

By Senator Peaden

2-01636-09

20092024\_\_

1                                   A bill to be entitled  
2           An act relating to the treatment of students who have  
3           diabetes; providing definitions; requiring the  
4           development of a diabetes management and treatment  
5           plan and providing requirements for the plan;  
6           requiring the parent or guardian of a student who has  
7           diabetes to submit a copy of the diabetes management  
8           and treatment plan to the school; requiring the school  
9           nurse and the school principal, in collaboration with  
10          the parent or guardian, to develop an individualized  
11          health plan for a student who has diabetes and  
12          providing requirements for the plan; requiring a  
13          school principal to obtain the services of an  
14          unlicensed diabetes care assistant in the school and  
15          supervise the assistant; prohibiting a school employee  
16          from being penalized or disciplined for refusing to  
17          serve as a unlicensed diabetes care assistant;  
18          requiring the Florida Diabetes Advisory Council to  
19          develop guidelines, with the assistance of certain  
20          entities, for the training of unlicensed diabetes care  
21          assistants; requiring a school nurse to coordinate the  
22          training; providing criteria for the training;  
23          requiring the school nurse or principal to maintain a  
24          copy of the training guidelines and any records  
25          associated with the training; requiring each school  
26          district to provide an information sheet to certain  
27          district employees who transport or supervise students  
28          who have diabetes during off-campus activities;  
29          providing requirements for the information sheet;

2-01636-09

20092024\_\_

30 requiring a nurse or unlicensed diabetes care  
31 assistant to perform tasks necessary to assist a  
32 student who has diabetes; requiring a parent or  
33 guardian to sign an agreement authorizing an  
34 unlicensed diabetes care assistant to perform the  
35 necessary tasks; requiring an unlicensed diabetes care  
36 assistant to have access to an individual with  
37 expertise in the care of persons who have diabetes in  
38 certain circumstances; requiring a principal to have  
39 access to the physician who is responsible for a  
40 student's diabetes treatment in certain circumstances;  
41 requiring each school to adopt a procedure to ensure  
42 that a school nurse or unlicensed diabetes care  
43 assistant is present and available at school;  
44 prohibiting a school district from restricting the  
45 assignment of a student who has diabetes to a  
46 particular school; providing that an unlicensed  
47 diabetes care assistant is not engaging in the  
48 practice of nursing and is exempt from state law or  
49 rule restricting the activities of a person who is not  
50 a health professional; authorizing an unlicensed  
51 diabetes care assistant to exercise reasonable  
52 judgment in contacting a health care provider in a  
53 medical emergency involving a student who has  
54 diabetes; requiring a school to allow a student who  
55 has diabetes to manage and care for his or her  
56 disease; providing immunity from disciplinary action  
57 or liability for a school employee; providing that a  
58 school nurse is not responsible for and may not be

2-01636-09

20092024\_\_

59 subject to disciplinary action for certain actions;  
60 providing an effective date.

61  
62 WHEREAS, diabetes is a serious, chronic disease that  
63 impairs the body's ability to use food, and

64 WHEREAS, diabetes must be managed 24 hours a day in order  
65 to avoid the potentially life-threatening, short-term  
66 consequences of blood glucose levels that are too high,  
67 hyperglycemia, or too low, hypoglycemia, and to avoid or delay  
68 the serious, long-term complications of high blood glucose  
69 levels which include blindness, amputation, heart disease, and  
70 kidney failure, and

71 WHEREAS, in order to manage their disease, students who  
72 have diabetes must have access to the means to balance food,  
73 medications, and physical activity level while at school and at  
74 school-related activities, and

75 WHEREAS, diabetes is generally a self-managed disease and  
76 many students with diabetes are able to perform most of their  
77 own diabetes-care tasks, and these students should be permitted  
78 to do so in the school setting, and

79 WHEREAS, some students, because of age, inexperience, or  
80 other factors need help with some or all of diabetes-care tasks  
81 and all students will need help if a diabetic emergency occurs,  
82 and

83 WHEREAS, the school nurse is the preferred person in the  
84 school setting to provide or facilitate care for a student who  
85 has diabetes, but many schools in Florida do not have a full-  
86 time nurse or a school nurse may not always be available on  
87 site, and

2-01636-09

20092024\_\_

88 WHEREAS, diabetes management is needed at all times,  
89 additional school personnel who have completed training  
90 coordinated by the school nurse and who provide care under the  
91 supervision of the school nurse need to be prepared to perform  
92 diabetes-care tasks at school and all school-related activities  
93 when a school nurse is not available in order for students who  
94 have diabetes to be medically safe and to have the same access  
95 to educational opportunities as do all students in Florida, NOW,  
96 THEREFORE,

97

98 Be It Enacted by the Legislature of the State of Florida:

99

100 Section 1. Care of students who have diabetes.—

101 (1) DEFINITIONS.—As used in this section, the term:

102 (a) "Individualized health plan" means a coordinated plan  
103 of care designed to meet the unique health care needs of a  
104 student who has diabetes in the school setting.

