

1 HB233
2 154426-3
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 15-JAN-14

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8 SYNOPSIS: Under existing law, the practice of nursing
9 includes administration of medications. Existing
10 rules of the State Board of Nursing authorize a
11 school nurse to delegate certain tasks to assistive
12 personnel in a school setting. The administration
13 of injectable medications, other than premeasured
14 medication for allergic reactions, is not
15 authorized in the rules.

16 This bill would provide for the training of
17 voluntary diabetes care personnel and the delivery
18 of diabetes care to a student with diabetes in a
19 public or private school according to a diabetes
20 care management plan approved and signed by the
21 treating physician and parent or guardian of the
22 student with diabetes. Guidelines for training
23 voluntary diabetes care personnel would be adopted
24 by the Department of Education and the Department
25 of Public Health. Diabetes care would include the
26 administration of injectable medications to a
27 patient pursuant to a diabetes care management

1 plan. The bill would limit the liability of
2 schools, school personnel, and volunteers providing
3 care under this act.
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5 A BILL
6 TO BE ENTITLED
7 AN ACT
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9 Relating to health; to provide for the health care
10 of students with diabetes in public and private schools; to
11 provide for the training of voluntary diabetes care personnel
12 pursuant to guidelines adopted by the Department of Education
13 and the Department of Public Health; to provide for the
14 delivery of health care to students with diabetes in schools
15 according to diabetes care management plans approved by the
16 treating physician and the parent or guardian of a student
17 with diabetes; and to limit the liability of schools, school
18 personnel, and volunteers under this act.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall be known as the Alabama
21 Safe at Schools Act.

22 Section 2. For purposes of this act, the following
23 words have the following meanings:

24 (1) DIABETES MEDICAL MANAGEMENT PLAN. A document
25 developed by the treating physician of a student that sets out
26 health services needed by the student at school and is signed

1 by the treating physician and parent or guardian of the
2 student.

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

5 (3) SCHOOL EMPLOYEE. Any person employed by a public
6 school system or private school, any person employed by a
7 local health department who is assigned to a public or private
8 school, or any subcontractor designated for this function.

9 (4) TRAINED DIABETES CARE PERSONNEL. A school
10 employee or employees who volunteer to be trained in
11 accordance with this act. The employee does not need to be a
12 health care professional.

13 Section 3. (a) Within 180 days of the effective date
14 of this act, the Department of Education and the Department of
15 Public Health shall adopt guidelines for the training of
16 school employees in the care needed for students with
17 diabetes. These guidelines shall be developed in consultation
18 with the: American Diabetes Association, State Board of
19 Nursing, Alabama Nurse's Association, Alabama School Nurses
20 Association, Alabama Association of School Boards, School
21 Superintendents of Alabama, and the Alabama Association of
22 Diabetic Educators. The guidelines shall comply with the
23 recommendations of the American Academy of Pediatrics and the
24 publication "Helping the Student with Diabetes Succeed: A
25 Guide for School Personnel" published by the National Diabetes
26 Education Program and shall specify that each local board of
27 education and the governing body of each private school shall

1 insure that annual diabetes training programs are provided for
2 all school nurses and diabetes care personnel at schools under
3 their jurisdiction. The training guidelines shall at a minimum
4 address all of the following:

5 (1) Recognition and treatment of hypoglycemia and
6 hyperglycemia.

7 (2) Training on appropriate actions to take when
8 blood glucose levels are outside of the target ranges
9 indicated by a student's diabetes medical management plan.

10 (3) Training on diabetes medication drug dosage,
11 frequency, and the manner of administration according to
12 physician instructions.

13 (4) The performance of finger-stick blood glucose
14 checking, ketone checking, and recording the results.

15 (5) The administration of glucagon and insulin and
16 the recording of results.

17 (6) Training on the performance of basic insulin
18 pump functions.

19 (7) Training on the recognition of complications
20 that require emergency assistance.

21 (8) Training on recommended schedules and food
22 intake for meals and snacks, the effect of physical activity
23 upon blood glucose levels, and actions to be implemented in
24 the case of schedule disruption.

25 (b) Each local school system and the governing body
26 of each private school shall ensure that the training outlined
27 in subsection (a) is provided to a minimum of three school

1 employees at each school attended by a student with diabetes
2 except in schools where there is a full-time school nurse,
3 there shall be a minimum of two school employees trained in
4 addition to the school nurse. If at any time fewer than three
5 school employees are available to be trained at a school, the
6 principal or other school administrator shall distribute to
7 all staff members a written notice stating that it is seeking
8 volunteers to serve as diabetes care personnel. The notice
9 shall inform staff of all of the following:

10 (1) The school is seeking to provide diabetes care
11 to one or more students with diabetes and is seeking personnel
12 willing to be trained to provide that care.

13 (2) The tasks to be performed.

14 (3) Participation is voluntary and the school system
15 or school will take no action against any staff member who
16 does not volunteer.

17 (4) Training will be provided to employees who
18 volunteer to provide care. The school nurse or the school
19 principal shall approve which employees or providers are to be
20 trained and shall assess their qualifications to perform
21 diabetes care tasks.

22 (5) Trained personnel are protected from liability
23 pursuant to Section 8.

24 (6) The identity of the individual who should be
25 contacted to volunteer.

