

By: Duncan, et al.

S.B. No. 1662

Substitute the following for S.B. No. 1662:

By: Capelo

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

2 (2) the student's personal health care team, which
3 should include the student's physician and school employees whose
4 duties are relevant to the student's medical condition.

5 (b) An individual health care plan must:

6 (1) identify the health care services the student may
7 receive at school; and

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

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

15 (1) before the beginning of the school year;

16 (2) on enrollment of the student, if the student
17 enrolls in the school after the beginning of the school year; or

18 (3) as soon as practicable following a diagnosis of
19 diabetes for the student.

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

24 (1) the School Health Program of the Texas Department
25 of Health;

26 (2) the American Diabetes Association;

27 (3) the Juvenile Diabetes Research Foundation

1 International;

2 (4) the American Association of Diabetes Educators;

3 (5) the agency; and

4 (6) the Texas School Nurses Organization.

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

7 The board of trustees of a school district may not require a school
8 employee to serve as a trained diabetes care assistant.

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

10 (1) the school nurse may be recognized as a trained
11 diabetes care assistant at that campus; or

12 (2) the school nurse may supervise one or more other
13 school employees acting as trained diabetes care assistants.

14 (d) A school nurse may be recognized as a trained diabetes
15 care assistant without completing the training under this section
16 if:

17 (1) the nurse is a registered nurse; and

18 (2) the nurse has received formal advanced training in
19 diabetes care as part of the nurse's continuing education.

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

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

26 (2) the school must have access to a licensed health
27 care professional who is a member of the student's personal health

1 care team.

2 (f) Training under this section must be provided annually by
3 a health care professional with expertise in the care of persons
4 with diabetes. The training must be provided before the beginning
5 of the school year or as soon as practicable following:

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

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

10 (g) The training must include instruction in:

11 (1) recognizing signs of hypoglycemia and
12 hyperglycemia;

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

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

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

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

24 (6) the recommended schedules and food intake for
25 meals and snacks for a student with diabetes, the effect of physical
26 activity on blood glucose levels, and the steps to take if a
27 student's schedule is disrupted.

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

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

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

11 (1) identifies the student with diabetes;

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

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

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

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

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

26 (b) A school shall ensure to the greatest extent practicable
27 that the trained diabetes care assistant is present and available

1 to provide the required care to a student with diabetes during the
2 regular school day.

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

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

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

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

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

15 (2) is exempt from any applicable state law or rule
16 that restricts the activities that may be performed by a person who
17 is not a health care professional.

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

22 (1) perform blood glucose level checks;

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

25 (3) treat hypoglycemia and hyperglycemia;

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

1 student's diabetes; and

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

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

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