

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2775

By: Coody

AS INTRODUCED

An Act relating to schools; defining terms; requiring diabetes management and treatment plans for students with diabetes; specifying requirements of plan; requiring schools to develop individualized health plans for students with diabetes; requiring schools to have certain services available to students with diabetes; requiring training of certain school personnel; requiring school personnel to perform certain duties concerning students with diabetes; providing for liability issues; providing for codification; and providing an effective date.

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 24-161 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Diabetes management and treatment plan" means the document required by Section 2 of this act;
2. "Individualized health plan" means the document required by Section 3 of this act;
3. "Principal" includes the designee of the principal;
4. "School" means a public elementary or secondary school. The term does not include an open-enrollment charter school established under Section 3-132 of Title 70 of the Oklahoma Statutes;
5. "School employee" means a person employed by:
 - a. a school,
 - b. a local health department that assists a school under this act, or

- c. another entity with which a school has contracted to perform its duties under this act; and

6. "Unlicensed diabetes care assistant" means a school employee who has successfully completed the training required by Section 5 of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-162 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A diabetes management and treatment plan shall be developed and implemented for each student with diabetes who will seek care for the diabetes of the student while at school or while participating in a school activity. The plan shall be developed by:

- 1. The parent or guardian of the student; and
- 2. The physician responsible for the diabetes treatment of the

student.

B. A diabetes management and treatment plan shall:

1. Identify the health care services the student may receive at school;

2. Evaluate the ability of the student to manage the level of understanding of the diabetes of the student; and

3. Be signed by the parent or guardian of the student and the physician responsible for the diabetes treatment of the student.

C. The parent or guardian of a student with diabetes who seeks care for the diabetes of the student while the student is at school shall submit to the school a copy of the diabetes management and treatment plan of the student. The plan must be submitted to and reviewed by the school:

1. Before or at the beginning of the school year;

2. On enrollment of the student, if the student enrolls in the school after the beginning of the school year; or

3. As soon as practicable following a diagnosis of diabetes for the student.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-163 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An individualized health plan is a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in the school setting.

B. An individualized health plan must be developed for each student with diabetes who will seek care for diabetes while at school or while participating in a school activity. The school principal and the school nurse, if a school nurse is assigned to the school, shall develop an individualized health plan for the student in collaboration with the parent or guardian of the student and, to the extent practicable, the physician responsible for the diabetes treatment of the student and one or more of the teachers of the student.

C. The individualized health plan of a student shall incorporate components of the diabetes management and treatment plan of the student, including the information required under subsection B of Section 2 of this act. A school shall develop the individualized health plan of a student on receiving the diabetes management and treatment plan of the student.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-164 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. At each school in which a student with diabetes is enrolled, the school principal shall:

1. Seek school employees who are not health care professionals to serve as unlicensed diabetes care assistants and care for students with diabetes; and

2. Make efforts to ensure that the school has:

a. at least one unlicensed diabetes care assistant if a full-time nurse is assigned to the school, and

- b. at least three unlicensed diabetes care assistants if a full-time nurse is not assigned to the school.

B. An unlicensed diabetes care assistant shall serve under the supervision of the principal.

C. A school employee may not be subject to any penalty or disciplinary action for refusing to serve as an unlicensed diabetes care assistant.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-165 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Public Health Association shall develop guidelines, with the assistance of the following entities, for the training of unlicensed diabetes care assistants:

1. The Action for Healthy Oklahoma Kids;
2. The American Diabetes Association;
3. The Juvenile Diabetes Research Foundation International;
4. The American Association of Diabetes Educators;
5. The Oklahoma Nurses Association;
6. The Oklahoma Department of Education;
7. The Oklahoma Fit Kids Coalition; and
8. Schools for Healthy Lifestyles.

B. If a school nurse is assigned to a campus, the school nurse shall coordinate the training of school employees acting as unlicensed diabetes care assistants.

C. Training under this section must be provided by a health care professional with expertise in the care of persons with diabetes or by the school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

1. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or

2. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.

D. The training shall include instruction in:

1. Recognizing the symptoms of hypoglycemia and hyperglycemia;

2. Understanding the proper action to take if the blood glucose levels of a student with diabetes are outside the target ranges indicated by the diabetes management and treatment plan of the student;

3. Understanding the details of the individualized health plan of a student;

4. Performing finger sticks to check blood glucose levels, checking urine ketone levels, and recording the results of those checks;

5. Properly administering glucagon and insulin and recording the results of the administration;

6. Recognizing complications that require seeking emergency assistance; and

7. Understanding the recommended schedules and food intake for meals and snacks for a student with diabetes, the effect of physical activity on blood glucose levels, and the proper actions to be taken if a the schedule of a student is disrupted.

E. The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-166 of Title 70, unless there is created a duplication in numbering, reads as follows:

A school district shall provide to each district employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

1. Identifies the student who has diabetes;

2. Identifies potential emergencies that may occur as a result of the diabetes of the student and the appropriate responses to such emergencies; and

3. Provides the telephone number of a contact person in case of an emergency involving the student with diabetes.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-167 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the individualized health plan of a student. If a school nurse is not assigned to the campus or a school nurse is not available, an unlicensed diabetes care assistant shall perform the tasks necessary to assist the student with diabetes in accordance with the individualized health plan of the student and in compliance with any guidelines provided during training under Section 5 of this act. An unlicensed diabetes care assistant may perform the tasks provided by this subsection only if the parent or guardian of the student signs an agreement that:

1. Authorizes an unlicensed diabetes care assistant to assist the student; and

2. States that the parent or guardian understands that an unlicensed diabetes care assistant is not liable for civil damages as provided by Section 9 of this act.

B. If a school nurse is not assigned to a campus:

1. An unlicensed diabetes care assistant must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or

2. The principal must have access to the physician responsible for the diabetes treatment of the student.

C. Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant is present and available to provide the required care to a student with diabetes during the regular school day.

D. A school district may not restrict the assignment of a student with diabetes to a particular campus based on the presence or absence of an unlicensed diabetes care assistant.

E. An unlicensed diabetes care assistant who assists a student as provided by subsection A of this section in compliance with the individualized health plan of a student:

1. Is not considered to be engaging in the practice of nursing under Section 567.3a of Title 59 of the Oklahoma Statutes; and

2. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health care professional.

F. An unlicensed diabetes care assistant may exercise reasonable judgment in deciding whether to contact a health care provider in the event of a medical emergency involving a student with diabetes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-168 of Title 70, unless there is created a duplication in numbering, reads as follows:

In accordance with the individualized health plan of a student, a school shall permit the student to attend to the management and care of the diabetes of the student, which may include:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia;
4. Possessing on the person of the student at any time any supplies or equipment necessary to monitor and care for the diabetes of the student; and

5. Otherwise attending to the management and care of the diabetes of the student in the classroom, in any area of the school or school grounds, or at any school-related activity.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-169 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A school employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with this act. Any employee acting in accordance with the provisions of this act shall be immune from civil liability unless the actions of the employee rise to a level of reckless or intentional misconduct.

B. A school nurse is not responsible for and may not be subject to disciplinary action for actions performed by an unlicensed diabetes care assistant.

SECTION 10. This act shall become effective November 1, 2006.

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