

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 675

97TH GENERAL ASSEMBLY

1485L.03T

2013

AN ACT

To amend chapters 161 and 167, RSMo, by adding thereto ten new sections relating to the management of diabetes in elementary and secondary schools.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 161 and 167, RSMo, are amended by adding thereto ten new sections, to be known as sections 161.450, 167.800, 167.803, 167.806, 167.809, 167.812, 167.818, 167.821, 167.824, and 1, to read as follows:

161.450. 1. This section shall be known as “Cade’s Law”.

2. The department of elementary and secondary education shall develop and adopt rules relating to a physical fitness challenge for elementary, middle, and high school level students. The challenge shall include, but not be limited to, elements that address physical conditioning, flexibility, strength, and aerobic capacity and shall recognize individual, team, and school-wide performance.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

167.800. For purposes of sections 167.800 to 167.824, the following terms shall
2 mean:

3 (1) "Department", the department of elementary and secondary education;

4 (2) "Diabetes medical management plan", a document developed by the student's
5 personal health care team that sets out the health services needed by the student at school
6 and is signed by the student's personal health care team and parent or guardian;

7 (3) "District" or "school district", shall have the same meaning as used in
8 subdivision (1) of section 160.011;

9 (4) "School", shall include any elementary or secondary public school or charter
10 school located within the state of Missouri;

11 (5) "School employee", shall include any person employed by a school district or
12 charter school, any person employed by a local health department who is assigned to a
13 school district or charter school, or any subcontractor designated for this function;

14 (6) "Trained diabetes care personnel", a school employee who volunteers to be
15 trained in accordance with section 167.803. Such employee need not be a health care
16 professional.

167.803. 1. By January 15, 2014, the department of elementary and secondary
2 education shall develop guidelines for the training of school employees in the care needed
3 for students with diabetes. These training guidelines shall be developed in consultation
4 with: the department of health and senior services, the American Diabetes Association,
5 American Association of Diabetes Educators, School Nurses Association, Diabetes Control
6 Program, and the state board of nursing. The school board of each school district and the
7 governing body of each charter school may adopt and implement the training guidelines
8 and annual diabetes training programs for all school nurses and diabetes care personnel.
9 The training guidelines developed by the department shall address, but not be limited to,
10 the following:

11 (1) Recognition and treatment of hypoglycemia and hyperglycemia;

12 (2) Understanding the appropriate actions to take when blood glucose levels are
13 outside of the target ranges indicated by a student's diabetes medical management plan;

14 (3) Understanding physician instructions concerning diabetes medication drug
15 dosage, frequency, and the manner of administration;

16 (4) Performance of finger-stick blood glucose checking, ketone checking, and
17 recording the results;

18 (5) The administration of glucagon and insulin and the recording of results;

19 (6) Understanding how to perform basic insulin pump functions;

20 (7) Recognizing complications that require emergency assistance; and

21 **(8) Understanding recommended schedules and food intake for meals and snacks,**
22 **the effect of physical activity upon blood glucose levels, and actions to be implemented in**
23 **the case of schedule disruption.**

24 **2. If the school board of a school district or the governing body of a charter school**
25 **adopts and implements the training guidelines developed by the department, it shall insure**
26 **that the training outlined in subsection 1 of this section is provided to a minimum of three**
27 **school employees at each school attended by a student with diabetes. If at any time fewer**
28 **than three school employees are available to be trained at such a school, the principal or**
29 **other school administrator shall distribute to all staff members a written notice seeking**
30 **volunteers to serve as diabetes care personnel. The notice shall inform staff of the**
31 **following:**

32 **(1) The school shall provide diabetes care to one or more students with diabetes and**
33 **is seeking personnel willing to be trained to provide that care;**

34 **(2) The tasks to be performed;**

35 **(3) Participation is voluntary and the school district or school shall take no action**
36 **against any staff member who does not volunteer to be designated;**

37 **(4) Training shall be provided to employees who volunteer to provide care;**

38 **(5) Trained personnel are protected from liability under section 167.821; and**

39 **(6) The identity and contact information of the individual who should be contacted**
40 **to volunteer.**

41 **3. School employees shall not be subject to any penalty or disciplinary action for**
42 **refusing to serve as trained diabetes care personnel nor shall a school or school district**
43 **discourage employees from volunteering for training.**

