

Regular Session, 2012

SENATE BILL NO. 759 (Substitute of Senate Bill No. 692 by Senator Nevers)

BY SENATORS NEVERS AND THOMPSON

STUDENTS. Provides relative to the care of students with diabetes. (gov sig)

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AN ACT

To enact R.S. 17:436.3, relative to the care of students with diabetes; to provide for development of diabetes management and treatment plans; to provide relative to the provision of care by certain school personnel; to provide for the duties and responsibilities of the school principal and other school personnel; to provide for unlicensed diabetes care assistants, their duties and functions, and their training; to provide for student self-monitoring and treatment; to provide for immunity; to provide for rules and regulations; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.3 is hereby enacted to read as follows:

**§436.3. Students with diabetes; management and treatment plans; provision of care; unlicensed diabetes care assistants; student self-monitoring and treatment**

**A.(1) Beginning with the 2012-2013 school year, a diabetes management and treatment plan may be developed for each student with diabetes enrolled in a public or nonpublic elementary or secondary school who seeks care for his**

1 diabetes while at school or while participating in a school-related activity and  
2 shall be updated on an annual basis. Such plan shall be developed by the  
3 physician responsible for such student's diabetes treatment and a current copy  
4 of such plan shall be kept on file at the school in which the student is enrolled.

5 (2) A student's diabetes management and treatment plan shall contain:

6 (a) An evaluation of the student's level of understanding of his condition  
7 and his ability to manage his diabetes.

8 (b) The diabetes-related healthcare services the student may receive or  
9 self-administer at school or during a school-related activity.

10 (c) A timetable, including dosage instructions, of any diabetes  
11 medications to be administered to the student or self-administered by the  
12 student.

13 (d) The signature of the student, the student's parent or legal guardian,  
14 and the physician responsible for the student's diabetes treatment.

15 (3) The parent or legal guardian of a student with diabetes shall  
16 annually submit a copy of the student's diabetes management and treatment  
17 plan to the principal of the school in which the student is enrolled. The plan  
18 shall be reviewed by the appropriate school personnel:

19 (a) Prior to or within five days after the beginning of each school year.

20 (b) Upon enrollment, if the student enrolls in the school after the  
21 beginning of the school year.

22 (c) As soon as practicable following the student's receipt of a diagnosis  
23 of diabetes.

24 B.(1) The school nurse may provide care to a student with diabetes, or  
25 assist a student with the self-care of his diabetes, in accordance with the  
26 student's diabetes management and treatment plan. If a school has no school  
27 nurse, or the school nurse is unavailable, an unlicensed diabetes care assistant  
28 may provide care to a student with diabetes, or assist a student with the self-  
29 care of his diabetes, as provided in this Section.

1           **(2) Each school may adopt a policy to ensure that a school nurse, or at**  
2           **least one unlicensed diabetes care assistant, shall be present and available to**  
3           **provide care to a student with diabetes during the regular school day or during**  
4           **school-related activities, in accordance with the student's diabetes management**  
5           **and treatment plan.**

6           **(3) If a school does not have a school nurse, one of the following**  
7           **alternative procedures may be utilized:**

8           **(a) An unlicensed diabetes care assistant may be provided access to an**  
9           **individual with expertise in diabetes care, such as a physician, a registered**  
10          **nurse, a certified diabetes educator, or a licensed dietitian.**

11          **(b) The principal may be provided access to the physician responsible**  
12          **for the student's diabetes treatment.**

13          **C.(1) For purposes of this Section, "unlicensed diabetes care assistant"**  
14          **means a school employee who volunteers to be trained in accordance with this**  
15          **Section.**

16          **(2) The principal of the school, in consultation with the school nurse if**  
17          **one is available, may:**

18          **(a) Seek school employees who are not healthcare professionals and who**  
19          **are willing to be trained to serve as unlicensed diabetes care assistants and**  
20          **provide care to students with diabetes pursuant to the provisions of this Section.**  
21          **A school employee shall not be subject to any penalty or disciplinary action for**  
22          **refusing to serve as an unlicensed diabetes care assistant.**

