

HCS HB 675 -- Management of Diabetes in Public Schools

SPONSOR: Grisamore

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Elementary and Secondary Education by a vote of 20 to 0.

This substitute requires, by January 15, 2014, the Department of Elementary and Secondary Education to develop guidelines to train employees of public schools, including charter schools, in the care needed for students with diabetes. The adoption of the guidelines by a school district or charter school is optional. The guidelines must be developed in consultation with the Department of Health and Senior Services, the State Board of Nursing within the Department of Insurance, Financial Institutions and Professional Registration, and other specified organizations with a school health or diabetes focus. The substitute specifies the topics to be covered by the guidelines.

A school board that adopts and implements the guidelines must ensure that a minimum of three school employees receive the training at each school attended by a student with diabetes. If three employees are not available for the training, the principal or school administrator must distribute a written notice to all staff members seeking volunteers to serve as diabetes care personnel. The information that must be included in the notice is specified in the substitute. School employees cannot be subject to any penalty or disciplinary action for refusing to serve as trained diabetes care personnel nor can a school or school district discourage employees from volunteering. The training must be coordinated by a school nurse if the school has a nurse and provided by a school nurse or another health care professional with expertise in diabetes prior to the commencement of each school year or as needed when a student with diabetes is newly enrolled at a school or when a student is newly diagnosed with diabetes, but in no event more than 30 days following the enrollment or diagnosis. Care must be coordinated, delegated, and supervised by the school nurse or other qualified health care professional. Each school district and charter school may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations to all school personnel who have primary responsibility for supervising a student with diabetes, including bus drivers.

The parent or guardian of each student with diabetes who seeks diabetes care while at school may submit a diabetes medical management plan to the school. In accordance with the request of the parent or guardian and the management plan, the school nurse or trained diabetes care personnel may perform the care, including

specified before and after school and off-site activities.

These activities cannot constitute the practice of nursing and cannot be exempted from all applicable statutory and regulatory provisions that restrict what activities can be delegated to or performed by a person who is not a licensed health care professional. It must be lawful for a licensed health care professional to provide training to school employees in these activities or to supervise school personnel in performing these tasks. These provisions cannot exceed the rights that a student has under specified federal law protecting persons with disabilities.

If a parent requests in writing and the student's diabetes medical management plan authorizes it, a student may perform his or her own glucose checks, administer insulin, and otherwise attend to his or her own care. If the parent or student asks, access to a private area for these tasks must be provided.

No physician, nurse, school employee, charter school, or school district can be civilly liable or subject to professional license disciplinary action as a result of any activities authorized by the substitute when the acts are committed as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.

PROPOSERS: Supporters say that 34 states have laws like this. The bill has two key components: student self-management and voluntary school personnel to help students.

Testifying for the bill were Representative Grisamore; Veronica DeLaGarza, American Diabetes Association; Amy G. Johnson; Mary R. Lawrence; Missouri Diabetes Association; Cooperating School Districts of Greater Kansas City; and Missouri National Education Association.

OPPOSERS: There was no opposition voiced to the committee.