

CS for SB 572

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**THE STATE SENATE**  
**Wednesday, March 2, 2005**

**Committee Substitute for**  
**Senate Bill No. 572**

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 572 - By: WILLIAMSON and GUMM of the Senate and PETERS of the House.

[ 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

1 include blindness, amputation, heart disease and kidney failure.  
2 The management of diabetes is predominately by lay people. In order  
3 to manage their disease, students with diabetes need to balance  
4 food, medications, and activity level while at school and at school-  
5 related activities.

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

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1210.195b of Title 70, unless  
12 there is created a duplication in numbering, reads as follows:

13 As used in the Diabetes School Care Act:

14 1. "School" means any elementary or secondary public or charter  
15 school, excluding technology center schools;

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

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

11       SECTION 4.       NEW LAW       A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1210.195c of Title 70, unless  
13 there is created a duplication in numbering, reads as follows:

14       A. The Oklahoma Board of Nursing, working in cooperation with  
15 the State Department of Health, Maternal and Child Health Service,  
16 Child and Adolescent Health Division, and certified school nurses  
17 employed by individual school districts, and using the American  
18 Diabetes Association Clinical Practice Recommendations position  
19 statement on the "Care of Children with Diabetes in the School and  
20 Daycare Setting", hereinafter referred to as the "ADA Position  
21 Statement", shall develop and have available guidelines and  
22 materials for the training of diabetes care providers. Training  
23 shall be completed annually prior to the beginning of each school

1 year for diabetes care providers at each school site attended by one  
2 or more students with diabetes. A diabetes care provider need not  
3 be retrained to provide care for a child for whom training has  
4 previously been received. In addition, training shall occur within  
5 twenty (20) days of when a student with diabetes is newly enrolled  
6 at school or a student is newly diagnosed with diabetes.

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

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

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

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

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

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

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

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

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

1           B. A diabetes care provider shall be on site and available to  
2 provide care to each student with diabetes as set forth in  
3 subsection A of this section during regular school hours, school-  
4 sponsored before-school and after-school programs, activities, and  
5 field trips.

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

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

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

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

20                The State Board of Education, in consultation with the State  
21 Department of Health, Maternal and Child Care Service, Child and  
22 Adolescent Health Division, and the State Board of Nursing, shall  
23 adopt rules for the implementation of the Diabetes School Care Act.

1 The State Board of Education shall recommend that the parent or  
2 guardian notify the school at the beginning of the school year of  
3 the student's diabetes and upon the new diagnosis of diabetes.

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

6 On or before September 1, 2005, the State Board of Education and  
7 the State Board of Health shall convene a task force to assess the  
8 medical needs of students with chronic diseases other than diabetes.  
9 Such chronic diseases shall include asthma, chronic respiratory  
10 allergies, epilepsy, rheumatoid arthritis or other arthritic  
11 conditions. The task force shall also assess school nurse staffing  
12 in the public school system. The task force shall report findings  
13 and recommendations to the Legislature on or before February 1,  
14 2006.

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO  
21 PASS, As Amended and Coauthored.