

1 HB202
2 189100-4
3 By Representative Weaver
4 RFD: Health
5 First Read: 11-JAN-18

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8 SYNOPSIS: Under existing law, an adult or a health
9 care proxy for an adult may execute an advance
10 directive for health care or do not resuscitate
11 order.

12 This bill would create the Alex Hoover
13 Palliative and End of Life Care Act.

14 This bill would provide for Palliative and
15 End of Life Individual Health Plans to be created
16 by school nurses in conjunction with the parents or
17 guardians of a minor with a terminal illness.

18 This bill would provide immunity to
19 individuals, physicians, and school employees who
20 undertake to follow the directives of a Palliative
21 and End of Life Individual Health Plan.

22 This bill would require the State Board of
23 Education, in consultation with a task force, to
24 adopt rules for administering Palliative and End of
25 Life Individual Health Plans to be used in a school
26 setting.

1 This bill would also establish a temporary
2 task force under the supervision of the Department
3 of Education to make recommendations for rules for
4 administering Palliative and End of Life Individual
5 Health Plans to be used in a school setting.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to terminally ill students participating in
12 school activities; to add Chapter 30B to Title 16 of the Code
13 of Alabama 1975; to create the Alex Hoover Palliative and End
14 of Life Care Act; to provide for Palliative and End of Life
15 Individual Health Plans to be created by school nurses in
16 conjunction with the parents or guardians of a minor with a
17 terminal illness; to provide immunity to individuals,
18 physicians, and school employees who undertake to follow the
19 directives of a Palliative and End of Life Individual Health
20 Plan; to require the State Board of Education, in consultation
21 with a task force, to adopt rules for administering Palliative
22 and End of Life Individual Health Plans to be used in a school
23 setting; and to establish a temporary task force under the
24 supervision of the Department of Education to make
25 recommendations for rules for administering Palliative and End
26 of Life Individual Health Plans to be used in a school
27 setting.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited
3 as the Alex Hoover Palliative and End of Life Care Act.

4 Section 2. A new Chapter 30B is added to Title 16,
5 Code of Alabama 1975, commencing with Section 16-30B-1, to
6 read as follows:

7 §16-30B-1.

8 A Palliative and End of Life Individual Health Plan
9 shall be developed and administered in accordance with this
10 chapter in order to provide guidance to schools, school
11 nurses, a terminally ill or injured student to whom the plan
12 applies, and the student's parents or guardians, with regard
13 to the care provided to that student and expectations for
14 attendance or participation in school-sponsored activities.

15 §16-30B-2.

16 As used in this chapter, the following terms have
17 the following meanings:

18 (1) PALLIATIVE AND END OF LIFE INDIVIDUAL HEALTH
19 PLAN or PLAN. A document that outlines activities of which a
20 qualified minor may partake in the school setting or in
21 selected school situations as prescribed in the plan. A plan
22 shall be developed by the school nurse in conjunction with the
23 qualified representatives of the qualified minor, as provided
24 under this chapter, and shall outline the health care to be
25 provided, including an Order for Pediatric Palliative and End
26 of Life Care, as defined in Section 22-8A-3, to a qualified
27 minor in a school setting.

1 (2) QUALIFIED MINOR. The term as it is defined in
2 Section 22-8A-3.

3 (3) QUALIFIED REPRESENTATIVE. The term as it is
4 defined in Section 22-8A-3.

5 (4) SCHOOL. Any primary or secondary public school
6 located in the state.

7 (5) SCHOOL EMPLOYEE. Any individual employed by a
8 public school system located in the state.

9 (6) SCHOOL NURSE. A nurse licensed by the Alabama
10 Board of Nursing and employed as a school nurse by a public
11 school system located in the state.

12 §16-30B-3.

