

By Senator Peaden

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1                                   A bill to be entitled  
2           An act relating to the treatment of students who have  
3           diabetes; providing definitions; requiring the  
4           Department of Health to develop guidelines, with the  
5           assistance of certain entities, for the training of  
6           diabetes personnel; providing criteria for the  
7           training; requiring the Department of Health to adopt  
8           the guidelines by a specified date; requiring each  
9           district school board and the governing body of each  
10          private and charter school to provide training to a  
11          minimum number of school employees; providing that a  
12          school employee is not subject to any penalty or  
13          disciplinary action for refusing to serve as a member  
14          of the trained diabetes personnel; requiring a school  
15          nurse to coordinate the training; requiring the school  
16          nurse or another health care professional to provide  
17          the training; requiring the school nurse to provide  
18          followup training and supervision; requiring the  
19          school nurse or another qualified health care  
20          professional to provide bus drivers with training in  
21          the recognition of hypoglycemia and hyperglycemia and  
22          actions to take in response to an emergency situation;  
23          requiring the parent or legal guardian of a student  
24          who has diabetes to submit a copy of the student's  
25          diabetes medical management plan to the school;  
26          requiring a school nurse or trained diabetes personnel  
27          to perform certain functions regarding a student's  
28          care of his or her diabetes; requiring a school nurse  
29          or one member of the trained personnel to be on site

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30 and available to provide care to students who have  
31 diabetes during regular school hours and at school-  
32 sponsored programs and activities; prohibiting a  
33 school district from restricting the assignment of a  
34 student who has diabetes to a particular school;  
35 providing that a member of the trained diabetes  
36 personnel is not engaging in the practice of nursing  
37 and is exempt from state law or rule restricting the  
38 activities of a person who is not a health care  
39 professional; requiring a school to allow a student  
40 who has diabetes to manage and care for his or her  
41 diabetes; providing civil immunity from disciplinary  
42 action or liability for a school employee, nurse,  
43 physician, or school district for activities  
44 authorized under the act; requiring each district  
45 school board and the governing body of each charter  
46 and private school to report to the Department of  
47 Education by a specified date regarding their  
48 compliance to the act; providing an effective date.

49  
50 WHEREAS, diabetes is a serious, chronic disease that  
51 impairs the body's ability to use food as energy, and

52 WHEREAS, diabetes must be managed 24 hours a day in order  
53 to avoid the potentially life-threatening, short-term  
54 consequences of blood glucose levels that are too high,  
55 hyperglycemia, or too low, hypoglycemia, and to avoid or delay  
56 the serious, long-term complications of high blood glucose  
57 levels, which include blindness, amputation, heart disease, and  
58 kidney failure, and

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59 WHEREAS, in order to manage their disease, students who  
60 have diabetes must have access to the means to balance food,  
61 medications, and physical activity level while at school and at  
62 school-related activities, and

63 WHEREAS, diabetes is generally a self-managed disease and  
64 many diabetic students are able to perform most of their own  
65 diabetes-care tasks, and these students should be permitted to  
66 do so in the school setting, and

67 WHEREAS, some students, because of age, inexperience, or  
68 other factors need help with some or all of diabetes care tasks  
69 and all diabetic students will need help if a diabetes emergency  
70 occurs, and

71 WHEREAS, the school nurse is the preferred person in the  
72 school setting to provide or facilitate care for a student who  
73 has diabetes, but many schools in Florida do not have a full-  
74 time nurse or a school nurse may not always be available on  
75 site, and

76 WHEREAS, because diabetes management is needed at all  
77 times, additional school personnel who have completed training  
78 coordinated by the school nurse and who provide care under the  
79 supervision of the school nurse need to be prepared to perform  
80 diabetes-care tasks at school and all school-related activities  
81 when a school nurse is not available in order for students who  
82 have diabetes to be medically safe and to have the same access  
83 to educational opportunities as do all students in Florida, NOW,  
84 THEREFORE,

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

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

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

90           (a) "Diabetes medical management plan" means a document  
91 developed by the student's personal health care professional  
92 which sets out the health services needed by the student at  
93 school and is signed by the student's personal health care  
94 professional and parent or legal guardian.

95           (b) "Glucagon" means a hormone that immediately raises  
96 blood glucose levels for severe hypoglycemia.

97           (c) "School" means any primary or secondary public school,  
98 charter school, or private school located within the state.

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

100           1. A school;

101           2. A local health department that assists a school under  
102 this section; or

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

105           (e) "Trained diabetes personnel" means a group of school  
106 employees who volunteer and have successfully completed the  
107 training required under subsection (3). Such employee need not  
108 be a health care professional.

109           (2) TRAINING OF DESIGNATED SCHOOL EMPLOYEES.—

110           (a) The Department of Health shall develop guidelines, with  
111 the assistance of the following entities, for the training of  
112 school employees in the care needed for students who have  
113 diabetes:

114           1. The Department of Education;

115           2. The American Diabetes Association;

116           3. The American Association of Diabetes Educators; and

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117 4. The Florida Association of School Nurses.

118 (b) Training shall be provided annually commensurate with  
119 the school employee's role in the student's care. Training  
120 guidelines shall include instruction in:

121 1. Recognizing and treating hypoglycemia and hyperglycemia.

