

Amend CSSB 1952 in Part 9 of the bill, immediately following Article 9A (house committee printing, page 229, between lines 26 and 27), by inserting the following new article:

ARTICLE 9B. CARE OF PUBLIC SCHOOL STUDENTS WITH DIABETES

SECTION 9B.01. Chapter 38, Education Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CARE OF STUDENTS WITH DIABETES

Sec. 38.101. DEFINITIONS. In this subchapter:

(1) "Individual health care plan" means the document required by Section 38.102.

(2) "School" means an elementary or secondary school of an independent school district.

(3) "School employee" means a person employed by:

(A) a school;

(B) a local health department that assists a school under this subchapter; or

(C) another entity with which a school has contracted to perform its duties under this subchapter.

(4) "Trained diabetes care assistant" means a school employee who has completed the training required by Section 38.103.

Sec. 38.102. INDIVIDUAL HEALTH CARE PLAN. (a) An individual health care plan must be developed for each student with diabetes who will seek care for the student's diabetes while at school. The plan shall be developed by:

(1) the student's parent or guardian; and

(2) the student's personal health care team, which should include the student's physician.

(b) An individual health care plan must:

(1) be developed based on specific recommendations by the student's physician or other health care practitioner regarding the student's medical, dietary, and exercise needs and any other needs related to the student's medical condition;

(2) identify the health care services the student may receive at school; and

(3) be signed by the student's parent or guardian and the student's personal health care team.

(c) The parent or guardian of a student with diabetes who

seeks care for the student's diabetes while the student is at school shall submit to the school a copy of the student's individual health care plan. The plan must be submitted to and reviewed by the school:

- (1) before 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.

Sec. 38.103. TRAINED DIABETES CARE ASSISTANT. (a) The Texas Diabetes Council shall develop, with the assistance of the following entities, guidelines for the training of school employees in the care of students with diabetes:

- (1) the School Health Program of the Texas Department of Health;
- (2) the American Diabetes Association;
- (3) the Juvenile Diabetes Research Foundation International;
- (4) the American Association of Diabetes Educators;
- (5) the agency; and
- (6) the Texas School Nurses Organization.

(b) A school employee is not required to be a health care professional to be designated as a trained diabetes care assistant. The board of trustees of a school district may not require a school employee to serve as a trained diabetes care assistant.

(c) If a school nurse is assigned to a campus:

- (1) the school nurse may be recognized as the trained diabetes care assistant at that campus; or
- (2) the school nurse may supervise one or more other school employees acting as trained diabetes care assistants.

(d) If a school nurse is not assigned to a campus:

- (1) each trained diabetes care assistant must have access, for emergency or informational assistance, to an individual who has expertise in the care of persons with diabetes, such as a physician, registered nurse, certified dietitian educator, or licensed dietitian; or
- (2) the school must have access to a licensed health

care professional who is a member of the student's personal health care team.

(e) A trained diabetes care assistant who is not a licensed health care professional may not perform an activity that may otherwise be performed only by a licensed health care professional unless:

(1) a licensed health care professional enters an appropriate written order delegating the activity to the trained diabetes care assistant; and

(2) the order is maintained with the student's personal health care plan or other student records.

(f) Training under this section must be provided annually by a health care professional with expertise in the care of persons with diabetes. 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.

(g) The training must include instruction in:

(1) recognizing signs of hypoglycemia and hyperglycemia;

(2) steps to take if the blood glucose levels of a student with diabetes are outside the target ranges indicated by the student's individual health care plan;

(3) how to follow a physician's instructions concerning diabetes medication dosages, administration, and frequency of administration;

(4) performing finger-sticks to check blood glucose levels, checking ketone levels, and recording the results of those checks;

(5) administering glucagon and insulin and recording the results of the administration; and

(6) 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 steps to take if a student's schedule is disrupted.

(h) The training must be provided without charge to the school employee receiving the training.

(i) The board of trustees of a school district shall ensure that there is at least one trained diabetes care assistant at each campus attended by one or more students with diabetes.

Sec. 38.104. INFORMATION FOR CERTAIN EMPLOYEES. A school district shall provide to each school employee who is responsible for transporting a student with diabetes or for supervising a student with diabetes during an off-campus activity a one-page information sheet that:

(1) identifies the student with diabetes;

(2) identifies potential emergencies involving the student's diabetes and appropriate responses to such emergencies;
and

(3) provides telephone numbers of persons the employee may contact in an emergency involving the student's diabetes.

Sec. 38.105. REQUIRED CARE OF STUDENTS WITH DIABETES. (a) At the written request of a parent or guardian of a student with diabetes and in compliance with the student's individual health care plan, a trained diabetes care assistant shall:

(1) respond to the student's blood glucose level if it is outside the target range specified in the student's individual health care plan; and

(2) assist the student in following instructions regarding meals, snacks, and physical activity.

(b) A school shall ensure to the greatest extent practicable that the trained diabetes care assistant is present and available to provide the required care to a student with diabetes during the regular school day.

(c) A school district may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required trained diabetes care assistants.

(d) A trained diabetes care assistant who performs an activity described by Subsection (a) in compliance with the individual health care plan of a student with diabetes:

(1) is not considered to be engaging in the practice of:

(A) professional nursing under Chapter 301, Occupations Code, or other state law; or

(B) vocational nursing under Chapter 302, Occupations Code, or other state law; and

(2) if delegated to perform the activity as required by Section 35.103(e), 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.

Sec. 38.106. INDEPENDENT MONITORING AND TREATMENT. On the written request signed by a parent or guardian of a student with diabetes, and if permitted by the student's individual health care plan, a school shall permit the student to:

(1) perform blood glucose level checks;

(2) administer insulin through the insulin delivery system the student uses;

(3) treat hypoglycemia and hyperglycemia;

(4) possess on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and

(5) otherwise attend to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

SECTION 9B.02. Subchapter C, Chapter 38, Education Code, as added by this Act, applies beginning with the 2004-2005 school year.