

By: Duncan

S.B. No. 1070

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. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 168 to read as follows:

CHAPTER 168. CARE OF STUDENTS WITH DIABETES

Sec. 168.001. DEFINITIONS. In this chapter:

(1) "Diabetes management and treatment plan" means the document required by Section 168.002.

(2) "Individualized health plan" means the document required by Section 168.003.

(3) "Principal" includes the principal's designee.

(4) "School" means a public elementary or secondary school. The term does not include an open-enrollment charter school established under Subchapter D, Chapter 12, Education Code.

(5) "School employee" means a person employed by:

(A) a school;

(B) a local health department that assists a school under this chapter; or

(C) another entity with which a school has contracted to perform its duties under this chapter.

(6) "Unlicensed diabetes care assistant" means a school employee who has successfully completed the training

1 required by Section 168.004.

2 Sec. 168.002. DIABETES MANAGEMENT AND TREATMENT PLAN. (a)

3 A diabetes management and treatment plan must be developed and
4 implemented for each student with diabetes who will seek care for
5 the student's diabetes while at school or while participating in a
6 school activity. The plan shall be developed by:

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

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

9 (b) A diabetes management and treatment plan must:

10 (1) identify the health care services the student may
11 receive at school;

12 (2) evaluate the student's ability to manage and level
13 of understanding of the student's diabetes; and

14 (3) be signed by the student's parent or guardian and
15 the student's personal health care team.

16 (c) The parent or guardian of a student with diabetes who
17 seeks care for the student's diabetes while the student is at school
18 shall submit to the school a copy of the student's diabetes
19 management and treatment plan. The plan must be submitted to and
20 reviewed by the school:

21 (1) before or at the beginning of the school year;

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

24 (3) as soon as practicable following a diagnosis of
25 diabetes for the student.

26 Sec. 168.003. INDIVIDUALIZED HEALTH PLAN. (a) An

27 individualized health plan is a coordinated plan of care designed

1 to meet the unique health care needs of a student with diabetes in
2 the school setting.

3 (b) An individualized health plan must be developed for each
4 student with diabetes who will seek care for diabetes while at
5 school or while participating in a school activity. The school
6 principal and the school nurse, if a school nurse is assigned to the
7 school, shall develop a student's individualized health plan in
8 collaboration with the student's parent or guardian and, to the
9 extent practicable, the student's personal health care team and one
10 or more of the student's teachers.

11 (c) A student's individualized health plan must incorporate
12 components of the student's diabetes management and treatment plan,
13 including the information required under Section 168.002(b). A
14 school shall develop a student's individualized health plan on
15 receiving the student's diabetes management and treatment plan.

16 Sec. 168.004. UNLICENSED DIABETES CARE ASSISTANT. (a) The
17 Texas Diabetes Council shall develop guidelines, with the
18 assistance of the following entities, for the training of school
19 employees who are not health care professionals to become
20 unlicensed diabetes care assistants and care for students with
21 diabetes:

- 22 (1) the department's School Health Program;
23 (2) the American Diabetes Association;
24 (3) the Juvenile Diabetes Research Foundation
25 International;
26 (4) the American Association of Diabetes Educators;
27 (5) the Texas Nurses Association;

1 (6) the Texas School Nurse Organization; and

2 (7) the Texas Education Agency.

3 (b) If a school nurse is assigned to a campus, the school
4 nurse shall coordinate training and supervising school employees
5 acting as unlicensed diabetes care assistants. If a school nurse is
6 not assigned to a campus:

7 (1) an unlicensed diabetes care assistant must have
8 access to an individual with expertise in the care of persons with
9 diabetes, such as a physician, a registered nurse, a certified
10 diabetes educator, or a licensed dietitian; or

11 (2) the principal must have access to a licensed
12 health care professional who is a member of the student's personal
13 health team.

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

24 (1) recognizing the symptoms of hypoglycemia and
25 hyperglycemia;

26 (2) understanding the proper action to take if the
27 blood glucose levels of a student with diabetes are outside the

1 target ranges indicated by the student's diabetes management and
2 treatment plan;

3 (3) understanding the details of a student's
4 individualized health plan;

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

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

10 (6) recognizing complications that require seeking
11 emergency assistance; and

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

16 (e) The school nurse or principal shall maintain a copy of
17 the training guidelines and any records associated with the
18 training.

19 (f) The board of trustees of a school district shall ensure
20 that there are at least three unlicensed diabetes care assistants
21 at each campus attended by one or more students with diabetes.

22 Sec. 168.005. REQUIRED INFORMATION FOR CERTAIN EMPLOYEES.

23 A school district shall provide to each district employee who is
24 responsible for providing transportation for a student with
25 diabetes or supervising a student with diabetes during an
26 off-campus activity a one-page information sheet that:

27 (1) identifies the student who has diabetes;

1 (2) identifies potential emergencies that may occur as
2 a result of the student's diabetes and the appropriate responses to
3 such emergencies; and

4 (3) provides the telephone number of a contact person
5 in case of an emergency involving the student with diabetes.

6 Sec. 168.006. REQUIRED CARE OF STUDENTS WITH DIABETES. (a)
7 At the request of a parent or guardian of a student with diabetes
8 and in compliance with the student's individualized health plan, an
9 unlicensed diabetes care assistant shall:

10 (1) take the proper action to treat the student's
11 symptoms of hypoglycemia and hyperglycemia;

12 (2) respond to the student's blood glucose level if it
13 is outside the target range specified in the diabetes management
14 and treatment plan;

15 (3) administer glucagon to the student;

16 (4) administer insulin to the student or assist the
17 student in administering insulin through an insulin delivery system
18 that the student uses;

19 (5) administer oral diabetes medication to the
20 student;

21 (6) check and record the student's blood glucose
22 levels and urine ketone levels or assist the student with checking
23 and recording those levels; and

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

26 (b) A school shall ensure that a school nurse or at least one
27 unlicensed diabetes care assistant is present and available to

1 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 unlicensed diabetes care
6 assistants.

7 (d) An unlicensed diabetes care assistant who performs an
8 activity described by Subsection (a) in compliance with a student's
9 individualized health plan:

10 (1) is not considered to be engaging in the practice of
11 professional or vocational nursing under Chapter 301, Occupations
12 Code, or other state law; and

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

16 Sec. 168.007. INDEPENDENT MONITORING AND TREATMENT. On the
17 written request of a parent or guardian of a student with diabetes,
18 and in accordance with the student's diabetes management and
19 treatment plan, a school shall permit the student to:

20 (1) perform blood glucose level checks;

21 (2) administer insulin through the insulin delivery
22 system the student uses;

23 (3) treat hypoglycemia and hyperglycemia;

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

27 (5) otherwise attend to the management and care of the

1 student's diabetes in the classroom, in any area of the school or
2 school grounds, or at any school-related activity.

3 SECTION 2. Chapter 168, Health and Safety Code, applies
4 beginning with the 2005-2006 school year.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2005.