

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1091

By: Phillips

AS INTRODUCED

An Act relating to schools; enacting the Diabetes School Care Act; providing short title; stating legislative findings; defining terms; providing for training guidelines; requiring training of certain school personnel; designating trainer for such personnel and time of training; requiring certain care of diabetic children by diabetic care providers; stating duties of the diabetic care providers; designating placement of diabetic care providers; exempting diabetic care providers from certain licensing provisions; authorizing diabetic students to provide own care; requiring the promulgation and adoption of certain rules; requiring certain reports; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Diabetes School Care Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196a of Title 70, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that diabetes is a serious, chronic disease that impairs the ability of the body to use food. Diabetes must be managed twenty-four (24) hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low, and to avoid or delay the serious long-term complications of high blood sugar levels which include blindness, amputation, heart disease and kidney failure. In

order to manage their disease, students with diabetes must have access to the means to balance food, medications, and activity level while at school and at school-related activities.

Because of the significant number of students with diabetes, the effect of diabetes upon the ability of a student to learn, and the risk for serious long and short-term medical complications, the Oklahoma Legislature enacts the Diabetes School Care Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196b of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in the Diabetes School Care Act:

1. "School" means any primary or secondary public or private school located within the State of Oklahoma;

2. "School employee" includes any person employed by a public school district or private school, any person employed by a local health department who is assigned to a public or private school, or any subcontractor designated for the functions required by the Diabetes School Care Act. Such an employee need not be a medical professional; and

3. "Diabetes care provider" means a school employee trained in accordance with subsection A of Section 4 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196c of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Board of Nursing, working in cooperation with the State Department of Health, State Department of Education, individual school districts and the American Diabetes Association shall develop guidelines for the training of school employees in the care needed for students with diabetes. Training guidelines shall include instruction in:

1. The administration of glucagon and insulin and the recording of results;

2. Understanding physician instructions concerning drug dosage, frequency, and the manner of administration;

3. Recognition and treatment of hypoglycemia and hyperglycemia;

4. Recommended schedules and food intake for meals and snacks, the effect of exercise upon blood glucose levels, and actions to be implemented in the case of schedule disruption;

5. Performance of finger-stick blood glucose testing, ketone testing and recording the results; and

6. Understanding the appropriate actions to take when blood glucose levels are outside of the target ranges indicated by student's physician's orders and/or health care plan.

B. Each public school district or private school shall provide for the training outlined in subsection A of Section 4 of this act to a minimum of three school employees at each school attended by a student with diabetes.

C. Each public school district and private school shall provide for training in the recognition and treatment of hypoglycemia and hyperglycemia to all bus drivers responsible for the transportation of a student with diabetes when a diabetes care provider is not present.

D. The training outlined in subsection A of Section 4 of this act shall be provided by a health care professional with expertise in diabetes. Such training shall take place prior to the commencement of each school year at every school attended by one or more students with diabetes, or as needed when a student with diabetes is newly enrolled at a school or a student is newly diagnosed with diabetes.

E. A diabetes care provider, school, school board or school district shall not be held civilly liable for the providing of care provided for in this act in accordance with Section 1-116.2 of Title 70 of the Oklahoma Statutes.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196d of Title 70, unless there is created a duplication in numbering, reads as follows:

A. In accordance with the written instructions of the physician of a student with diabetes, the designated diabetes care providers shall perform functions including, but not limited to, responding to blood glucose levels that are outside of the student's target range, administering glucagon, administering insulin or assisting a student in administering insulin through the insulin delivery system the student uses, performing and recording blood glucose testing and ketone testing or assisting a student with such testing, and following instructions regarding meals, snacks, and physical education.

B. A designated diabetes care provider shall be on site and available to provide care to each student with diabetes as set forth in subsection A of this section during regular school hours, school-sponsored before-school and after-school care programs, field trips, and extracurricular activities, and on buses when the bus driver has not completed the necessary training.

C. Designated diabetes care providers shall be provided at each school where a student with diabetes is enrolled and the school choice of a student shall in no way be restricted because the student has diabetes.

D. The activities set forth in subsection A of this section shall not constitute the practice of nursing and shall be exempted from all applicable statutory and/or regulatory provisions that restrict what activities can be delegated to a person who is not a licensed medical professional.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196e of Title 70, unless there is created a duplication in numbering, reads as follows:

Upon written request of the parent or guardian and authorization by the physician of the student, a student with diabetes shall be permitted to perform blood glucose tests, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of diabetes of the student in the classroom, in any area of the school or school grounds, and at any school-related activity, and to possess on the student at all times all necessary supplies and equipment to perform these monitoring and treatment functions.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.196f of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Education shall promulgate and adopt rules for the implementation of the Diabetes School Care Act.

B. Each school under the jurisdiction of the State Department of Education shall provide a written report on or before July 1 of each year to the State Department of Education on the results of this act on diabetes care at that school.

SECTION 8. This act shall become effective July 1, 2001.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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