

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1223

By: Staggs

AS INTRODUCED

An Act relating to schools; creating the Chronic Disease in School 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 certain school employees; requiring wireless telecommunication devices for certain school bus drivers; specifying entity to provide training; directing every school to develop a chronic disease policy; prohibiting certain conflicts; providing for maintenance of the plan in certain records; stating certain guidelines; requiring certain assessment of skills and knowledge; requiring annual review; providing for notification of certain students and parents or guardians; limiting liability of a school; amending 70 O.S. 2001, Section 1-116.2, which relates to the administration of medicine to students; limiting responsibility for administration of an injection; directing every school to have a written policy on the administration of medicine at school; requiring annual review; providing for codification; providing for noncodification; 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 1210.196a 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 in School Act".

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Legislature finds that there are a significant number of students attending school with chronic diseases that can have an impact on the ability and opportunity for the student to learn.

Further, there is a risk that students with chronic diseases may experience medical episodes while attending school that may lead to serious outcomes, including death. Therefore, the Legislature enacts the Chronic Disease in School Act to help students and school districts better deal with 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 in School Act:

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

2. "School employee" includes any person employed by a public school district or any person employed by a local health department who is assigned to a public school;

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, not including any infectious disease; and

4. "Chronic disease management plan" means a plan signed by a physician and submitted to the principal of the school attended by a student with 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 shall develop guidelines for chronic disease awareness training of school employees in the recognition of, and the

appropriate response to, the warning signs and symptoms of medical episodes that can be experienced by students with chronic diseases.

B. Each school in the state shall provide for the chronic disease awareness training of all school employees who have regular and routine contact with and custody of a student with chronic disease, including, but not limited to, teachers, coaches, and bus drivers. The training shall be consistent with the guidelines established as provided for in subsection A of this section. The training shall take place:

1. Prior to the commencement of the school year at least once every year at every school attended by one or more students with chronic diseases;

2. 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; or

3. When changes in personnel who have regular and routine contact with and custody of an individual student with chronic disease occurs.

C. 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.

D. The training outlined in this section shall be provided by the State Department of Health.

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. Each school in the state shall develop a written policy for responding to medical episodes experienced by students with a chronic disease. 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).

B. The policy shall require that the chronic disease management plan, if any, shall be maintained in the school health record of a student with chronic disease, and shall be made available to school personnel who have regular and routine contact with and custody of the student as a part of the awareness training required by this act.

C. In addition to other provisions, 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 policy shall further provide that:

1. In a school that employs a school nurse or provides school nursing services under another arrangement, the school nurse or other appropriate party shall assess the knowledge and skills of the student to safely perform tests, administer medication and nutrition, treat conditions, and otherwise attend to the care and management of the chronic disease of the student. The school nurse or other appropriate party shall enter into the school health record for the student a plan to implement safe care and management of the chronic disease of the student as approved by the prescribing medical professional; and

2. In a school that does not have a school nurse or school nursing services, the parent or guardian of the student shall submit written verification from the prescribing medical professional that

documents an assessment of the knowledge and skills of the student to safely attend to the care and management of the chronic disease of the student.

D. 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. 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:

No school employee or agent shall 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 employee or agent in the recognition of, and the appropriate response to, the warning signs and symptoms of medical episodes experienced by a student with chronic disease. The immunity provided for in this section shall not apply to acts or omission constituting gross, willful, or wanton negligence.

SECTION 7. 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. Nothing in this section shall be construed to require a teacher or school employee, except for a certified school nurse, to administer an injection to a student.

C. 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.~~ D. 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 have 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 that is consistent with the provisions of Sections 1 through 6 of this act. The written policy shall be reviewed annually by the school.

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

~~F.~~ G. 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 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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