

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2208

By: Staggs

AS INTRODUCED

An Act relating to schools; creating the Chronic Disease School Care Act; stating legislative findings; providing definitions; requiring development of chronic disease training guidelines for school employees; requiring schools to provide chronic disease awareness training for school employees; requiring identification of a chronic disease school coordinator; providing for designation of coordinator; requiring certain training; providing for chronic disease training; requiring wireless telecommunication devices for certain school bus drivers; directing every school to develop a chronic disease policy; providing for establishment of a chronic disease committee; requiring submission of policy; prohibiting certain conflicts; stating certain guidelines; requiring annual review; providing for notification of certain students and parents or guardians; amending 70 O.S. 2001, Section 1-116.2, which relates to the administration of medicine to students; directing every school to develop a policy on the administration of medicine at school; requiring annual review; 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 "Chronic Disease 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 there are a significant number of students attending school with chronic diseases who require special

medical needs that can have an impact on the ability of the student to learn. Further, there is a risk that students with chronic diseases may experience serious long and short-term medical complications while attending school. Therefore, the Legislature enacts the Chronic Disease School Care Act to help students and school districts better manage the special needs of students with chronic diseases.

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 Chronic Disease School Care Act:

1. "School" means any elementary 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 or any person employed by a local health department who is assigned to a public or private school; and

3. "Chronic disease" means any disease or condition which requires special medical attention such as taking medication or nutrition, limits physical activity, and requires testing to monitor disease processes and may include asthma, chronic respiratory allergies, diabetes, epilepsy, rheumatoid arthritis, other arthritic conditions, or any other disease or condition identified by the State Department of Health as a chronic disease.

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 State Department of Health and the State Department of Education, working with individual schools, shall develop guidelines for the training of school employees in the care needed for students with chronic diseases. The training guidelines shall be based on nationally recognized standards of medical and health care for children with special chronic disease needs.

B. Each school in the state shall provide for the chronic disease awareness training of all school employees. The training shall be consistent with the guidelines established as provided for in subsection A of this section. The training shall take place prior to the commencement of the school year at least once every five (5) years at every school attended by one or more students with chronic diseases, or as needed when a student with a chronic disease is newly enrolled at a school or a student is newly diagnosed with a chronic disease.

C. Each school district in the state shall identify one school employee who shall act as the school coordinator. The principal of the school shall designate the school coordinator. The school coordinator may be a school nurse or health aide and shall have training in cardiac pulmonary resuscitation (CPR) and first aid. The school coordinator shall receive, at a minimum, annual chronic disease training which shall be consistent with the guidelines established as provided for in subsection A of this section.

D. Each school in the state shall provide to all bus drivers responsible for the transportation of a student with a chronic disease a wireless telecommunications device that will enable the bus driver to contact help in case of an emergency. Each school shall develop policies on the use of the wireless telecommunications device.

E. The training outlined in this section may be provided by the State Department of Health or a health care professional with expertise in dealing with children with special chronic disease needs.

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:

Each school in the state shall develop a written policy for working with students with a chronic disease. In developing the

policy, the school shall utilize the expertise of the following persons: a student with a chronic disease or a parent or guardian of a student with a chronic disease, a teacher, a school nurse or community member in the medical profession and an administrator. The policy shall be submitted to the State Board of Education. The policy shall not conflict with or supersede any medical requirements established for a student who has an individualized education program pursuant to the Individuals with Disabilities Education Act (IDEA).

In addition to other guidelines, each policy shall permit a student with a chronic disease to perform tests, administer medication and nutrition, treat conditions, and otherwise attend to the care and management of the chronic disease of the student in the classroom, in any area of the school or school grounds, and at any school-related activity, and to possess or have access at all times to all necessary supplies and equipment for performing these monitoring and treatment functions, provided the necessary supplies and equipment are prescribed by a physician and are supplied by the student.

The written policy shall be reviewed annually by the school. Each student with a chronic disease and the parents or guardian of such student in the school shall be notified by the school of the adoption of a chronic disease policy and shall receive a copy upon request.

SECTION 6. AMENDATORY 70 O.S. 2001, Section 1-116.2, is amended to read as follows:

Section 1-116.2 A. A school nurse, or in the absence of such nurse, an administrator or designated school employees, pursuant to the written authorization of the parent or guardian of the student, may administer:

1. A nonprescription medicine; and

2. A filled prescription medicine as that term is defined by Section 353.1 of Title 59 of the Oklahoma Statutes pursuant to the directions for the administration of the medicine listed on the label or as otherwise authorized by a licensed physician.

B. In addition to the persons authorized to administer nonprescription medicine and filled prescription medicine pursuant to the provisions of subsection A of this section, a nurse employed by a county health department and subject to an agreement made between the county health department and the school district for medical services, may administer nonprescription medicine and filled prescription medicine pursuant to the provisions of this section.

C. Each school in which any medicine is administered pursuant to the provisions of this section shall keep a record of the name of the student to whom the medicine was administered, the date the medicine was administered, the name of the person who administered the medicine, and the type or name of the medicine which was administered. Each school shall develop a written policy on the administration of medicine at school and creation of a safe environment for the administration of medications or tests at school. The written policy shall be reviewed annually by the school.

D. Medicine to be administered by the county or school nurse, administrator or the designated persons and which is stored at the school shall be properly stored and not readily accessible to persons other than the persons who will administer the medication.

E. The school shall keep on file the written authorization of the parent or guardian of the student to administer medicine to the student.

F. A school nurse, county nurse, administrator, or the designated school employees shall not be liable to the student or a parent or guardian of the student for civil damages for any personal injuries to the student which result from acts or omissions of the

school or county nurse, administrator, or designated school employees in administering any medicine pursuant to the provisions of this section. This immunity shall not apply to acts or omissions constituting gross, willful, or wanton negligence.

SECTION 7. This act shall become effective July 1, 2002.

SECTION 8. 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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