

1 HB202  
2 193464-2  
3 By Representative Weaver  
4 RFD: Health  
5 First Read: 11-JAN-18

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2 ENROLLED, An Act,

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

1 §16-30B-1.

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

9 §16-30B-2.

10 As used in this chapter, the following terms have  
11 the following meanings:

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

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

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

1           (4) SCHOOL. Any primary or secondary public school  
2 located in the state.

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

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

8           §16-30B-3.

9           (a) The State Board of Education shall adopt rules  
10 regarding the administration of Palliative and End of Life  
11 Individual Health Plans in the school setting; provided,  
12 however, the board may not propose rules without approval from  
13 the task force created pursuant to Section 16-30B-6. For  
14 purposes of this subsection, approval requires an affirmative  
15 vote from at least three-fifths of the task force members. The  
16 rules shall include, but are not limited to, the contents of a  
17 plan and procedures for the execution and termination of a  
18 plan. The final rules shall be certified to the Legislative  
19 Services Agency not later than June 1, 2019.

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

1 Chapter 8A of Title 22; provided, however, the only individual  
2 in a school setting subject to the requirements or  
3 restrictions of an Order for PPEL Care is a school nurse.

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

10 §16-30B-4.

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

18 §16-30B-5.

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

1 employees and officials in carrying out the Palliative and End  
2 of Life Individual Health Plan.

3 §16-30B-6.

4 (a) A task force is created to serve under the  
5 supervision of the Alabama Department of Education, to approve  
6 proposed rules of the State Board of Education regarding the  
7 administration of Palliative and End of Life Individual Health  
8 Plans in the school setting, in accordance with Section  
9 16-30B-3. The task force shall include all of the following  
10 representatives:

11 (1) The Department of Education Nurse Administrator.

12 (2) The Department of Education Nurse Manager.

13 (3) One member appointed by the Special Education  
14 Services Division of the Department of Education.

15 (4) Two registered nurses currently working in a  
16 public school setting, appointed by the Department of  
17 Education Nurse Administrator.

18 (5) One member appointed by the Alabama Association  
19 of School Nurses.

20 (6) One member appointed by the Alabama Board of  
21 Nursing.

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

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

1           (9) One member appointed by the Alabama Chapter of  
2 the American Academy of Pediatrics.

3           (10) One member appointed by the School  
4 Superintendents of Alabama.

5           (11) One member appointed by the Alabama Education  
6 Association.

7           (12) One member appointed by the Speaker of the  
8 House of Representatives.

9           (13) One member appointed by the President Pro  
10 Tempore of the Senate.

11           (b) The appointing authorities shall coordinate  
12 their appointments to assure the task force membership is  
13 inclusive and reflects the racial, gender, geographic, urban,  
14 rural, and economic diversity of the state.

15           (c) The Department of Education Nurse Administrator,  
16 or his or her designee, shall serve as chair of the task  
17 force.

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

21           (e) The task force shall automatically terminate on  
22 the date the rules for implementing the Palliative and End of  
23 Life Individual Health Plans are certified, but not later than  
24 June 1, 2019.

1                   Section 3. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law but only becomes  
4 operative upon the passage of HB194 of the 2018 Regular  
5 Session, relating to Orders for Pediatric Palliative and End  
6 of Life Care.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 27-FEB-18, as amended.

Jeff Woodard  
Clerk

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|--------|-----------|-------------------------------|
| Senate | 21-MAR-18 | Amended and Passed            |
| House  | 22-MAR-18 | Concurred in Senate Amendment |