23          **(b) Make efforts to ensure that the school has at least one unlicensed**  
24          **diabetes care assistant, if the school has a full-time nurse, or at least three**  
25          **unlicensed diabetes care assistants if the school has no full-time nurse.**

26          **(3) An unlicensed diabetes care assistant shall serve under the**  
27          **supervision of the school nurse or the school principal.**

28          **(4) An unlicensed diabetes care assistant, in accordance with the diabetes**  
29          **management and treatment plan on file for a student, may provide diabetes care**

1 to a student, or assist a student in the self-care of his diabetes, including but not  
2 limited to:

3 (a) Checking and recording blood glucose and ketone levels.

4 (b) Responding to blood glucose levels outside of the target range  
5 established for a student.

6 (c) Administering glucagon and other emergency treatments as  
7 prescribed in a student's diabetes management and treatment plan.

8 (d) Administering, or assisting a student in administering, insulin  
9 through the insulin delivery system prescribed in the student's diabetes  
10 management and treatment plan.

11 (e) Administering oral diabetes medications to a student as prescribed  
12 in the student's diabetes management and treatment plan.

13 (f) Assisting a student to follow the instructions in his diabetes  
14 management and treatment plan relative to meals, snacks, and physical activity.

15 (5)(a) An unlicensed diabetes care assistant may provide diabetes care  
16 to a student only in accordance with the student's diabetes management and  
17 treatment plan, and then only if the student's parent or legal guardian signs an  
18 agreement authorizing such care by the unlicensed diabetes care assistant and  
19 such agreement is on file with the school.

20 (b) An unlicensed diabetes care assistant shall exercise reasonable  
21 judgment in deciding whether to contact a healthcare professional in the event  
22 of a medical emergency involving a student with diabetes.

23 (c) An unlicensed diabetes care assistant who assists a student in  
24 compliance with a student's diabetes management and treatment plan as  
25 provided in this Section shall be exempt from any applicable state law or rule  
26 that restricts the activities that may be performed by a person who is not a  
27 healthcare professional.

28 (d) An unlicensed diabetes care assistant shall be immune from any  
29 liability for any act or omission to act related to the provision of care to a

1 student with diabetes, or assisting a student with the self-care of his diabetes.

2 (6)(a) The Board of Elementary and Secondary Education may  
3 promulgate rules and regulations to provide for the training of unlicensed  
4 diabetes care assistants in accordance with the Administrative Procedure Act.

5 In developing such rules and regulations, the board may consult:

6 (i) The Department of Health and Hospitals.

7 (ii) The American Diabetes Association.

8 (iii) The Juvenile Diabetes Research Foundation International.

9 (iv) The American Association of Diabetes Educators.

10 (v) The Louisiana State Board of Nursing.

11 (b) If the Board of Elementary and Secondary Education does not  
12 promulgate such rules and regulations, the governing authority of each  
13 elementary and secondary school may adopt policies to provide for the training  
14 of unlicensed diabetes care assistants.

15 (7) Training for an unlicensed diabetes care assistant may be provided  
16 by a healthcare professional with expertise in caring for persons with diabetes  
17 or by the school nurse and shall include:

18 (a) Recognizing the symptoms of hypoglycemia and hyperglycemia.

19 (b) Understanding the details of a student's diabetes management and  
20 treatment plan.

21 (c) Understanding the proper action to take if a student's blood glucose  
22 levels are outside the target ranges specified in his diabetes management and  
23 treatment plan.

24 (d) Performing finger sticks to check blood glucose levels, checking urine  
25 ketone levels, and properly recording the results.

26 (e) Properly administering glucagon and insulin and properly recording  
27 the results.

28 (f) Recognizing complications which require emergency assistance.

29 (g) Understanding the recommended schedules and food intake for meals

1 and snacks for a student with diabetes, the effect of physical activity on blood  
2 glucose levels, and the proper actions to be taken if a student's schedule is  
3 disrupted.

4 D. In accordance with a student's diabetes management and treatment  
5 plan, a school shall permit the student to attend to the self-management and  
6 care of his diabetes, which may include the following activities:

7 (a) Performing blood glucose level checks.