105 (b) "Principal" means the person who has the duties and  
106 powers provided in s. 1001.54, Florida Statutes, or his or her  
107 designee.

108 (c) "School" means a public elementary or secondary school.  
109 The term does not include an open-enrollment charter school.

110 (d) "School employee" means a person employed by:

111 1. A school;

112 2. A local health department that assists a school under  
113 this section; or

114 3. Another entity with which a school has contracted to  
115 perform its duties under this section.

116 (e) "Unlicensed diabetes care assistant" means a school

2-01636-09

20092024

117 employee who has successfully completed the training required  
118 under subsection (5).

119 (2) DIABETES MANAGEMENT AND TREATMENT PLAN.—

120 (a) A diabetes management and treatment plan must be  
121 developed and implemented for each student who has diabetes and  
122 whose parent or guardian seeks care for the student while at  
123 school or while participating in a school activity. The plan  
124 shall be developed by:

125 1. The student's parent or guardian; and

126 2. The physician responsible for the student's diabetes  
127 treatment.

128 (b) A diabetes management and treatment plan must be a  
129 written document that:

130 1. Identifies the health care services that the student may  
131 receive at school;

132 2. Evaluates the student's ability to manage his or her  
133 diabetes and the level of understanding of the student's  
134 diabetes; and

135 3. Is signed by the student's parent or guardian and the  
136 physician responsible for the student's diabetes treatment.

137 (c) If the parent or guardian of a student who has diabetes  
138 seeks care for the student while the student is at school, the  
139 parent or guardian shall submit to the school a copy of the  
140 student's diabetes management and treatment plan. The plan must  
141 be submitted to and reviewed by the school:

142 1. Before or at the beginning of the school year;

143 2. Upon enrollment of the student, if the student enrolls  
144 in the school after the beginning of the school year; or

145 3. As soon as practicable following a diagnosis of diabetes

2-01636-09

20092024\_\_

146 for the student.

147 (3) INDIVIDUALIZED HEALTH PLAN.—

148 (a) An individualized health plan must be developed for  
149 each student who has diabetes and whose parent or guardian seeks  
150 care for the student while at school or while participating in a  
151 school activity. The school principal and the school nurse, if a  
152 school nurse is assigned to the school, shall develop a  
153 student's individualized health plan in collaboration with the  
154 student's parent or guardian and, to the extent practicable,  
155 with the physician responsible for the student's diabetes  
156 treatment and with one or more of the student's teachers.

157 (b) A student's individualized health plan must incorporate  
158 components of the student's diabetes management and treatment  
159 plan. A school shall develop a student's individualized health  
160 plan upon receipt of the student's diabetes management and  
161 treatment plan.

162 (4) UNLICENSED DIABETES CARE ASSISTANT.—

163 (a) At each school in which a student who has diabetes is  
164 enrolled, the school principal shall:

165 1. Seek school employees who are not health care  
166 professionals to serve as unlicensed diabetes care assistants  
167 for students having diabetes; and

168 2. Make efforts to ensure that the school has at least:  
169 a. One unlicensed diabetes care assistant if a full-time  
170 nurse is assigned to the school; and

171 b. Three unlicensed diabetes care assistants if a full-time  
172 nurse is not assigned to the school.

173 (b) The school principal shall supervise any unlicensed  
174 diabetes care assistants.

2-01636-09

20092024\_\_

175 (c) A school employee may not be subject to any penalty or  
176 disciplinary action for refusing to serve as an unlicensed  
177 diabetes care assistant.

178 (5) TRAINING REQUIRED.—

179 (a) The Florida Diabetes Advisory Council shall develop  
180 guidelines, with the assistance of the following entities, for  
181 the training of unlicensed diabetes care assistants:

182 1. The school health services program under the Department  
183 of Health;

184 2. The American Diabetes Association;

185 3. The Juvenile Diabetes Research Foundation,  
186 International;

187 4. The American Association of Diabetes Educators;

188 5. The Florida Association of School Nurses;

189 6. The Florida Nurses Association; and

190 7. The Florida Education Association.

191 (b) If a school nurse is assigned to a school, he or she  
192 shall coordinate the training of school employees acting as  
193 unlicensed diabetes care assistants.

194 (c) Training under this subsection must be provided by a  
195 health care professional who has expertise in the care of  
196 persons having diabetes or by the school nurse. The training  
197 must be provided before the beginning of the school year or as  
198 soon as practicable following:

199 1. The enrollment of a student who has diabetes in a school  
200 that previously did not have any diabetic students attending the  
201 school; or

202 2. A diagnosis of diabetes for a student attending a school  
203 that previously did not have any diabetic students.

