

1 A bill to be entitled
 2 An act relating to the care of public school students with
 3 diabetes; creating s. 1006.0627, F.S.; providing findings
 4 and definitions; requiring the Department of Education to
 5 develop guidelines for the training of school employees in
 6 the care of students with diabetes; requiring training to
 7 include specified instruction; requiring a school nurse or
 8 other health care professional to provide training;
 9 requiring the parent of a student with diabetes to submit
 10 to the school a diabetes medical management plan;
 11 providing required care by trained diabetes personnel;
 12 exempting activities from certain statutory and regulatory
 13 provisions; authorizing a student's independent monitoring
 14 and treatment; providing immunity from civil liability or
 15 disciplinary action; requiring district school boards to
 16 report information to the department; providing an
 17 effective date.

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

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 21 Section 1. Section 1006.0627, Florida Statutes, is created
 22 to read:

23 1006.0627 Care of students with diabetes.-
 24 (1) FINDINGS.-The Legislature finds that:
 25 (a) Diabetes is a serious, chronic disease that impairs
 26 the body's ability to use food as energy due to a deficiency of
 27 the hormone insulin and must be managed 24 hours a day in order
 28 to avoid the potentially life-threatening short-term

29 consequences of blood glucose levels that are either too high
30 (hyperglycemia) or too low (hypoglycemia) and to avoid or delay
31 the serious long-term complications of high blood glucose levels
32 which include blindness, amputation, heart disease, and kidney
33 failure.

34 (b) In order to manage the disease, a student with
35 diabetes must have access to the means to balance food,
36 medication, and physical activity levels while at school and at
37 school-related activities.

38 (c) Diabetes is a self-managed disease and many students
39 with diabetes are able to perform most of their own diabetes
40 care tasks, and such students should be permitted to do so in
41 the school setting.

42 (d) Some students with diabetes, because of age,
43 inexperience, or other factors, need help with some or all of
44 their diabetes care tasks, and all students with diabetes will
45 need help in the event of a diabetes emergency.

46 (e) The school nurse is the preferred person in the school
47 setting to provide or facilitate care for a student with
48 diabetes, and many schools in the state do not have a full-time
49 nurse or school nurse who is available on site at all times.

50 (f) Since diabetes management is needed at all times,
51 school employees who have completed training coordinated by a
52 school nurse and who provide care under the supervision of a
53 school nurse must be prepared to perform diabetes care tasks at
54 school and all school-related activities when a school nurse is
55 unavailable in order that students with diabetes be medically

56 safe and have the same access as other students to educational
 57 opportunities.

58 (2) DEFINITIONS.—For purposes of this section, the term:

59 (a) "Diabetes medical management plan" means a document
 60 developed by a student's personal health care team that sets out
 61 the health services needed by the student at school and is
 62 signed by the student's personal health care team and parent.

63 (b) "School employee" means a person or subcontractor
 64 employed by a district school board or a person employed by a
 65 local health department who is assigned to a public school.

66 (c) "Trained diabetes personnel" means a school employee
 67 who voluntarily is trained in accordance with subsection (3).
 68 Such employee need not be a health care professional.

69 (3) TRAINING OF DESIGNATED SCHOOL EMPLOYEES.—

70 (a) The Department of Education, in cooperation with the
 71 Department of Health, the American Diabetes Association, the
 72 American Association of Diabetes Educators, and the Florida
 73 Association of School Nurses, shall develop guidelines for the
 74 training of school employees in the care of students with
 75 diabetes.

76 (b) District school boards shall annually provide training
 77 that is commensurate with a school employee's role in the care
 78 of students with diabetes. Training shall include instruction in
 79 all of the following:

80 1. Recognizing and treating hyperglycemia and
 81 hypoglycemia.

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82 2. Understanding the appropriate actions to take when
83 blood glucose levels are outside of the target ranges indicated
84 by a student's diabetes medical management plan.

85 3. Understanding prescriber instructions concerning
86 diabetes medication drug dosage, frequency, and manner of
87 administration.

88 4. Performing of fingerstick blood glucose checks and
89 ketone checks and recording the results.

90 5. Administering insulin and glucagon, an injectable to
91 immediately raise blood glucose levels for severe hypoglycemia,
92 and recording doses administered.

93 6. Understanding how to perform basic insulin pump
94 functions.

