

THE HOUSE OF REPRESENTATIVES  
Monday, February 26, 2007

Committee Substitute for  
House Bill No. 1309

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1309 - By: COX, WINCHESTER,  
KERN, DORMAN, COODY and SHUMATE of the House and CRAIN of the Senate.

( schools - Diabetes Management in Schools Act – codification –  
effective date )

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

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

4 This act shall be known and may be cited as the “Diabetes Management in Schools  
5 Act”.

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

9 As used in the Diabetes Management in Schools Act:

10 1. “Diabetes Medical Management Plan” means a document developed by the  
11 personal health care team of a student that sets out the health services that may be

1 needed by the student at school and is signed by the personal health care team and the  
2 parent or guardian of the student;

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

6 3. "School nurse" means a certified school nurse as defined in Section 1-116 of Title  
7 70 of the Oklahoma Statutes, a registered nurse contracting with the school to provide  
8 school health services, or a public health nurse; and

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

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

15 A diabetes medical management plan shall be developed for each student with  
16 diabetes who will seek care for diabetes while at school or while participating in a school  
17 activity. The plan shall be developed by the personal health care team of each student.  
18 The personal health care team shall consist of the principal or designee of the principal,  
19 the school nurse, if a school nurse is assigned to the school, the parent or guardian of the  
20 student, and to the extent practicable, the physician responsible for the diabetes  
21 treatment of the student.

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

4 A. The school nurse at each school in which a student with diabetes is enrolled  
5 shall assist the student with the management of their diabetes care as provided for in the  
6 diabetes medical management plan for the student.

7 B. If a school does not have a school nurse assigned to the school, the principal  
8 shall make an effort to seek school employees who may or may not be health care  
9 professionals to serve as volunteer diabetes care assistants to assist the student with the  
10 management of their diabetes care as provided for in the diabetes medical management  
11 plan for the student.

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

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

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

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

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

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

- 6 1. Oklahoma School Nurses Association;
- 7 2. The American Diabetes Association;
- 8 3. The Juvenile Diabetes Research Foundation International;
- 9 4. The Oklahoma Nurses Association;
- 10 5. The State Department of Education;
- 11 6. Oklahoma Board of Nursing;
- 12 7. Oklahoma Dietetic Association; and
- 13 8. Cooperative Council of School Administrators.

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

16 C. The training shall include instruction in:

- 17 1. Recognizing the symptoms of hypoglycemia and hyperglycemia;
- 18 2. Understanding the proper action to take if the blood glucose levels of a student  
19 with diabetes are outside the target ranges indicated by the diabetes management and  
20 treatment plan of the student;
- 21 3. Understanding the details of the diabetes medical management plan of each  
22 student assigned to a volunteer diabetes care assistant;

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

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

5 6. Recognizing complications that require seeking emergency assistance; and

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

9 D. The volunteer diabetes care assistant shall annually demonstrate competency in  
10 the training required by subsection C of this section.

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

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

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

19 1. Identifies the student who has diabetes;

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

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

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

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

8           A. In accordance with the diabetes medical management plan of a student, a school  
9 shall permit the student to attend to the management and care of the diabetes of the  
10 student, which may include:

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

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

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

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

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

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

11           COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 02-22-07 - DO  
12           PASS, As Amended and Coauthored.