2-01636-09

20092024\_\_

- 204       (d) The training must include instruction in:
- 205       1. Recognizing the symptoms of hypoglycemia and
- 206 hyperglycemia;
- 207       2. Understanding the proper action to take if the blood
- 208 glucose levels of a student who has diabetes are outside the
- 209 ranges indicated in the student's diabetes management and
- 210 treatment plan;
- 211       3. Understanding the details of a student's individualized
- 212 health plan;
- 213       4. Performing finger sticks to check blood glucose levels,
- 214 checking urine ketone levels, and recording the results of those
- 215 checks;
- 216       5. Properly administering glucagon and insulin and
- 217 recording the results of the administration;
- 218       6. Recognizing complications that require emergency
- 219 assistance; and
- 220       7. Understanding the recommended schedules and food intake
- 221 for meals and snacks for a student who has diabetes, the effect
- 222 of physical activity on blood glucose levels, and the proper
- 223 actions to be taken if a student's schedule is disrupted.
- 224       (e) The school nurse or principal shall maintain a copy of
- 225 the training guidelines and any records associated with the
- 226 training.
- 227       (6) REQUIRED INFORMATION FOR CERTAIN EMPLOYEES.—A school
- 228 district shall provide to each district employee who is
- 229 responsible for providing transportation for a student having
- 230 diabetes or who is supervising a student having diabetes during
- 231 an off-campus activity a one-page information sheet that:
- 232       (a) Identifies the student who has diabetes;



2-01636-09

20092024

233 (b) Identifies potential emergencies that may occur as a  
234 result of the student's diabetes and the appropriate responses  
235 to the potential emergencies; and

236 (c) Provides the telephone number of a contact person in  
237 case of an emergency involving the student who has diabetes.

238 (7) REQUIRED CARE.—

239 (a) If a school nurse is assigned to a school and the nurse  
240 is available, the nurse shall perform the tasks necessary to  
241 assist a student who has diabetes in accordance with the  
242 student's individualized health plan. If a school nurse is not  
243 assigned to the school or a school nurse is not available, an  
244 unlicensed diabetes care assistant shall perform the tasks  
245 necessary to assist the student who has diabetes in accordance  
246 with the student's individualized health plan and in compliance  
247 with any guidelines provided during training under subsection  
248 (5). An unlicensed diabetes care assistant may perform the tasks  
249 provided in subsection (5) only if the parent or guardian of the  
250 student signs an agreement that:

251 1. Authorizes an unlicensed diabetes care assistant to  
252 assist the student; and

253 2. States that the parent or guardian understands that an  
254 unlicensed diabetes care assistant is not liable for civil  
255 damages as provided in subsection (9).

256 (b) If a school nurse is not assigned to a school:

257 1. An unlicensed diabetes care assistant must have access  
258 to an individual who has expertise in the care of persons having  
259 diabetes, such as a physician, a registered nurse, a certified  
260 diabetes educator, or a licensed dietitian; or

261 2. The principal must have access to the physician who is

2-01636-09

20092024\_\_

262 responsible for the student's diabetes treatment.

263 (c) Each school shall adopt a procedure to ensure that a  
264 school nurse or at least one unlicensed diabetes care assistant  
265 is present and available to provide the required care to a  
266 student who has diabetes during the regular school day.

267 (d) A school district may not restrict the assignment of a  
268 student who has diabetes to a particular school on the basis  
269 that the student has diabetes, that the school does not have a  
270 full-time school nurse, or that the school does not have the  
271 required unlicensed diabetes care assistants.

272 (e) An unlicensed diabetes care assistant who assists a  
273 student as provided in this section in compliance with a  
274 student's individualized health plan is:

275 1. Not engaging in the practice of professional or  
276 vocational nursing; and

277 2. Exempt from any applicable state law or rule that  
278 restricts the activities that may be performed by a person who  
279 is not a health care professional.

280 (f) An unlicensed diabetes care assistant may exercise  
281 reasonable judgment in deciding whether to contact a health care  
282 provider during a medical emergency involving a student who has  
283 diabetes.

284 (8) INEDEPENDENT MONITORING AND TREATMENT.—In accordance  
285 with the student's individualized health plan, a school shall  
286 permit the student to attend to the management and care of his  
287 or her diabetes, which may include:

288 (a) Performing blood glucose level checks;

289 (b) Administering insulin through the insulin-delivery  
290 system that the student uses;

2-01636-09

20092024\_\_

291       (c) Treating hypoglycemia and hyperglycemia;  
292       (d) Possessing on the student's person at any time any  
293 supplies or equipment necessary to monitor and care for the  
294 student's diabetes; and  
295       (e) Otherwise attending to the management and care of the  
296 student's diabetes in the classroom, in any area of the school  
297 or school grounds, or at any school-related activity.  
298       (9) IMMUNITY FROM DISCIPLINARY ACTION OR LIABILITY.-  
299       (a) A school employee may not be subject to any  
300 disciplinary proceeding resulting from an action taken in  
301 compliance with this section. The requirements of this section  
302 involve the employee's judgment and discretion and are not  
303 ministerial acts for purposes of immunity from liability.  
304       (b) A school nurse is not responsible for and may not be  
305 subject to disciplinary action for any actions taken in  
306 compliance with this section.  
307       Section 2. This act shall take effect July 1, 2009, and  
308 applies beginning in the 2010-2011 school year.