122 2. Understanding the appropriate actions to take when blood  
123 glucose levels are outside of the target ranges indicated by  
124 student's diabetes medical management plan.

125 3. Understanding the instructions from the student's  
126 personal health care professional concerning drug dosage,  
127 frequency, and the manner of administration of the student's  
128 medication for his or her treatment of diabetes.

129 4. Performing finger sticks to check blood-glucose levels,  
130 checking urine ketone levels, and recording the results of those  
131 checks.

132 5. Administrating glucagon and insulin and the recording of  
133 doses used.

134 6. Understanding how to perform basic insulin pump  
135 functions.

136 7. Recognizing complications that require emergency  
137 assistance.

138 8. Understanding the recommended schedules and food intake  
139 for meals and snacks, the effect of physical activity upon  
140 blood-glucose levels, and the proper actions to be taken if a  
141 student's schedule is disrupted.

142 9. Understanding and operating continuous glucose monitors.

143 (c) The Department of Health shall adopt by rule the  
144 guidelines outlined in this subsection by August 1, 2010.

145 (d) Each district school board and the governing body of

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146 each private school and charter school shall ensure that the  
147 training outlined in this subsection is provided to a minimum of  
148 three school employees at each school attended by a student who  
149 has diabetes.

150 (e) A school employee may not be subject to any penalty or  
151 disciplinary action for refusing to serve as a member of the  
152 trained diabetes personnel.

153 (f) The training outlined in this subsection shall be  
154 coordinated by a school nurse and provided by the school nurse  
155 or another health care professional having expertise in the care  
156 of persons who have diabetes. Such training shall take place  
157 before the commencement of each school year, or as needed when a  
158 student who has diabetes is newly enrolled at a school or a  
159 student is newly diagnosed as having diabetes. The school nurse  
160 shall provide followup training and supervision.

161 (g) The school nurse or another qualified health care  
162 professional shall provide each bus driver who is responsible  
163 for the transportation of a student who has training in the  
164 recognition of hypoglycemia and hyperglycemia and actions to  
165 take in response to emergency situations.

166 (3) DIABETES MEDICAL MANAGEMENT PLAN.—The parent or legal  
167 guardian of a diabetic student who seeks diabetes care while at  
168 school should submit to the school a diabetes medical management  
169 plan that, upon receipt, shall be reviewed and implemented by  
170 the school.

171 (4) REQUIRED CARE.—

172 (a) In accordance with the request of a parent or legal  
173 guardian of a student who has diabetes and the student's  
174 diabetes medical management plan, the school nurse or, in the

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175 absence of the school nurse, trained diabetes personnel shall  
176 perform functions, including, but not limited to, responding to  
177 blood-glucose levels that are outside the student's target  
178 range; administering glucagon; administering insulin or  
179 assisting a student in administering insulin through the  
180 student's insulin delivery system; providing oral diabetes  
181 medications; checking and recording blood glucose levels and  
182 ketone levels or assisting a student with such checking and  
183 recording; and following instructions regarding meals, snacks,  
184 and physical activity.

185 (b) The school nurse or at least one member of the trained  
186 diabetes personnel must be on site and available to provide care  
187 to each student who has diabetes as set forth in this subsection  
188 during regular school hours, school-sponsored care programs,  
189 field trips, and extracurricular activities and on buses when  
190 the bus driver has not completed the necessary training.

191 (c) A school district may not restrict the assignment of a  
192 student who has diabetes to a particular school on the basis  
193 that the student has diabetes, that the school does not have a  
194 full-time school nurse, or that the school does not have trained  
195 diabetes personnel.

196 (d) The activities set forth in this subsection do not  
197 constitute the practice of nursing and are exempt from any  
198 applicable state law or rule that restricts what activities may  
199 be delegated to or performed by a person who is not a licensed  
200 health care professional.

201 (5) INDEPENDENT MONITORING AND TREATMENT.—Upon written  
202 request of the parent or legal guardian and authorization by the  
203 student's diabetes medical management plan, a school shall

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204 permit a student to attend to the management and care of his or  
205 her diabetes, which may include:

206 (a) Performing blood-glucose level checks;

207 (b) Administering insulin through the insulin-delivery  
208 system that the student uses;

209 (c) Treating hypoglycemia and hyperglycemia;

210 (d) Possessing on the student's person at any time any  
211 supplies or equipment necessary to monitor and care for the  
212 student's diabetes; and

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

216 (6) IMMUNITY FROM CIVIL LIABILITY.—A physician, nurse,  
217 school employee, or school district is not liable for civil  
218 damages or subject to disciplinary action under professional  
219 licensing rules or school disciplinary policies as a result of  
220 the activities authorized by this section when such acts are  
221 committed as an ordinarily reasonably prudent person would have  
222 acted under the same or similar circumstances.

223 (7) REPORTING REQUIRMENT.—Each district school board and  
224 the governing body of each charter school and private school  
225 shall annually report to the Department of Education, by August  
226 15, 2011, and each August 15 thereafter, on whether students who  
227 have diabetes are enrolled in the school and provide information  
228 showing compliance with this section. The report must comply  
229 with the federal Family Education Rights and Privacy Act, 20  
230 U.S.C. s. 1232g.

231 Section 2. This act shall take effect July 1, 2010.