13 (a) Not later than June 1, 2019, the State Board of
14 Education, in consultation with the task force created
15 pursuant to Section 16-30B-6, shall adopt rules regarding the
16 administration of Palliative and End of Life Individual Health
17 Plans in the school setting. The rules shall include, but are
18 not limited to, the contents of a plan and procedures for the
19 execution and termination of a plan.

20 (b) A Palliative and End of Life Individual Health
21 Plan administered under this chapter shall be developed by the
22 school nurse, in conjunction with the qualified representative
23 of the qualified minor.

24 (c) A plan shall include an Order for Pediatric
25 Palliative and End of Life Care, established pursuant to
26 Chapter 8A of Title 22; provided, however, the only individual

1 in a school setting subject to the requirements or
2 restrictions of an Order for PPEL Care is a school nurse.

3 (d) The Department of Education, in consultation
4 with the Alabama Board of Nursing and the Alabama Board of
5 Medical Examiners, may develop guidelines for the training of
6 school employees in the care needed for qualified minors who
7 have an executed Palliative and End of Life Individual Health
8 Plan in place.

9 §16-30B-4.

10 A school employee shall be immune from suit and not
11 liable for any civil damages as a result of his or her acts or
12 omissions in the supervision or rendering of services, care,
13 or assistance to a student under this chapter, nor shall he or
14 she be liable for any civil damages as a result of any act, or
15 failure to act, to provide or arrange for further treatment,
16 care, or assistance.

17 §16-30B-5.

18 An attending physician, as defined in Section
19 22-8A-3, has no supervisory authority over the school's
20 execution of the Palliative and End of Life Individual Health
21 Plan and shall be immune from civil liability for any orders,
22 acts or omissions directly related to this chapter, including
23 any vicarious liability for the acts and omissions of school
24 employees and officials in carrying out the Palliative and End
25 of Life Individual Health Plan.

26 §16-30B-6.

1 (a) A task force is created to serve under the
2 supervision of the Alabama Department of Education, to make
3 recommendations to the State Board of Education for the
4 adoption of rules regarding the administration of Palliative
5 and End of Life Individual Health Plans in the school setting,
6 in accordance with Section 16-30B-3. The task force shall
7 include all of the following representatives:

8 (1) The Department of Education Nurse Administrator.

9 (2) The Department of Education Nurse Manager.

10 (3) One member appointed by the Special Education
11 Services Division of the Department of Education.

12 (4) Two registered nurses currently working in a
13 public school setting, appointed by the Department of
14 Education Nurse Administrator.

15 (5) One member appointed by the Alabama Association
16 of School Nurses.

17 (6) One member appointed by the Alabama Board of
18 Nursing.

19 (7) One member appointed by the Children's of
20 Alabama Palliative Care Team.

21 (8) One member appointed by the University of South
22 Alabama Children's and Women's Hospital Palliative Care Team.

23 (9) One member appointed by the Alabama Chapter of
24 the American Academy of Pediatrics.

25 (10) One member appointed by the School
26 Superintendents of Alabama.

1 (11) One member appointed by the Alabama Education
2 Association.

3 (12) One member appointed by the Speaker of the
4 House of Representatives.

5 (13) One member appointed by the President Pro
6 Tempore of the Senate.

7 (b) The appointing authorities shall coordinate
8 their appointments to assure the task force membership is
9 inclusive and reflects the racial, gender, geographic, urban,
10 rural, and economic diversity of the state.

11 (c) The Department of Education Nurse Administrator,
12 or his or her designee, shall serve as chair of the task
13 force.

14 (d) The first meeting of the task force shall be
15 held not later than August 1, 2018, at which time the task
16 force may appoint or elect a vice chair.

17 (e) The task force shall automatically terminate on
18 the date the rules for implementing the Palliative and End of
19 Life Individual Health Plans are adopted.

20 Section 3. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law but only becomes
23 operative upon the passage of HB_____ of the 2018 Regular
24 Session, relating to Orders for Pediatric Palliative and End
25 of Life Care.