

By: Duncan

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) "Medical management plan" means the document required by Section 38.102.

(2) "School" means a public or private elementary or secondary school or an open-enrollment charter 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 provider" means a school employee who has completed the training required by Section 38.103.

Sec. 38.102. MEDICAL MANAGEMENT PLAN. (a) A medical management 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                   (A) the student's parent or guardian; and

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

3           (b) A medical management 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 medical  
11 management plan. The plan must be submitted to and reviewed by the  
12 school:

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

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

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

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

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

24                   (2) the American Diabetes Association;

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

27                   (4) the American Association of Diabetes Educators;

1 and

2 (5) the agency.

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

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

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

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

10 (d) Training under this section must be provided annually by  
11 a health care professional with expertise in the care of persons  
12 with diabetes. The training must be provided before the beginning  
13 of the school year or as soon as practicable following:

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

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

18 (e) The training must include instruction in:

19 (1) recognizing hypoglycemia and hyperglycemia;

20 (2) understanding the proper action to take if the  
21 blood glucose levels of a student with diabetes are outside the  
22 target ranges indicated by the student's medical management plan;

23 (3) understanding a physician's instructions  
24 concerning diabetes medication dosages, administration, and  
25 frequency of administration;

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

1 checks;

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

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

8 (f) The board of trustees of a school district and the  
9 governing body of each private school or open-enrollment charter  
10 school shall ensure that there are at least three trained diabetes  
11 care providers at each campus attended by one or more students with  
12 diabetes.

13 Sec. 38.104. TRAINING FOR SCHOOL BUS DRIVERS. A school  
14 district, private school, or open-enrollment charter school shall  
15 provide to each bus driver who is responsible for transporting a  
16 student with diabetes training in:

17 (1) recognizing hypoglycemia and hyperglycemia; and

18 (2) understanding the proper action to take in  
19 response to an emergency involving a student with diabetes.

20 Sec. 38.105. REQUIRED CARE OF STUDENTS WITH DIABETES. (a)  
21 At the request of a parent or guardian of a student with diabetes  
22 and in compliance with the student's medical management plan, a  
23 trained diabetes care provider shall:

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

27 (2) administer glucagon to the student;

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

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

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

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

10          (b) A school shall ensure that at least one trained diabetes  
11 care provider is present and available to provide the required care  
12 to a student with diabetes:

13           (1) during the regular school day;

14           (2) during any school-sponsored before-school or  
15 after-school program in which a student with diabetes participates;

16           (3) on any field trip that a student with diabetes  
17 takes;

18           (4) during any extracurricular activity in which a  
19 student with diabetes participates; and

20           (5) on a school bus on which a student with diabetes is  
21 transported, if the bus driver has not received the training  
22 required by Section 38.104.

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

26          (d) A trained diabetes care provider who performs an  
27 activity described by Subsection (a) in compliance with the medical

1 management plan of a student with diabetes:

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

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

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

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

11 Sec. 38.106. INDEPENDENT MONITORING AND TREATMENT. On the  
12 written request of a parent or guardian of a student with diabetes,  
13 and if permitted by the student's medical management plan, a school  
14 may permit the student to:

15 (1) perform blood glucose level checks;

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

18 (3) treat hypoglycemia and hyperglycemia;

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

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

25 Sec. 38.107. IMMUNITY FROM LIABILITY. (a) A physician,  
26 school nurse, or school employee is immune from liability for civil  
27 damages resulting from an action taken in compliance with this

1 subchapter if the person acted in the same manner as an ordinarily  
2 reasonable and prudent person would have acted under the same or  
3 similar circumstances.

4 (b) If a physician, school nurse, or school employee is  
5 immune from liability under Subsection (a), the school that employs  
6 the person is also immune from liability.

7 SECTION 2. Subchapter C, Chapter 38, Education Code,  
8 applies beginning with the 2004-2005 school year.

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