44 **4. If a charter school or school district adopts and implements the training**
45 **guidelines outlined in subsection 1 of this section, it shall be coordinated by a school nurse,**
46 **if the school district or charter school has a school nurse, and provided by a school nurse**
47 **or another health care professional with expertise in diabetes. Such training shall take**
48 **place prior to the commencement of each school year, or as needed when a student with**
49 **diabetes is newly enrolled at a school or a student is newly diagnosed with diabetes, but in**
50 **no event more than thirty days following such enrollment or diagnosis. The school nurse**
51 **or another health care professional with expertise in diabetes shall promptly provide**
52 **follow-up training and supervision as needed. Coordination, delegation, and supervision**
53 **of care shall be performed by a school nurse or other qualified health care professional.**

54 **5. Each school district and charter school may provide training in the recognition**
55 **of hypoglycemia and hyperglycemia and actions to take in response to emergency**
56 **situations to all school personnel who have primary responsibility for supervising a child**

57 with diabetes during some portion of the school day and to bus drivers responsible for the
58 transportation of a student with diabetes.

167.806. The parent or guardian of each student with diabetes who seeks diabetes
2 care while at school should submit to the school a diabetes medical management plan,
3 which upon receipt shall be reviewed by the school.

167.809. 1. The school board of each school district and the governing body of each
2 charter school may provide all students with diabetes in the school or district appropriate
3 and needed diabetes care as specified in their diabetes medical management plan. In
4 accordance with the request of the parent or guardian of a student with diabetes and the
5 student's diabetes medical management plan, the school nurse or, in the absence of the
6 school nurse, trained diabetes care personnel, may perform diabetes care functions
7 including, but not limited to:

- 8 (1) Checking and recording blood glucose levels and ketone levels or assisting a
9 student with such checking and recording;
- 10 (2) Responding to blood glucose levels that are outside of the student's target range;
- 11 (3) Administering glucagon and other emergency treatments as prescribed;
- 12 (4) Administering insulin or assisting a student in administering insulin through
13 the insulin delivery system the student uses;
- 14 (5) Providing oral diabetes medications; and
- 15 (6) Following instructions regarding meals, snacks, and physical activity.

16 2. The school nurse or at least one of the trained diabetes care personnel may be
17 on site and available to provide care to each student with diabetes as set forth in subsection
18 1 of this section during regular school hours and during all school sponsored activities,
19 including school-sponsored before school and after school care programs, field trips,
20 extended off-site excursions, extracurricular activities, and on buses when the bus driver
21 has not completed the necessary training.

167.812. 1. Notwithstanding any provision of law to the contrary, the activities set
2 forth in subsection 1 of section 167.809 shall not constitute the practice of nursing and shall
3 be exempted from all applicable statutory and regulatory provisions that restrict what
4 activities can be delegated to or performed by a person who is not a licensed health care
5 professional.

6 2. Notwithstanding any provision of law to the contrary, it shall be lawful for a
7 licensed health care professional to provide training to school employees in the activities
8 set forth in subsection 1 of section 167.809 or to supervise such school personnel in
9 performing these tasks.

10 **3. Nothing in this act shall exceed the rights of eligible students or the obligations**
11 **of school districts under the Individuals with Disabilities Education Act, 20 U.S.C. Section**
12 **1400 *et seq.*, Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794, or the Americans**
13 **with Disabilities Act, 42 U.S.C. Section 12101 *et seq.***

167.818. Upon written request of the parent or guardian and authorization by the
2 **student's diabetes medical management plan, a student with diabetes shall be permitted**
3 **to perform blood glucose checks, administer insulin through the insulin delivery system the**
4 **student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and**
5 **management of his or her diabetes in the classroom, in any area of the school or school**
6 **grounds, and at any school-related activity, and to possess on his or her person at all times**
7 **all necessary supplies and equipment to perform these monitoring and treatment functions.**
8 **If the parent or student so requests, the student shall have access to a private area for**
9 **performing diabetes care tasks.**

167.821. No physician, nurse, school employee, charter school or school district
2 **shall 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 authorized**
4 **by sections 167.800 to 167.824 when such acts are committed as an ordinarily reasonably**
5 **prudent person would have acted under the same or similar circumstances.**

167.824. 1. By January 15, 2014, the department of elementary and secondary
2 **education shall promulgate rules and regulations to implement the provisions of sections**
3 **167.800 to 167.824.**

4 **2. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
5 **created under the authority delegated in this section shall become effective only if it**
6 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
7 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
8 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**
9 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
10 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
11 **shall be invalid and void.**

Section 1. The Missouri state training center for the D.A.R.E. program shall
2 **develop the curriculum and certification requirements for school resource officers. At a**
3 **minimum, school resource officers must complete forty hours of basic school resource**

- 4 **officer training to include legal operations within an educational environment, intruder**
- 5 **training and planning, juvenile law, and any other relevant topics relating to the job and**
- 6 **functions of a school resource officer.**

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