95 7. Recognizing complications that require emergency
96 assistance.

97 8. Understanding recommended schedules and food intake for
98 meals and snacks, the effect of physical activity upon blood
99 glucose levels, and actions to be implemented in the case of
100 schedule disruption.

101 9. Understanding and operating continuous glucose
102 monitors.

103 (c) The training shall be coordinated by a school nurse
104 and provided by a school nurse or other health care professional
105 with expertise in diabetes. Such training shall take place prior
106 to the commencement of each school year or as needed when a
107 student with diabetes is newly enrolled at a school or a student
108 is newly diagnosed with diabetes. The school nurse shall provide
109 followup training and supervision.

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110 (d) Each district school board shall ensure that the
111 training is provided to a minimum of three school employees at
112 each school attended by a student with diabetes.

113 (e) The school nurse or other qualified health care
114 professional shall provide training in the recognition of
115 hyperglycemia and hypoglycemia and actions to take in response
116 to emergency situations to all bus drivers responsible for the
117 transportation of a student with diabetes.

118 (f) School employees shall not be subject to any penalty
119 or disciplinary action for refusing to serve as trained diabetes
120 personnel.

121 (g) The training guidelines shall be fully developed by
122 July 1, 2010, for purposes of training school employees for the
123 2010-2011 school year and thereafter.

124 (4) DIABETES MEDICAL MANAGEMENT PLAN.—The parent of a
125 student with diabetes who seeks diabetes care while at school
126 must submit to the school a diabetes medical management plan
127 which, upon receipt, shall be reviewed and implemented by the
128 school.

129 (5) REQUIRED CARE.—

130 (a) In accordance with the submission of a student's
131 diabetes medical management plan, a school nurse or, in the
132 absence of a school nurse, trained diabetes personnel shall
133 perform functions, including, but not limited to: responding to
134 blood glucose levels that are outside of a student's target
135 range; administering glucagon; administering insulin or
136 assisting a student in administering insulin through the insulin
137 delivery system the student uses; providing oral diabetes

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138 medication; checking and recording blood glucose levels and
139 ketone levels or assisting a student with such checking and
140 recording; and following instructions regarding meals, snacks,
141 and physical activity.

142 (b) A school nurse or at least one of the trained diabetes
143 personnel shall be on site and available to provide care to each
144 student with diabetes as set forth in paragraph (a) during
145 regular school hours, school-sponsored before-school and after-
146 school programs, fields trips, and extracurricular activities
147 and on buses when the bus driver has not completed the necessary
148 training.

149 (c) A district school board may not restrict the
150 assignment of a student with diabetes to a particular school
151 based on the fact that the student has diabetes, that the school
152 does not have a full-time school nurse, or that the school does
153 not have trained diabetes personnel.

154 (d) The activities under paragraph (a) shall not
155 constitute the practice of nursing and shall be exempted from
156 all applicable statutory and regulatory provisions that restrict
157 the activities that may be delegated to or performed by a person
158 who is not a licensed health care professional.

159 (6) INDEPENDENT MONITORING AND TREATMENT.—Upon written
160 request of the parent and authorization by a student's diabetes
161 medical management plan, a student with diabetes may perform
162 blood glucose checks, administer insulin through the insulin
163 delivery system the student uses, treat hyperglycemia and
164 hypoglycemia, and otherwise attend to the care and management of
165 his or her diabetes in the classroom, in any area of the school

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166 or school grounds, and at any school-related activity and
167 possess on his or her person at all times all necessary supplies
168 and equipment to perform these monitoring and treatment
169 functions.

170 (7) IMMUNITY FROM CIVIL LIABILITY.—No physician, nurse,
171 school employee, or district school board shall be liable for
172 civil damages or be subject to disciplinary action under
173 professional health care licensing regulations or school
174 disciplinary policies as a result of the activities authorized
175 by this section when such acts are committed as an ordinarily
176 prudent person would have acted under the same or similar
177 circumstances.

178 (8) REPORTING.—Each district school board shall report to
179 the Department of Education annually, on or before August 15,
180 the schools whose enrollment includes students with diabetes and
181 provide information showing compliance with this section. These
182 reports shall be in compliance with the Family Educational
183 Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g.

184 Section 2. This act shall take effect upon becoming a law.