1 (c) (1) School employees shall not be subject to any
2 penalty or disciplinary action for refusing to serve as
3 trained diabetes care personnel.

4 (2) A school or school system may not discourage
5 employees from volunteering for training.

6 (d) The training outlined in subsection (a) shall be
7 coordinated by a school nurse if the school system or private
8 school has a school nurse. The training shall be provided by a
9 school nurse or another health care professional with
10 expertise in diabetes. The training shall take place prior to
11 the commencement of each school year, or as needed when a
12 student with diabetes is newly enrolled at a school or a
13 student is newly diagnosed with diabetes, but in no event more
14 than 30 days following enrollment or diagnosis. The school
15 nurse or another health care professional with expertise in
16 diabetes shall promptly provide follow-up training and
17 supervision as needed.

18 (e) Each local board of education and private school
19 shall provide training in the recognition of hypoglycemia and
20 hyperglycemia and actions to take in response to emergency
21 situations to all school personnel who have primary
22 responsibility for supervising a child with diabetes during
23 some portion of the school day and to bus drivers responsible
24 for the transportation of a student with diabetes.

25 Section 4. The parent or guardian of each student
26 with diabetes who seeks diabetes care while at school shall

1 submit to the school a diabetes medical management plan, which
2 upon receipt shall be reviewed and implemented by the school.

3 Section 5. (a) The local board of education and the
4 governing body of each private school shall ensure that each
5 student with diabetes in the school or system receives
6 appropriate and needed diabetes care as specified in his or
7 her diabetes medical management plan. In accordance with the
8 request of the parent or guardian of a student with diabetes
9 and the student's diabetes medical management plan, the school
10 nurse or, in the absence of the school nurse, trained diabetes
11 care personnel, shall perform diabetes care functions
12 including, but not limited to, all of the following:

13 (1) Checking and recording blood glucose levels and
14 ketone levels or assisting a student with such checking and
15 recording.

16 (2) Responding to blood glucose levels that are
17 outside of the student's target range.

18 (3) Administering glucagon and other emergency
19 treatments as prescribed.

20 (4) Administering insulin or assisting a student in
21 administering insulin through the insulin delivery system the
22 student uses.

23 (5) Providing oral diabetes medications.

24 (6) Following the diabetes medical management plan
25 of the student regarding meals, snacks, and physical activity.

26 (b) The school nurse or at least one of the trained
27 diabetes care personnel shall be on site and available to

1 provide care to each student with diabetes as set forth in
2 subsection (a) during regular school hours and during all
3 school-sponsored activities in which the student is a direct
4 participant, including school-sponsored before school and
5 after school care programs, field trips, extended off-site
6 excursions, extracurricular activities, and on buses when the
7 bus driver has not completed the necessary training.

8 Section 6. (a) Notwithstanding any other provision
9 of law, the activities set forth in subsection (a) of Section
10 5 shall not constitute the practice of nursing and shall be
11 exempted from all applicable statutory and regulatory
12 provisions that restrict what activities can be delegated to
13 or performed by a person who is not a licensed health care
14 professional.

15 (b) Notwithstanding any other provision of law, it
16 shall be lawful for a licensed health care professional to
17 provide training to school employees in the activities set
18 forth in Section 5 and to supervise the school employees in
19 performing these tasks.

20 Section 7. A student in public schools with diabetes
21 may attend the school the student would otherwise attend if
22 the student did not have diabetes, and the diabetes care
23 specified in Section 5 shall be provided at the school. A
24 school system may not restrict a student who has diabetes from
25 attending any school on the basis that the student has
26 diabetes, that the school does not have a full-time school
27 nurse, or that the school does not have trained diabetes care

1 personnel. In addition, a school shall not require or pressure
2 parents or guardians to provide diabetes care for a student
3 with diabetes at school or school-related activities.

4 Section 8. No physician, nurse, school employee, or
5 school system shall be liable for civil damages or subject to
6 disciplinary action under professional licensing regulations
7 or school disciplinary policies as a result of the activities
8 authorized by this legislation when such acts are committed as
9 an ordinarily, reasonably prudent person would have acted
10 under the same or similar circumstances.

11 Section 9. (a) Each local board of education shall
12 provide a report to the Department of Education annually on or
13 before October 15 concerning compliance with this act. The
14 report shall state how many students with diabetes are
15 attending schools in each public school system and provide
16 documentation regarding the compliance of the system with this
17 act. The Department of Education shall determine the format of
18 the report and the criteria for documentation, and publish
19 each report on its website by November 15 of each year.

20 (b) A student with diabetes or the parent or
21 guardian of a student with diabetes, or both, shall have the
22 right to pursue all available legal remedies against any
23 school or school system that fails to meet its obligations to
24 train school personnel to provide diabetes care as provided in
25 Section 3, to provide the diabetes care described in Section
26 5, or to permit self-management of diabetes as outlined in
27 Section 16-1-39(a) of the Code of Alabama 1975.

1 Section 10. The provisions of this act are
2 severable. If any part of this act is declared invalid or
3 unconstitutional, that declaration shall not affect the part
4 which remains.

5 Section 11. This act shall become effective January
6 1, following its passage and approval by the Governor, or its
7 otherwise becoming law.