

[First Reprint]

## **ASSEMBLY, No. 4799**

# **STATE OF NEW JERSEY**

## **218th LEGISLATURE**

INTRODUCED DECEMBER 10, 2018

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblyman CRAIG J. COUGHLIN**

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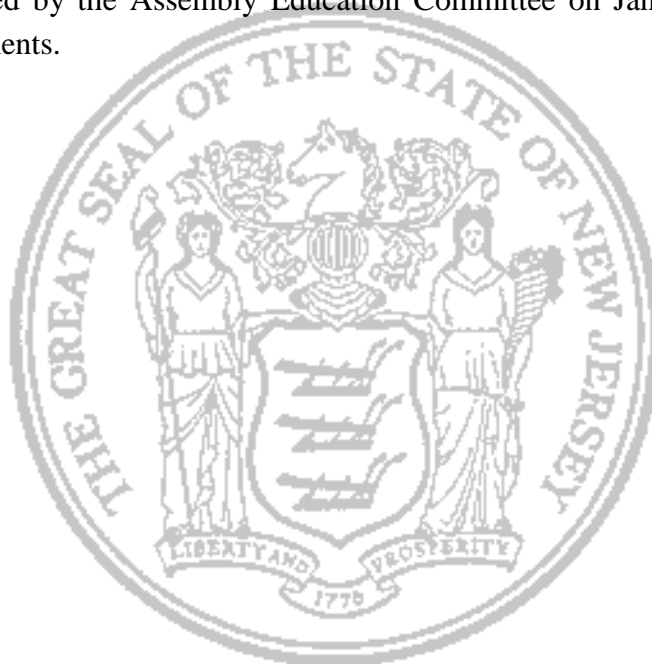
**District 14 (Mercer and Middlesex)**

**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 reported by the Assembly Education Committee on January 24, 2019, with amendments.



**(Sponsorship Updated As Of: 2/1/2019)**

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AED committee amendments adopted January 24, 2019.

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 <sup>1</sup>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 <sup>1</sup>, provided by the pupil's parent  
8 or guardian,<sup>1</sup> shall also be available at the 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.

5

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.