

1-1 By: Duncan S.B. No. 1662  
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 May 2, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; May 2, 2003, sent  
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1662 By: Janek

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the care of elementary and secondary school students  
1-11 with diabetes.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 38, Education Code, is amended by adding  
1-14 Subchapter C to read as follows:

1-15 SUBCHAPTER C. CARE OF STUDENTS WITH DIABETES

1-16 Sec. 38.101. DEFINITIONS. In this subchapter:

1-17 (1) "Individual health plan" means the document  
1-18 required by Section 38.102.

1-19 (2) "School" means a public elementary or secondary  
1-20 school.

1-21 (3) "School employee" means a person employed by:

1-22 (A) a school;

1-23 (B) a local health department that assists a  
1-24 school under this subchapter; or

1-25 (C) another entity with which a school has  
1-26 contracted to perform its duties under this subchapter.

1-27 (4) "Trained diabetes care assistant" means a school  
1-28 employee who has completed the training required by Section 38.103.

1-29 Sec. 38.102. INDIVIDUAL HEALTH PLAN. (a) An individual  
1-30 health plan must be developed for each student with diabetes who  
1-31 will seek care for the student's diabetes while at school. The plan  
1-32 shall be developed by:

1-33 (1) the student's parent or guardian; and

1-34 (2) the student's personal health care team.

1-35 (b) An individual health plan must:

1-36 (1) identify the health care services the student may  
1-37 receive at school; and

1-38 (2) be signed by the student's personal health care  
1-39 team.

1-40 (c) The parent or guardian of a student with diabetes who  
1-41 seeks care for the student's diabetes while the student is at school  
1-42 shall submit to the school a copy of the student's individual health  
1-43 plan. The plan must be submitted to and reviewed by the school:

1-44 (1) before the beginning of each school year;

1-45 (2) on enrollment of the student, if the student  
1-46 enrolls in the school after the beginning of a school year; or

1-47 (3) as soon as practicable following a diagnosis of  
1-48 diabetes for the student.

1-49 Sec. 38.103. TRAINED DIABETES CARE ASSISTANT. (a) The  
1-50 Texas Diabetes Council shall develop, with the assistance of the  
1-51 following entities, guidelines for the training of school employees  
1-52 in the care of students with diabetes:

1-53 (1) the School Health Program of the Texas Department  
1-54 of Health;

1-55 (2) the American Diabetes Association;

1-56 (3) the Juvenile Diabetes Research Foundation  
1-57 International;

1-58 (4) the American Association of Diabetes Educators;  
1-59 and

1-60 (5) the agency.

1-61 (b) A school employee is not required to be a health care  
1-62 professional to be designated as a trained diabetes care assistant.

1-63 (c) If a school nurse is assigned to a campus:

2-1 (1) the school nurse must be one of the trained  
 2-2 diabetes care assistants at that campus; or

2-3 (2) the school nurse shall supervise other school  
 2-4 employees acting as trained diabetes care assistants.

2-5 (d) If a school nurse is not assigned to a campus, the  
 2-6 trained diabetes care assistant must have access, for emergency or  
 2-7 informational assistance, to an individual who has expertise in the  
 2-8 care of persons with diabetes, such as a physician, physician  
 2-9 assistant, registered nurse, certified diabetes educator, or  
 2-10 licensed dietitian.

2-11 (e) Training under this section must be provided annually by  
 2-12 a health care professional with expertise in the care of persons  
 2-13 with diabetes. The training must be provided before the beginning  
 2-14 of the school year or as soon as practicable following:

2-15 (1) the enrollment of a student with diabetes at a  
 2-16 campus that previously had no students with diabetes; or

2-17 (2) a diagnosis of diabetes for a student at a campus  
 2-18 that previously had no students with diabetes.

