

1 SB57
2 159771-6
3 By Senators Waggoner and Bussman
4 RFD: Health
5 First Read: 14-JAN-14
6 PFD: 12/18/2013

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to health; to provide for the delegation of
12 specific medical procedures related to diabetes to certain
13 school personnel for students in public schools based on a
14 student's Individual Health Plan; to provide for the training
15 of certain school personnel relating to the diabetic needs of
16 students, pursuant to guidelines developed by the State
17 Department of Education in consultation with the Alabama Board
18 of Nursing; to limit the liability of public schools and
19 certain school personnel under this act; and further to
20 provide immunity from civil lawsuit for physicians, certified
21 registered nurse practitioners, and physician assistants
22 acting pursuant to this act.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act shall be known as the Alabama
25 Safe at Schools Act.

26 Section 2. For purposes of this act, the following
27 words have the following meanings:

1 (1) DELEGATION. The act of authorizing a competent
2 individual to perform selected nursing activities supportive
3 to registered nurses or licensed practical nurses in selected
4 school situations as provided under this act, while retaining
5 the accountability for the outcome if the delegation is to an
6 unlicensed individual.

7 (2) INDIVIDUAL HEALTH PLAN. A document that outlines
8 health care to be provided to a student in the school setting,
9 developed by the school nurse in conjunction with the
10 student's parents or guardians and may contain the orders from
11 the physician, certified registered nurse practitioner
12 operating under a valid collaborative agreement, or physician
13 assistant operating with a valid supervisory agreement.

14 (3) SCHOOL. Any primary or secondary public school
15 located in the state.

16 (4) SCHOOL EMPLOYEE. Any person employed by a public
17 school system located in the state.

18 (5) UNLICENSED MEDICATION ASSISTANT. A school
19 employee who is trained in accordance with this act, but who
20 is not required to be a health care professional.

21 Section 3. (a) No later than the beginning of the
22 2015-2016 school year, the State Department of Education, in
23 consultation with the Alabama Board of Nursing, shall develop
24 guidelines for the training of school employees in the care
25 needed for students with diabetic medical needs according to
26 the student's Individual Health Plan, the medical
27 authorizations of which are limited to permitting the

1 administration of injectable medications specific to his or
2 her diabetes. No other delegation of injectable medications
3 shall be allowed under this act. These guidelines shall be
4 developed in consideration of the recommendations of the
5 American Academy of Pediatrics, the National Diabetes
6 Education Program, and any other appropriate published medical
7 guidelines. Each local board of education shall ensure that
8 diabetes training programs are provided for all school nurses
9 and unlicensed medication assistants at schools under its
10 jurisdiction.

11 (b) Each local school system shall ensure that the
12 training outlined in subsection (a) is provided to unlicensed
13 medication assistants. In consultation with the local school
14 superintendent and in consideration of a student's Individual
15 Health Plan related to his or her diabetic condition, the lead
16 nurse of the school system may recommend the placement of a
17 school nurse based on the overall health needs of that
18 student.

19 (c) School employees shall not be required to serve
20 as unlicensed medication assistants, nor be subject to any
21 penalty or disciplinary action for refusing to serve as an
22 unlicensed medication assistant. It shall be unlawful to
23 consider a school employee's decision to serve or not to serve
24 as an unlicensed medication assistant in any employment
25 decision, including, but not limited to, termination,
26 non-renewal of contract, reduction-in-force, or transfer.
27 Furthermore, no school administrator or supervisor shall

1 threaten, harass, or otherwise coerce a school employee into
2 serving as an unlicensed medication assistant.

3 (d) The medical authorization allowed under this act
4 shall be limited to permitting the use of injectable
5 medications specific to diabetes.

6 Section 4. The parent or guardian of each student
7 with an identified diabetic medical condition who seeks care
8 while at school shall submit the order from a physician,
9 certified registered nurse practitioner operating under a
10 valid collaborative agreement, or physician assistant
11 operating under a valid supervisory agreement according to the
12 timeline established by the local education agency to be
13 considered in the development of the student's Individual
14 Health Plan.

15 Section 5. (a) The local board of education shall
16 ensure that each student in the school or system with a
17 diabetic condition receives appropriate care as specified in
18 his or her Individual Health Plan.

19 (b) The school nurse or a trained unlicensed
20 medication assistant, to the extent required by the student's
21 Individual Health Plan, shall be on site and available to
22 provide care to each student with diabetes during regular
23 school hours and school-sponsored before school and after
24 school care programs, during field trips, extended off-site
25 excursions, extracurricular activities in which the student is
26 a direct participant, and on buses when the bus driver is not
27 a trained unlicensed medication assistant.

1 Section 6. Notwithstanding any other provision of
2 law, a licensed health care professional may provide training
3 and supervise school employees becoming unlicensed medication
4 assistants who may also be providing care and performing tasks
5 pursuant to this act in the activities set forth in Section 5.

6 Section 7. A student with diabetes in public school
7 may attend the school the student would otherwise attend if
8 the student did not have diabetes, and the diabetes care
9 specified in Section 5 shall be provided at the school. A
10 school system may not restrict a student who has diabetes from
11 attending any school on the basis that the student has
12 diabetes, that the school does not have a full-time school
13 nurse, or that the school does not have trained unlicensed
14 medication assistants. A student with diabetes may participate
15 in extracurricular and co-curricular activities to the same
16 extent as a student without diabetes. In addition, a school
17 shall not require or pressure parents or guardians to provide
18 care for a student with diabetes at school or at
19 school-sponsored activities in which the student is a direct
20 participant as set forth in Section 5. However, if the parent
21 or guardian of a student with diabetes does not supply the
22 medication, the order from a physician, certified registered
23 nurse practitioner operating under a valid collaborative
24 agreement, or physician assistant operating under a valid
25 supervisory agreement, supplies, or a signed parental and
26 prescriber authorization, the parent or guardian shall be
27 responsible for providing diabetic medical care to the student

1 at school or at school-sponsored activities in which the
2 student is a direct participant.

3 Section 8. Notwithstanding any other provision of
4 this act, a student with a medical condition, other than or in
5 addition to diabetes, requiring supervision or other
6 specialized services may be assigned to a school in accordance
7 with the student's Individual Health Plan.

8 Section 9. A school employee shall be immune from
9 suit and not liable for any civil damages as a result of his
10 or her acts or omissions in the supervision or rendering of
11 services, care, or assistance to a student under this act, nor
12 shall he or she be liable for any civil damages as a result of
13 any act, or failure to act, to provide or arrange for further
14 treatment, care, or assistance.

15 Section 10. A physician has no supervisory authority
16 over the school's execution of the Individual Health Plan, and
17 therefore shall be immune from civil liability for any orders,
18 acts or omissions directly related to this act, including any
19 vicarious liability for the acts and omissions of school
20 employees and officials in carrying out the Individual Health
21 Plan.

22 Section 11. A private school may provide training
23 and diabetes care for its students in accordance with the
24 provisions set forth in this act.

25 Section 12. This act shall become effective July 1,
26 2014, following its passage and approval by the Governor, or
27 its otherwise becoming law.

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Senate

Read for the first time and referred to
the Senate committee on Health..... 14-JAN-14

Read for the second time and placed on
the calendar with 1 substitute and..... 13-MAR-14

Read for the third time and passed as
amended 18-MAR-14

Yeas 31
Nays 0

Patrick Harris
Secretary