

LOUISIANA ASTHMA PREVENTION AND MANAGEMENT ACT

R.S. 40:1300.____ **Short title**

This Part shall be known, and may be cited, as the “Louisiana Asthma Prevention and Management Act”.

R.S. 40:1300.____ **Purpose**

The legislature finds and determines that asthma is the number one reason for missed days of school nationally; that it is the number three reason for hospitalization among children ages 0 - 15; that the Centers for Disease Control and Prevention Program has identified undiagnosed and unreported asthma as one of the five common problems among children with asthma; that it is in the best interest of the people of this state, particularly its elementary and secondary school age citizens, that schoolchildren and staff members be protected from exposure in Louisiana public schools, to environmental triggers that exacerbate asthma. Therefore, the legislature hereby declares that the purpose of this Part is to preserve and improve the health, comfort, and environment of the people of this state, particularly its children and its school staff, by reducing exposures in public schools to environmental asthma triggers.

R.S. 40:1300.____ **Definitions**

For the purpose of this Part, the following terms shall have the following meanings unless the context clearly indicates otherwise:

- (1) “Asthma Action Plan” or “AAP” means a written plan developed by the student’s physician to help control the student’s asthma and which verifies the diagnosis of asthma.
- (2) “Asthma Inhaler” means quick-relief or rescue medications used to decrease asthma symptoms.

(3) “Asthma Trigger” means substances, weather conditions, or activities that are harmless to most people but which can lead to coughing, wheezing, and shortness of breath for persons with asthma.

(4) “Department” means the Louisiana Department of Health and Hospitals.

(5) “Indoor Air Quality” means the air quality within and around buildings and structures.

(6) “Parent” means custodial parent, guardian, or care giver.

(7) “School” means any elementary or secondary school building, the campus of any school, any buildings on the campus, and all school buses.

R.S. 40:1300._____ **Reporting**

Every physician, physicians’ assistant, and/or nurse practitioner who attends an asthmatic child shall offer to, and obtain a consent to, advise the child’s school of the child’s asthmatic condition including the need for medication and management techniques specific to the child’s needs by approving and signing an asthma action plan for each child diagnosed with asthma. The asthma action plan will be provided by the Department or health care provider provided their version includes the basic information that the department requires.

If a consent is obtained, the physician and/or parent shall notify the school of the child’s condition no less than ten (10) days prior to the beginning of the school year on a form developed by the Department.

R.S. 40:1300._____ **Schools’ Obligation to Decrease Undiagnosed and Unreported Asthma**

Each public school district shall require that each child within its elementary and secondary schools, who has a diagnosis of asthma, have a current asthma action plan (AAP) on file at the child’s school, as well as school based health centers where they exist, for the 2013-2014 school year and each year thereafter, for use by the school nurse, teachers, and staff. Parents of a child

with a diagnosis of asthma are advised to have the child's AAP developed and signed by the child's physician or health care provider. The AAP should include the child's asthma severity classification, the child's current asthma medication(s), the preventive measures to be taken by the child before exercise, and the child's emergency contact information. The parent of the child shall be advised that the AAP should be updated annually. There shall be coordination between the schools and the school based health centers, where they exist, in the development of the student's asthma action plan.

R.S. 40:1300. _____ School's Obligation to Educate School Personnel About Asthma Prevention and Management.

Each elementary and secondary school must provide comprehensive, in-service training on asthma for teachers, assistant teachers, school nurses, coaches, physical education teachers, transportation personnel, administrators, and operations and maintenance support staff as provided by the Department's Bureau of Primary Care and Rural Health. The training should provide education to school personnel regarding means by which the school can reduce asthma triggers; the means by which schools should treat children who appear to be suffering from asthma attacks; the means by which the school should follow the student's individual asthma action plan; and the means by which the school should provide safe and enjoyable physical education and activities for students with asthma. Training on the education, evaluation and treatment regarding the pathophysiology and management of asthma, will be conducted by licensed healthcare professionals from an appropriate discipline whose regulated scope of practice includes the teaching of this subject matter. Training on a general overview of asthma, the interpretation and utilization of asthma action plans, will be performed by personnel recognized by DHH as qualified to do so.

R.S. 40:1300. ____ **School's Obligation to Diminish Triggers**

Each public elementary and secondary school in the state shall attempt to reduce the triggers that exacerbate asthma and manage asthma - related issues of schoolchildren and staff members by adopting and supporting the implementation of the "Louisiana's Top Ten No or Low Cost Tools for Schools Indoor Air Quality Interventions" that includes:

- (1) Monitor children's exposure to dust, gasses, fumes, and other pollutants that can aggravate asthma in the school setting.
- (2) Eliminate all scent producers that aggravate asthma.
- (3) Repair and maintain school ventilation systems annually.
- (4) Eliminate harmful mold in the student's environment.
- (5) Properly store, label, and dispose of lab chemicals.
- (6) Use environmentally safe or green cleaning products during routine cleaning and conduct large maintenance projects when the building is not occupied.
- (7) Implement an integrated pest management program that includes the use of a Certified Pesticide Applicator.
- (8) Adopt the Louisiana School Bus Idling Policy.

40:1300. ____ **School Nurses Training**

Incorporate "National Asthma Guidelines" training for school nurses and school based health center clinicians around the National Heart, Lung and Blood Institute's Expert Panel Review-3 Asthma Guidelines for Diagnosis and Management of Asthma provided by the Department for the 2013-2014 school year and each year thereafter.

40:1300. ____ **School Data Reporting Requirements**

School nurses shall annually provide the Department's Bureau of Primary Care and Rural Health with statistics that include the number of students diagnosed with asthma, the number of students diagnosed with asthma who have an asthma action plan on file, and the number of students who self carry asthma inhalers for the 2013-2014 school year and each year thereafter. Statistics from school nurses shall not include any personal identifiers and shall be in compliance with the Health Insurance Portability and Accountability Act (HIPAA). This annual report is due, and must be received by the Department, sixty days after the first day of the school year.

40:1300. ____ **Self Administration of Asthma Medication**

Students are authorized to self-administer asthma medications and to carry prescribed asthma relief inhalers pursuant to R.S. 40:436.1.

40:1300. ____ **Local School Board Policies**

Each local school board shall develop policies for the self-administration of asthma medication through the use of a prescribed asthma reliever inhalers while at school.

40:1300. ____ **Effective Date**

This legislation will become effective on August 15, 2013.