2-19 (f) The training must include instruction in:

2-20 (1) recognizing hypoglycemia and hyperglycemia;

2-21 (2) understanding the proper action to take if the  
 2-22 blood glucose levels of a student with diabetes are outside the  
 2-23 target ranges indicated by the student's individual health plan;

2-24 (3) understanding a physician's instructions  
 2-25 concerning diabetes medication dosages, administration, and  
 2-26 frequency of administration;

2-27 (4) performing finger-sticks to check blood glucose  
 2-28 levels, checking ketone levels, and recording the results of those  
 2-29 checks;

2-30 (5) administering glucagon and insulin and recording  
 2-31 the results of the administration; and

2-32 (6) understanding the recommended schedules and food  
 2-33 intake for meals and snacks for a student with diabetes, the effect  
 2-34 of physical activity on blood glucose levels, and the proper  
 2-35 actions to be taken if a student's schedule is disrupted.

2-36 (g) The board of trustees of a school district shall ensure  
 2-37 that there are at least three trained diabetes care assistants at  
 2-38 each campus attended by one or more students with diabetes.

2-39 Sec. 38.104. INFORMATION FOR SCHOOL BUS DRIVERS. A school  
 2-40 district shall provide a single page of information identifying and  
 2-41 providing emergency information, including contact phone numbers,  
 2-42 for a student with diabetes for personnel involved in transporting  
 2-43 and supervising that student on a school-related activity.

2-44 Sec. 38.105. REQUIRED CARE OF STUDENTS WITH DIABETES.

2-45 (a) At the request of a parent or guardian of a student with  
 2-46 diabetes and in compliance with the student's individual health  
 2-47 plan, a trained diabetes care assistant shall:

2-48 (1) respond to the student's blood glucose level if it  
 2-49 is outside the target range specified in the individual health  
 2-50 plan;

2-51 (2) administer glucagon to the student;

2-52 (3) administer insulin to the student or assist the  
 2-53 student in administering insulin through an insulin delivery system  
 2-54 that the student uses;

2-55 (4) provide oral diabetes medication to the student;

2-56 (5) check and record the student's blood glucose  
 2-57 levels and ketone levels or assist the student with checking and  
 2-58 recording those levels; and

2-59 (6) assist the student in following instructions  
 2-60 regarding meals, snacks, and physical activity.

2-61 (b) A school shall ensure that at least one trained diabetes  
 2-62 care assistant is present and available to provide the required  
 2-63 care to a student with diabetes during the regular school day.

2-64 (c) A school district may not restrict the assignment of a  
 2-65 student with diabetes to a particular campus on the basis that the  
 2-66 campus does not have the required trained diabetes care assistants.

2-67 (d) A trained diabetes care assistant who performs an  
 2-68 activity described by Subsection (a) in compliance with the  
 2-69 individual health plan of a student with diabetes:

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

3-3 (A) professional nursing under Chapter 301,  
3-4 Occupations Code, or other state law; or

3-5 (B) vocational nursing under Chapter 302,  
3-6 Occupations Code, or other state law; and

3-7 (2) is exempt from any applicable state law or rule  
3-8 that restricts the activities that may be performed by a person who  
3-9 is not a health care professional.

3-10 Sec. 38.106. INDEPENDENT MONITORING AND TREATMENT. On the  
3-11 written request of a parent or guardian of a student with diabetes  
3-12 and if permitted by the student's individual health plan, a school  
3-13 shall permit the student to:

3-14 (1) perform blood glucose level checks;

3-15 (2) administer insulin through the insulin delivery  
3-16 system the student uses;

3-17 (3) treat hypoglycemia and hyperglycemia;

3-18 (4) possess on the student's person at any time any  
3-19 supplies or equipment necessary to monitor and care for the  
3-20 student's diabetes; and

3-21 (5) otherwise attend to the management and care of the  
3-22 student's diabetes in the classroom, in any area of the school or  
3-23 school grounds, or at any school-related activity.

3-24 SECTION 2. Subchapter C, Chapter 38, Education Code, as  
3-25 added by this Act, applies beginning with the 2004-2005 school  
3-26 year.

3-27 SECTION 3. This Act takes effect September 1, 2003.

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