

LEGISLATIVE BILL 1086

Approved by the Governor April 07, 2016

Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-224, Reissue Revised Statutes of Nebraska; to change provisions relating to student self-management of asthma or anaphylaxis as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 79-224, Reissue Revised Statutes of Nebraska, is amended to read:

79-224 (1) An approved or accredited public, private, denominational, or parochial school shall allow a student with asthma or anaphylaxis to self-manage his or her asthma or anaphylaxis condition upon written request of the student's parent or guardian and authorization of the student's physician or other health care professional who prescribed the medication for treatment of the student's condition, upon receipt of a signed statement under subsection (5) of this section, and pursuant to an asthma or anaphylaxis medical management plan developed under subsection (2) of this section.

(2) Upon receipt of a written request and authorization under subsection (1) of this section, the school and the parent or guardian, in consultation with the student's physician or such other health care professional, shall develop an asthma or anaphylaxis medical management plan for the student for the current school year. Such plan shall (a) identify the health care services the student may receive at school relating to such condition, (b) evaluate the student's understanding of and ability to self-manage his or her asthma or anaphylaxis condition, (c) permit regular monitoring of the student's self-management of his or her asthma or anaphylaxis condition by an appropriately credentialed health care professional, (d) include the name, purpose, and dosage of the prescription asthma or anaphylaxis medication prescribed for such student, (e) include procedures for storage and access to backup supplies of such prescription asthma or anaphylaxis medication, and (f) be signed by the student's parent or guardian and the physician or such other health care professional responsible for treatment of the student's asthma or anaphylaxis condition. The school may consult with a registered nurse or other health care professional employed by such school during development of the plan. The plan and the signed statement required by subsection (5) of this section shall be kept on file at the school where the student is enrolled.

(3) Pursuant to the asthma or anaphylaxis medical management plan developed under subsection (2) of this section, a student with asthma or anaphylaxis shall be permitted to self-manage his or her asthma or anaphylaxis condition in the classroom or any part of the school or on school grounds, during any school-related activity, or in any private location specified in the plan. The student for whom an asthma or anaphylaxis medical management plan has been developed under this section shall promptly notify the school nurse, such nurse's designee, or another designated adult at the school when such student has self-administered prescription asthma or anaphylaxis medication pursuant to such plan.

(4)(a) If a student for whom an asthma or anaphylaxis medical management plan has been developed under this section uses his or her prescription asthma or anaphylaxis medication other than as prescribed, he or she may be subject to disciplinary action by the school, except that such disciplinary action shall not include a limitation or restriction on the student's access to such medication. The school shall promptly notify the parent or guardian of any disciplinary action imposed.

(b) If a student for whom an asthma or anaphylaxis medical management plan has been developed under this section injures school personnel or another student as the result of the misuse of prescription asthma or anaphylaxis medication or related medical supplies, the parent or guardian of the student for whom such plan has been developed shall be responsible for any and all costs associated with such injury.

(5) The parent or guardian of a student for whom an asthma or anaphylaxis medical management plan has been developed under this section shall sign a statement acknowledging that (a) the school and its employees and agents are not liable for any injury or death arising from a student's self-management of his or her asthma or anaphylaxis condition and (b) the parent or guardian shall indemnify and hold harmless the school and its employees and agents against any claim arising from a student's self-management of his or her asthma or anaphylaxis condition.

Sec. 2. Original section 79-224, Reissue Revised Statutes of Nebraska, is repealed.