

By: Duncan, Nelson

S.B. No. 1662

A BILL TO BE ENTITLED

AN ACT

relating to the care of elementary and secondary school students with diabetes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. 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 plan" means the document required by Section 38.102.

(2) "School" means a public elementary or secondary school.

(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 PLAN. (a) An individual health 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 (1) the student's parent or guardian; and

2 (2) the student's personal health care team.

3 (b) An individual health plan must:

4 (1) identify the health care services the student may
5 receive at school; and

6 (2) be signed by the student's personal health care
7 team.

8 (c) The parent or guardian of a student with diabetes who
9 seeks care for the student's diabetes while the student is at school
10 shall submit to the school a copy of the student's individual health
11 plan. The plan must be submitted to and reviewed by the school:

12 (1) before the beginning of each school year;

13 (2) on enrollment of the student, if the student
14 enrolls in the school after the beginning of a school year; or

15 (3) as soon as practicable following a diagnosis of
16 diabetes for the student.

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

21 (1) the School Health Program of the Texas Department
22 of Health;

23 (2) the American Diabetes Association;

24 (3) the Juvenile Diabetes Research Foundation
25 International;

26 (4) the American Association of Diabetes Educators;
27 and

1 (5) the agency.

2 (b) A school employee is not required to be a health care
3 professional to be designated as a trained diabetes care assistant.

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

5 (1) the school nurse must be one of the trained
6 diabetes care assistants at that campus; or

7 (2) the school nurse shall supervise other school
8 employees acting as trained diabetes care assistants.

9 (d) If a school nurse is not assigned to a campus, the
10 trained diabetes care assistant must have access, for emergency or
11 informational assistance, to an individual who has expertise in the
12 care of persons with diabetes, such as a physician, physician
13 assistant, registered nurse, certified diabetes educator, or
14 licensed dietitian.

15 (e) Training under this section must be provided annually by
16 a health care professional with expertise in the care of persons
17 with diabetes. The training must be provided before the beginning
18 of the school year or as soon as practicable following:

19 (1) the enrollment of a student with diabetes at a
20 campus that previously had no students with diabetes; or

21 (2) a diagnosis of diabetes for a student at a campus
22 that previously had no students with diabetes.

23 (f) The training must include instruction in:

24 (1) recognizing hypoglycemia and hyperglycemia;

25 (2) understanding the proper action to take if the
26 blood glucose levels of a student with diabetes are outside the
27 target ranges indicated by the student's individual health plan;

1 (3) understanding a physician's instructions
2 concerning diabetes medication dosages, administration, and
3 frequency of administration;

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

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

9 (6) understanding the recommended schedules and food
10 intake for meals and snacks for a student with diabetes, the effect
11 of physical activity on blood glucose levels, and the proper
12 actions to be taken if a student's schedule is disrupted.

13 (g) The board of trustees of a school district shall ensure
14 that there are at least three trained diabetes care assistants at
15 each campus attended by one or more students with diabetes.

16 Sec. 38.104. INFORMATION FOR SCHOOL BUS DRIVERS. A school
17 district shall provide a single page of information identifying and
18 providing emergency information, including contact phone numbers,
19 for a student with diabetes for personnel involved in transporting
20 and supervising that student on a school-related activity.

21 Sec. 38.105. REQUIRED CARE OF STUDENTS WITH DIABETES.

22 (a) At the request of a parent or guardian of a student with
23 diabetes and in compliance with the student's individual health
24 plan, a trained diabetes care assistant shall:

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

1 (2) administer glucagon to the student;

2 (3) administer insulin to the student or assist the
3 student in administering insulin through an insulin delivery system
4 that the student uses;

5 (4) provide oral diabetes medication to the student;

6 (5) check and record the student's blood glucose
7 levels and ketone levels or assist the student with checking and
8 recording those levels; and

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

11 (b) A school shall ensure that at least one trained diabetes
12 care assistant is present and available to provide the required
13 care to a student with diabetes during the regular school day.

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

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

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

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

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

26 (2) is exempt from any applicable state law or rule
27 that restricts the activities that may be performed by a person who

1 is not a health care professional.

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

6 (1) perform blood glucose level checks;

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

9 (3) treat hypoglycemia and hyperglycemia;

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

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

16 SECTION 2. Subchapter C, Chapter 38, Education Code, as
17 added by this Act, applies beginning with the 2004-2005 school
18 year.

19 SECTION 3. This Act takes effect September 1, 2003.