8 (b) Self-administration of insulin through the insulin delivery system  
9 specified in the student's diabetes management and treatment plan.

10 (c) Treatment of hypoglycemia and hyperglycemia as specified in the  
11 student's diabetes management and treatment plan.

12 (d) Possessing on the student's person, at any time, such supplies or  
13 equipment as are necessary to monitor and care for the student's diabetes.

14 (e) Otherwise attending to the management and care of the student's  
15 diabetes in the classroom, in any area of the school or school grounds, or at any  
16 school-related activity.

17 E. With written permission from a student's parent or legal guardian,  
18 a school may provide a school employee with responsibility for providing  
19 transportation for a student with diabetes, or supervising a student with  
20 diabetes during an off-campus activity, with an information sheet that provides  
21 the following information:

22 (a) The identity of the student with diabetes.

23 (b) A description of potential emergencies that may occur as a result of  
24 the student's diabetes and the appropriate responses to such emergencies.

25 (c) The telephone number of the person to be contacted in case of an  
26 emergency involving the student with diabetes.

27 F. A school shall not restrict the assignment of a student with diabetes  
28 to a particular school on the basis that the school does not have an unlicensed  
29 diabetes care assistant.

1                    **G. No physician, nurse, school employee, school, or school district shall**  
 2                    **be liable for civil damages or subject to disciplinary action under professional**  
 3                    **licensing regulations or school disciplinary policies as a result of the activities**  
 4                    **authorized by this Section.**

5                    Section 2. This Act shall become effective upon signature by the governor or, if not  
 6                    signed by the governor, upon expiration of the time for bills to become law without signature  
 7                    by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 8                    vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 9                    effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Jeanne C. Johnston.

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#### DIGEST

Nevers (SB 759)

Proposed law, beginning with the 2012-2013 school year, provides for the care of students with diabetes enrolled in all Louisiana public and nonpublic elementary and secondary schools as follows:

1. A diabetes management and treatment plan may be developed for each student with diabetes who seeks care for his diabetes while at school or while participating in a school-related activity. Such plan shall be developed by the physician responsible for the student's diabetes treatment.
2. A current copy of a student's diabetes management and treatment plan must be kept on file at the school in which the student is enrolled.
3. A student's diabetes management and treatment plan shall contain:
  - (a) An evaluation of the student's level of understanding of his condition and ability to manage his diabetes.
  - (b) The signatures of the student, the student's parent/legal guardian, and the student's physician.
  - (c) A timetable, including dosage instructions of any medications to be administered to the student or by the student.
  - (d) The signatures of the student, the student's parent or legal guardian, and the student's physician.
4. The parent or legal guardian of a student with diabetes must annually submit a copy of the student's diabetes management and treatment plan to the school in which the student is enrolled. The plan must be reviewed by the appropriate school personnel:
  - (a) Prior to or within five days after the beginning of the school year.
  - (b) Upon enrollment, if the student enrolls after the beginning of the school year.

