

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1309

By: Cox

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7 COMMITTEE SUBSTITUTE

8 (schools - Diabetes Management in Schools Act -
9 codification -

10 effective date)

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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1210.196.1 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Diabetes
19 Management in Schools Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1210.196.2 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 As used in the Diabetes Management in Schools Act:
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1 1. "Diabetes Medical Management Plan" means a document
2 developed by the personal health care team of a student that sets
3 out the health services that may be needed by the student at school
4 and is signed by the personal health care team and the parent or
5 guardian of the student;

6 2. "School" means a public elementary or secondary school. The
7 term shall not include a charter school established pursuant to
8 Section 3-132 of Title 70 of the Oklahoma Statutes;

9 3. "School nurse" means a certified school nurse as defined in
10 Section 1-116 of Title 70 of the Oklahoma Statutes, a registered
11 nurse contracting with the school to provide school health services,
12 or a public health nurse; and

13 4. "Volunteer diabetes care assistant" means a school employee
14 who has volunteered to be a diabetes care assistant and who has
15 successfully completed the training required by Section 5 of this
16 act.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1210.196.3 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

20 A diabetes medical management plan shall be developed for each
21 student with diabetes who will seek care for diabetes while at
22 school or while participating in a school activity. The plan shall
23 be developed by the personal health care team of each student. The
24 personal health care team shall consist of the principal or designee

1 of the principal, the school nurse, if a school nurse is assigned to
2 the school, the parent or guardian of the student, and to the extent
3 practicable, the physician responsible for the diabetes treatment of
4 the student.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1210.196.4 of Title 70, unless
7 there is created a duplication in numbering, reads as follows:

8 A. The school nurse at each school in which a student with
9 diabetes is enrolled shall assist the student with the management of
10 their diabetes care as provided for in the diabetes medical
11 management plan for the student.

12 B. If a school does not have a school nurse assigned to the
13 school, the principal shall make an effort to seek school employees
14 who may or may not be health care professionals to serve as
15 volunteer diabetes care assistants to assist the student with the
16 management of their diabetes care as provided for in the diabetes
17 medical management plan for the student.

18 C. Each school in which a student with diabetes is enrolled
19 shall make an effort to ensure that a school nurse or a volunteer
20 diabetes care assistant is available at the school to assist the
21 diabetic student when needed.

22 D. A school employee shall not be subject to any penalty or
23 disciplinary action for refusing to serve as a volunteer diabetes
24 care assistant.

1 E. A school district shall not restrict the assignment of a
2 student with diabetes to a particular school site on based on the
3 presence of a school nurse, contract school employee, or a volunteer
4 diabetes care assistant.

5 F. Each school nurse and volunteer diabetes care assistant
6 shall at all times have access to a physician.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1210.196.5 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

10 A. The State Department of Health shall develop guidelines,
11 with the assistance of the following entities, for the training of
12 volunteer diabetes care assistants:

- 13 1. Oklahoma School Nurses Association;
- 14 2. The American Diabetes Association;
- 15 3. The Juvenile Diabetes Research Foundation International;
- 16 4. The Oklahoma Nurses Association;
- 17 5. The State Department of Education;
- 18 6. Oklahoma Board of Nursing;
- 19 7. Oklahoma Dietetic Association; and
- 20 8. Cooperative Council of School Administrators.

21 B. A school nurse or State Department of Health designee with
22 training in diabetes shall coordinate the training of volunteer
23 diabetes care assistants.

24 C. The training shall include instruction in:
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- 1 1. Recognizing the symptoms of hypoglycemia and hyperglycemia;
- 2 2. Understanding the proper action to take if the blood glucose
- 3 levels of a student with diabetes are outside the target ranges
- 4 indicated by the diabetes management and treatment plan of the
- 5 student;
- 6 3. Understanding the details of the diabetes medical management
- 7 plan of each student assigned to a volunteer diabetes care
- 8 assistant;
- 9 4. Performing finger sticks to check blood glucose levels,
- 10 checking urine ketone levels, and recording the results of those
- 11 checks;
- 12 5. Properly administering insulin and glucagon and recording
- 13 the results of the administration;
- 14 6. Recognizing complications that require seeking emergency
- 15 assistance; and
- 16 7. Understanding the recommended schedules and food intake for
- 17 meals and snacks for a student with diabetes, the effect of physical
- 18 activity on blood glucose levels, and the proper actions to be taken
- 19 if the schedule of a student is disrupted.

20 D. The volunteer diabetes care assistant shall annually
21 demonstrate competency in the training required by subsection C of
22 this section.
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1 E. The school nurse, the principal, or a designee of the
2 principal shall maintain a copy of the training guidelines and any
3 records associated with the training.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1210.196.6 of Title 70, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Each school district shall provide, with the permission of
8 the parent, to each school employee who is responsible for providing
9 transportation for a student with diabetes or supervising a student
10 with diabetes an information sheet that:

11 1. Identifies the student who has diabetes;

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

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

17 B. The school employee provided information as set forth in
18 this section shall be informed of all health privacy policies.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1210.196.7 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. In accordance with the diabetes medical management plan of a
23 student, a school shall permit the student to attend to the
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1 management and care of the diabetes of the student, which may
2 include:

- 3 1. Performing blood glucose level checks;
- 4 2. Administering insulin through the insulin delivery system
5 the student uses;
- 6 3. Treating hypoglycemia and hyperglycemia;
- 7 4. Possessing on the person of the student at any time any
8 supplies or equipment necessary to monitor and care for the diabetes
9 of the student; and
- 10 5. Otherwise attending to the management and care of the
11 diabetes of the student in the classroom, in any area of the school
12 or school grounds, or at any school-related activity.

13 B. Each school shall provide a private area where the student
14 may attend to the management and care of the student's diabetes.

15 SECTION 8. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1210.196.8 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

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

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

SECTION 9. This act shall become effective November 1, 2007.

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