

LFC Requester:	Sunny Liu
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/6/2025 *Check all that apply:*
Bill Number: HB 300 Original Correction
 Amendment Substitute

Sponsor: Martin Zamora **Agency Name and Code** Board of Nursing 449
Short Title: Seizure Safe School Act **Number:** _____
Title: _____ **Person Writing** Sheena Ferguson
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

This bill enacts the Seizure Safe Schools Act, which proposes a new section to be added to the Public School Code, and which focuses on seizure disorder care in schools by school personnel. The bill also provides for rulemaking and limits liability for actions taken.

This bill provides for definitions, seizure care, seizure care personnel training, outlines the information seizure action plan and specifies who must review it, provides for seizure care at school, limits the application of other laws such as a nursing practice act, and provides for immunity from liability.

FISCAL IMPLICATIONS

It's unknown what the fiscal implications are for schools. Many schools do not have a specific nurse assigned to their school.

It's also unknown if licensed providers will have sufficient time to write a seizure care plan without adequate reimbursement from insurance companies.

SIGNIFICANT ISSUES

The primary issues with the bill are unknown availability of licensed providers to write a seizure action plan for every student without adequate reimbursement, and the availability of school nurses to review each plan for every school.

Page 5, lines two to seven specify that a school nurse or other health care practitioner with expertise in seizure disorders shall provide training to seizure care personnel. Page 4, lines 12 to 24, outline specifically how seizure care personnel are to be recruited. Likely the rules will address part of this issue, but the bill could be strengthened by setting some parameters. For instance, does an EMT-Basic meet the criteria for a health care practitioner? Or does a paramedic qualify as a health care practitioner? Section 2 does not provide a definition for health care practitioner, and a definition would improve the bill and allow for better analysis.

Page 5 lines 17 to 19 mentions that the written orders are from a physician or advanced practice nurses but does not include physician assistants.

Section 6, Application of Other Laws, specifically mentions that the Seizure Safe School Act does not constitute the practice of nursing and exempts all personnel from statutory and regulatory restrictions. The bill should be that school nurses, licensed as nurse under the nursing practice act, would not be exempt from the nursing practice act, but seizure care personnel, such as bus drivers and teachers would be exempt from the nursing practice act. The issue for licensed nurses is that a nurse in any other setting is held to the nursing practice act and to the rules of practice for any seizure management provided. It would not be consistent to exempt school nurses from the NPA for practice in a specific setting.

Section 7, Immunity of Liability removes protections for liability for acts of omission and acts not in good faith, is willful misconduct, gross negligence or reckless. In section 3, Seizure Care--

-Seizure Care Personnel---Training, on page 4 lines 12 to 24, the volunteers are not notified of Immunity of Liability or of the limits on immunity of liability.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

The issue for licensed nurses is that a nurse in any other setting held to the nursing practice act and to the rules of practice for any seizure management provided. It would not be consistent to exempt school nurses from the NPA for practice in a specific setting.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill is a companion to SB 246.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

There is no consistent plan to work with students who require seizure management.

AMENDMENTS