

BILL ANALYSIS

C.S.S.B. 1662
By: Duncan
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the school nurse may provide care for a student with diabetes. However, not all schools have a full-time nurse. This bill requires a student with diabetes to have an individual health plan for treatment at school. This bill also establishes that a school campus that has a student diagnosed with diabetes must have one school employee trained in recognizing, treating, or calling for emergency assistance for diabetes related symptoms. Finally, this bill requires schools to allow students, with written permission of a parent or guardian, to perform various diabetes maintenance activities at school.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Chapter 38, Education Code, by adding Subchapter C, as follows:

SUBCHAPTER C. CARE OF STUDENTS WITH DIABETES

Sec. 38.101. DEFINITIONS. Defines "individual health plan," "school," "school employee," and "trained diabetes care assistant."

Sec. 38.102. INDIVIDUAL HEALTH PLAN. (a) Requires an individual health plan to be developed for each student with diabetes who will seek care for the student's diabetes while at school. Requires the plan to be developed by certain persons. (b) Requires an individual health plan to meet certain conditions. (c) Requires the parent or guardian of a student with diabetes who seeks care for the student's diabetes while the student is at school to submit to the school a copy of the student's individual health plan. Requires the plan to be submitted to and reviewed by the school according to certain requirements. The bill amends Section 38.102 by defining health care team. Also, the section is amended by providing that a student's parent or guardian, in addition to the health care team, is allowed to sign the student's health care plan.

Sec. 38.103. TRAINED DIABETES CARE PROVIDER. (a) Requires the Texas Diabetes Council to develop, with the assistance of certain entities, guidelines for the training of school employees in the care of students with diabetes. (b) Provides that a school employee is not required to be a health care professional to be designated as a trained diabetes care assistant. (c) Requires the school nurse to meet certain requirements if a school nurse is assigned to a campus. (d) Requires the trained diabetes care assistant, if a school nurse is not assigned to a campus, to have access, for emergency or informational assistance, to an individual who has expertise in the care of persons with diabetes, such as a physician, physician assistant, registered nurse, certified diabetes educator, or licensed dietitian. (e) Requires training under this section to be provided annually by a health care professional with expertise in the care of persons with diabetes. Requires the training to be provided before the beginning of the school year or as soon as practicable following certain events. (f) Requires the training to include instruction in certain subjects. (g) Requires the board of trustees of a school district and the governing body of each private school or open-enrollment charter school to ensure that there are at least three trained diabetes care assistants at each campus attended by one or more students with diabetes. Section 38.103 is amended by adding the Texas School Nurses Organization to the list of organizations who shall assist the Texas Diabetes Council in developing guidelines for training school employees to care for students with diabetes. In addition, the section provides that a school district may not require an employee to serve as a trained diabetes care assistant. The section allows a school nurse to be recognized as a trained diabetes care assistant without

completing the training if certain educational requirements are achieved. This section is amended to include the training guidelines for a diabetes care assistant.

Sec. 38.104. INFORMATION FOR SCHOOL BUS DRIVERS. Requires a school district to provide a single page of information identifying and providing emergency information, including contact phone numbers, for a student with diabetes for personnel involved in transporting and supervising that student on a school related activity. Section 38.104 clarifies information given to employees about students with diabetes.

Sec. 38.105. REQUIRED CARE OF STUDENTS WITH DIABETES. (a) Requires a trained diabetes care assistant, at the request of certain persons and in compliance with the student's individual health plan, to take certain actions. (b) Requires a school to ensure that at least one trained diabetes care assistant is present and available to provide the required care to a student with diabetes during the regular school day. (c) Prohibits a school district from restricting 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) Provides that a trained diabetes care assistant who performs an activity described by Subsection (a) in compliance with the individual health plan of a student with diabetes is not considered to be engaging in certain practices and 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. Section 38.105(a) is amended by deleting subsections (a)(2)-(5) of the original bill

Sec. 38.106. INDEPENDENT MONITORING AND TREATMENT. Requires a school, on the written request of certain persons, and if permitted by the student's individual health plan, to permit the student to take certain actions.

Makes application of Subchapter C, Chapter 38, Education Code, as added by this Act, prospective to the beginning of the 2004-2005 school year.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Substitute amends Section 38.102 by defining health care team. Also, the section is amended by providing that a student's parent or guardian, in addition to the health care team, is allowed to sign the student's health care plan.

Section 38.103 is amended by adding the Texas School Nurses Organization to the list of organizations who shall assist the Texas Diabetes Council in developing guidelines for training school employees to care for students with diabetes. In addition, the section provides that a school district may not require an employee to serve as a trained diabetes care assistant. The section allows a school nurse to be recognized as a trained diabetes care assistant without completing the training if certain educational requirements are achieved. This section is amended to include the training guidelines for a diabetes care assistant.

Section 38.104 clarifies information given to employees about students with diabetes. Section 38.105(a) is amended by deleting subsections (a)(2)-(5) of the original bill

In addition schools are required to ensure that at least one trained diabetes care assistant is available on staff instead three which was required in the original bill.