- (c) As soon as practicable following a student's receipt of a diagnosis of diabetes.
5. The school nurse or an unlicensed diabetes care assistant may provide care to a student with diabetes or assist a student with the self-care of his diabetes. Allows each school to adopt a policy to ensure that a school nurse or an unlicensed diabetes care assistant is available to provide care to a student with diabetes during the regular school day or during school-related activities.
6. If a school does not have a school nurse, an unlicensed diabetes care assistant may be provided access to an individual with expertise in diabetes care, such as a physician, registered nurse, certified diabetes educator, or licensed dietician. The school principal may be provided access to the student's physician.
7. Defines "unlicensed diabetes care assistant" as a school employee who volunteers to be trained in accordance with proposed law.
8. Allows the school principal, in consultation with the school nurse, if one is available, to:
- (a) Seek school employees who are not healthcare professionals who are willing to be trained to serve as unlicensed diabetes care assistants and provide care to students with diabetes. A school employee shall not be subject to any penalty or disciplinary action for refusing to serve as an unlicensed diabetes care assistant.
- (b) Make efforts to ensure that the school has at least one unlicensed diabetes care assistant, if the school has a full-time nurse, or at least three unlicensed diabetes care assistants if the school has no full-time nurse.
9. An unlicensed diabetes care assistant shall serve under the supervision of the school nurse or the school principal and may provide diabetes care to a student, or assist a student in the self-care of his diabetes, including but not limited to:
- (a) Checking and recording blood glucose and ketone levels.
- (b) Responding to blood glucose levels outside of the target range established for a student.
- (c) Administering glucagon and other emergency treatments as prescribed in a student's diabetes management and treatment plan.
- (d) Administering, or assisting a student in administering insulin through the insulin delivery system prescribed in his diabetes management and treatment plan.
- (e) Administering oral diabetes medications to a student as prescribed in his diabetes management and treatment plan.
- (f) Assisting a student to follow the instructions in his diabetes management and treatment plan relative to meals, snacks, and physical activity.
10. An unlicensed diabetes care assistant:
- (a) May only provide diabetes care to a student in accordance with the student's diabetes management and treatment plan, and then only if the student's parent or legal guardian signs an agreement authorizing such care by the unlicensed diabetes care assistant and such agreement is on file with the school.



- (b) Shall exercise reasonable judgment in deciding whether to contact a healthcare professional in the event of a medical emergency involving a student with diabetes.
  - (c) Shall be exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a healthcare professional.
  - (d) Shall be immune from any liability for any act or omission to act related to the provision of care to a student with diabetes, or assisting a student with the self-care of his diabetes.
11. Authorizes BESE to promulgate rules and regulations to provide for the training of unlicensed diabetes care assistants in accordance with the Administrative Procedure Act and allows the board to consult the Department of Health and Hospitals, the American Diabetes Association, the Juvenile Diabetes Research Foundation International, the American Association of Diabetes Educators, and the La. State Board of Nursing in developing any rules and regulations.
12. Authorizes the governing authority of each elementary and secondary school to adopt policies to provide for the training of unlicensed diabetes care assistants, if BESE does not promulgate rules and regulations.
13. Training for an unlicensed diabetes care assistant may be provided by a healthcare professional with expertise in caring for persons with diabetes or by the school nurse and shall include:
- (a) Recognizing the symptoms of hypoglycemia and hyperglycemia.
  - (b) Understanding the details of a student's diabetes management and treatment plan.
  - (c) Understanding the proper action to take if a student's blood glucose levels are outside the target ranges specified in his diabetes management and treatment plan.
  - (d) Performing finger sticks to check blood glucose levels, checking urine ketone levels, and properly recording the results.
  - (e) Properly administering glucagon and insulin and properly recording the results.
  - (f) Recognizing complications which require emergency assistance.
  - (g) Understanding the recommended schedules and food intake for meals and snacks for a student with diabetes, the effect of physical activity on blood glucose levels, and the proper actions to be taken if a student's schedule is disrupted.
14. Requires a school to permit a student to attend to the self-management and care of his diabetes, in accordance with his diabetes management and treatment plan, which may include:
- (a) Performing blood glucose level checks.
  - (b) Self-administration of insulin through the insulin delivery system specified in the student's diabetes management and treatment plan.

- (c) Treatment of hypoglycemia and hyperglycemia as specified in the student's diabetes management and treatment plan.
  - (d) Possessing on the student's person, at any time, such supplies or equipment as are necessary to monitor and care for the student's diabetes.
  - (e) Attending to the management and care of his diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.
15. Allows a school, with written permission from a student's parent or legal guardian, to provide a school employee with responsibility for providing transportation for a student with diabetes, or supervising a student with diabetes during an off-campus activity, with an information sheet that provides the following information:
- (a) The identity of the student with diabetes.
  - (b) A description of potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies.
  - (c) The telephone number of the person to be contacted in case of an emergency involving the student with diabetes.
16. Prohibits a school from restricting the assignment of a student with diabetes to a particular school on the basis that the school does not have an unlicensed diabetes care assistant.
17. Provides that no physician, nurse, school employee, school, or school district shall be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized by proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:436.3)