14 hydrocortisone sodium succinate, even if the pupil's symptoms
15 appear to have resolved.

16

17 3. (New section) The policy for the administration of
18 medication to a pupil shall provide that the school nurse shall have
19 the primary responsibility for the administration of the
20 hydrocortisone sodium succinate. The school nurse shall designate,
21 in consultation with the board of education or chief school
22 administrator of a nonpublic school, additional employees of the
23 school district or nonpublic school who volunteer to administer
24 hydrocortisone sodium succinate to a pupil for adrenal insufficiency
25 when the nurse is not physically present at the scene. In the event
26 that a licensed athletic trainer volunteers to administer
27 hydrocortisone sodium succinate, it shall not constitute a violation
28 of the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-
29 37.35 et seq.).

30 The school nurse shall determine that:

31 a. the designees have been properly trained in the
32 administration of hydrocortisone sodium succinate using
33 standardized training protocols established by the Department of
34 Education in consultation with the Department of Health;

35 b. the parents or guardians of the pupil consent in writing to the
36 administration of hydrocortisone sodium succinate by the
37 designees;

38 c. the board or chief school administrator of a nonpublic school
39 informs the parents or guardians of the pupil in writing that the
40 district and its employees or agents or the nonpublic school and its
41 employees or agents shall have no liability as a result of any injury
42 arising from the administration of hydrocortisone sodium succinate
43 to the pupil;

44 d. the parents or guardians of the pupil sign a statement
45 acknowledging their understanding that the district or nonpublic
46 school shall have no liability as a result of any injury arising from
47 the administration of hydrocortisone sodium succinate to the pupil
48 and that the parents or guardians shall indemnify and hold harmless

1 the district and its employees or agents or the nonpublic school and
2 its employees or agents against any claims arising out of the
3 administration of hydrocortisone sodium succinate to the pupil; and

4 e. the permission is effective for the school year for which it is
5 granted and is renewed for each subsequent school year upon
6 fulfillment of the requirements in subsections a. through d. of this
7 section.

8 Nothing in this section shall be construed to prohibit the
9 emergency administration of hydrocortisone sodium succinate to a
10 pupil for adrenal insufficiency by the school nurse or other
11 employees designated pursuant to this section when the pupil is
12 authorized to self-administer hydrocortisone sodium succinate
13 pursuant to section 1 of P.L.1993, c.308 (C.18A:40-12.3).

14

15 4. (New section) a. The Department of Education, in
16 consultation with the Department of Health, appropriate medical
17 experts, and professional organizations representing school nurses,
18 principals, and teachers shall establish and disseminate to each
19 board of education and chief school administrator of a nonpublic
20 school guidelines for the development of a policy by a school
21 district or nonpublic school for the emergency administration of
22 hydrocortisone sodium succinate to pupils for adrenal insufficiency.

23 b. Each board of education and chief school administrator of a
24 nonpublic school shall implement in the schools of the district or
25 the nonpublic school the guidelines established and disseminated
26 pursuant to subsection a. of this section.

27

28 5. (New section) a. In an effort to assist the certified school
29 nurse in a school district and the school nurse in a nonpublic school
30 in recruiting and training additional school employees as volunteer
31 designees to administer hydrocortisone sodium succinate for
32 adrenal insufficiency when the school nurse is not physically
33 present, the Department of Education and the Department of Health
34 shall jointly develop training protocols, in consultation with the
35 New Jersey School Nurses Association.

36 b. The certified school nurse in consultation with the board of
37 education, or the school nurse in consultation with the chief school
38 administrator of a nonpublic school, shall recruit and train volunteer
39 designees who are determined acceptable candidates by the school
40 nurse within each school building as deemed necessary by the
41 nursing service plan.

42

43 6. (New section) No school employee, including a school
44 nurse, or any other officer or agent of a board of education or
45 nonpublic school shall be held liable for any good faith act or
46 omission consistent with the provisions of P.L. , c. (C.)
47 (pending before the Legislature as this bill), nor shall an action
48 before the New Jersey State Board of Nursing lie against a school

1 nurse for any action taken by a person designated in good faith by
2 the school nurse pursuant to section 3 of P.L. , c. (C.)
3 (pending before the Legislature as this bill). Good faith shall not
4 include willful misconduct, gross negligence or recklessness.

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6 7. This act shall take effect immediately and shall first be
7 applicable in the first full school year next following the date of
8 enactment.

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11 STATEMENT

12
13 Under current law, a board of education or the governing board
14 or chief school administrator of a nonpublic school must permit the
15 self-administration of medication by a pupil for asthma or other
16 potentially life-threatening illnesses or a life-threatening allergic
17 reaction, provided that certain conditions are met. This bill requires
18 a district or nonpublic school to also permit the self-administration
19 of medication by a pupil for adrenal insufficiency, provided the
20 same conditions are met. A pupil who is permitted to self-
21 administer medication for adrenal insufficiency under the bill is
22 permitted to carry the medication at all times, provided that the he
23 does not endanger himself or other persons through misuse.

24 The bill also requires that each school district and nonpublic school
25 develop a policy for the emergency administration of hydrocortisone
26 sodium succinate through appropriate delivery devices and equipment
27 to pupils for adrenal insufficiency. The policy required under the
28 provisions of the bill is modeled on the policy currently required to be
29 developed by school districts and nonpublic schools for the emergency
30 administration of epinephrine via a prefilled auto-injector mechanism
31 to pupils for anaphylaxis. Under the policy, the parents or guardians
32 of the pupil must provide their written authorization for the
33 administration of hydrocortisone sodium succinate and submit written
34 certification from the pupil's physician or advanced practice nurse that
35 the pupil requires the administration of the medication for adrenal
36 insufficiency. The policy must also require: the district or nonpublic
37 school to inform the parents or guardians that it will incur no liability
38 arising from the administration of the medication; and the parents or
39 guardians to sign a statement acknowledging that the district or
40 nonpublic school will incur no liability. Under the policy, the pupil's
41 prescribed hydrocortisone sodium succinate must be placed in a secure
42 but unlocked location to ensure prompt availability in the event of an
43 emergency situation at school or at a school-sponsored function.

44 As with the current policy required for the administration of
45 epinephrine, the school nurse has the primary responsibility for the
46 administration of the hydrocortisone sodium succinate and must
47 designate additional employees who volunteer to administer the
48 medication when the school nurse is not physically present at the

1 scene. The Department of Education and the Department of Health are
2 required to jointly develop training protocols, in consultation with the
3 New Jersey School Nurses Association, in order to assist school nurses
4 in recruiting and training the volunteer designees.

5 The bill also specifies that no school employee, or any other officer
6 or agent of the school district or nonpublic school will be held liable
7 for any good faith act or omission consistent with the provisions of the
8 bill, nor will an action before the New Jersey State Board of Nursing
9 lie against a school nurse for any action taken by a person designated
10 in good faith by the school nurse.

11 Adrenal insufficiency is a disorder in which the adrenal glands
12 fail to produce sufficient amounts of steroid hormones, such as the
13 stress hormone cortisol. Inadequate levels of adrenal hormones can
14 result in an adrenal crisis, which may be life threatening without
15 proper immediate treatment. Adrenal crisis can lead to severe
16 health consequences including, hypoglycemia, extremely low blood
17 pressure, vomiting, diarrhea, dehydration, and loss of
18 consciousness.