STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 572 By: Williamson

COMMITTEE SUBSTITUTE

[schools - Diabetes School Care Act - training guidelines - care of diabetic children – codification – noncodification - effective date - 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 1210.195 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 1210.195a 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. The management of diabetes is predominately by lay people. In order to manage their disease, students with diabetes need 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 1210.195b 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 elementary or secondary public or charter school, excluding technology center schools;

2. "School employee" includes any certified or noncertified person employed by a public school district, a certified school nurse employed by a public school district, any nursing personnel employed by a local health department who is assigned to a public school, or any subcontracted school nurse designated for the functions required by the Diabetes School Care Act. A school employee need not be a medical professional; and

3. "Diabetes care providers" shall be school employees trained in accordance with Section 4 of this act. Diabetes care providers shall include the school nurse, if any, the classroom teachers and teachers with extra duty assignments who have student(s) with diabetes in their class or activity, and other school employees as determined by the school principal. The principal of each school attended by one or more students with diabetes shall designate at least two diabetes care providers. When a certified school nurse is on site and available, the certified school nurse shall provide the care set out in Section 5 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.195c 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, Maternal and Child Health Service,

Child and Adolescent Health Division, and certified school nurses employed by individual school districts, and using the American Diabetes Association Clinical Practice Recommendations position statement on the "Care of Children with Diabetes in the School and Daycare Setting", hereinafter referred to as the "ADA Position Statement", shall develop and have available guidelines and materials for the training of diabetes care providers. Training shall be completed annually prior to the beginning of each school year for diabetes care providers at each school site attended by one or more students with diabetes. A diabetes care provider need not be retrained to provide care for a child for whom training has previously been received. In addition, training shall occur within twenty (20) days of when a student with diabetes is newly enrolled at school or a student is newly diagnosed with diabetes.

B. Each public school district and charter school shall provide information on the recognition and treatment of hypoglycemia and hyperglycemia to all bus drivers responsible for the transportation of a student with diabetes.

C. The training outlined in subsection A of this section shall be provided by:

1. A health care professional with expertise in diabetes, which may include a certified school nurse, any nursing personnel employed by a local health department providing school nursing services, or any subcontracted or volunteer school nurse or health care professional; or

2. A parent or guardian of a student with diabetes upon the written determination by a physician that the parent or guardian is able to provide school personnel with sufficient oral, written, and training video information to allow the school to have a safe and appropriate environment for the child. Training shall be documented annually in the student's "Individualized Diabetes Health Care

Plan", hereinafter referred to as the "IDHCP", and kept in the student's classroom and school records.

D. The diabetes care providers, diabetes trainers, school, school board, school district, and school employees shall not be held civilly liable for the provision of care in accordance with a student's IDHCP, the written orders from the student's physician, or with the written authorization of the student's parent or guardian, in accordance with Section 1-116.2 of Title 70 of the Oklahoma Statutes.

E. Implementation of the provisions of this section shall be contingent on the availability of funds.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.195d of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The parent, child, district-employed certified school nurse, any nursing personnel employed by a local health department assigned to a public or charter school, or subcontracted school nurse shall meet prior to the commencement of each school year and upon enrollment of a student with diabetes, or the diagnosis of a student with diabetes and develop an IDHCP. The IDHCP shall provide for all aspects of diabetes care consistent with the student's physician's written directions and the ADA position statement.

B. A 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 programs, activities, and field trips.

C. A student's diagnosis with diabetes shall in no way influence the student's ability to attend his or her own district assigned school or the ability to obtain a transfer pursuant to the Education Open Transfer Act.

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.

E. Implementation of the provisions of this section shall be contingent on the availability of funds.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.195e of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Board of Education, in consultation with the State Department of Health, Maternal and Child Care Service, Child and Adolescent Health Division, and the State Board of Nursing, shall adopt rules for the implementation of the Diabetes School Care Act. The State Board of Education shall recommend that the parent or guardian notify the school at the beginning of the school year of the student's diabetes and upon the new diagnosis of diabetes.

SECTION 7. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

On or before September 1, 2005, the State Board of Education and the State Board of Health shall convene a task force to assess the medical needs of students with chronic diseases other than diabetes. Such chronic diseases shall include asthma, chronic respiratory allergies, epilepsy, rheumatoid arthritis or other arthritic conditions. The task force shall also assess school nurse staffing in the public school system. The task force shall report findings and recommendations to the Legislature on or before February 1, 2006.

SECTION 8. This act shall become effective July 1, 2005.

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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