

House File 2219 - Introduced

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A BILL FOR

1 An Act requiring diabetes management care in public and
2 nonpublic schools and providing remedies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.30 Diabetes care.

2 1. *Definitions.* For purposes of this section:

3 a. "*Diabetes medical management plan*" means a document
4 developed by a student's personal health care team that sets
5 out the health services needed by the student at school and
6 that is signed by the student's personal health care team and
7 parent or guardian.

8 b. "*School employee*" means a person employed by a public
9 or nonpublic school, any person employed by a local health
10 department who is assigned to a public or nonpublic school, or
11 a subcontractor designated for this function.

12 c. "*Trained diabetes personnel*" means a school employee who
13 volunteers to be trained in accordance with subsection 2. Such
14 an employee need not be a health care professional.

15 2. *Training of designated school employees.*

16 a. The department of education, in coordination with
17 the department of public health and the American diabetes
18 association, shall by January 1, 2013, develop guidelines
19 for the training of school employees in the care needed for
20 students with diabetes. Training shall be provided annually
21 and training guidelines shall include instruction in all of the
22 following:

23 (1) Recognition and treatment of hypoglycemia and
24 hyperglycemia.

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

28 (3) Understanding physician instructions concerning
29 diabetes medication dosage, frequency, and manner of
30 administration.

31 (4) Performance of finger-stick blood glucose checking,
32 ketone checking, and recording the results.

33 (5) The administration of glucagon and insulin and the
34 recording of results.

35 (6) Understanding how to perform basic insulin pump

1 functions.

2 (7) Recognizing complications that require emergency
3 assistance.

4 (8) Recommended schedules and food intake for meals and
5 snacks, the effect of physical activity upon blood glucose
6 levels, and actions to be implemented in the case of schedule
7 disruption.

8 *b.* The board of directors of a public school district and
9 the authorities in charge of a nonpublic school shall ensure
10 that the training outlined in paragraph "a" is provided to a
11 minimum of three school employees at a school attended by a
12 student with diabetes. The principal or school administrator
13 at such a school shall distribute written notice to recruit
14 employees to volunteer to be trained.

15 *c.* The board of directors of a public school district and
16 the authorities in charge of a nonpublic school shall not
17 subject a school employee to any penalty or disciplinary action
18 for refusing to serve as trained diabetes personnel or prohibit
19 or restrict a school employee from volunteering for training.

20 *d.* The training outlined in paragraph "a" shall be
21 coordinated by a school nurse and provided by a school nurse
22 or other health care professional with expertise in diabetes.
23 Such training shall take place prior to the commencement
24 of each school year, or as needed when a student is newly
25 diagnosed with diabetes or a student with diabetes is newly
26 enrolled at a school but in no event more than 30 days
27 following such diagnosis or enrollment. A school nurse or
28 other health care professional with expertise in diabetes shall
29 promptly provide follow-up training and supervision as needed.

30 *e.* A public and nonpublic school shall provide training
31 in the recognition of hypoglycemia and hyperglycemia and
32 actions to take in response to emergency situations related
33 to such conditions to all school personnel who have primary
34 responsibility for supervising a child with diabetes during
35 some portion of the school day and to all bus drivers

1 responsible for the transportation of a student with diabetes.

2 3. *Diabetes medical management plan.* The parent or guardian
3 of each student who seeks diabetes care while at school shall
4 submit to the student's school a diabetes medical management
5 plan. The student's school shall review and implement the
6 diabetes medical management plan upon receipt.

7 4. *Required care.*

8 a. In accordance with the request of a parent or guardian
9 of a student with diabetes and the student's diabetes medical
10 management plan, a school nurse, or, in the absence of a school
11 nurse, trained diabetes personnel shall perform functions
12 including but not limited to responding to blood glucose levels
13 that are outside of the student's target range; administering
14 glucagon; administering insulin or assisting a student in
15 administering insulin through the insulin delivery system the
16 student uses; providing oral diabetes medications; checking and
17 recording blood glucose levels and ketone levels or assisting
18 a student with such checking and recording; and following
19 instructions regarding meals, snacks, and physical activity.

20 b. A school nurse or at least one trained diabetes personnel
21 shall be on site and available to provide care to each student
22 with diabetes as set forth in paragraph "a" during regular
23 school hours, school-sponsored before school and after school
24 care programs, and on buses when the bus driver has not
25 completed the necessary training pursuant to subsection 2,
26 paragraph "e".

27 c. A public and nonpublic school where a student with
28 diabetes is enrolled shall maintain trained diabetes personnel.
29 A student's school choice shall not be restricted because the
30 student has diabetes.

31 d. The activities set forth in paragraph "a" shall not
32 constitute the practice of nursing and shall be exempt from all
33 applicable statutes or rules that restrict what activities can
34 be delegated by a nurse or performed by a person who is not a
35 licensed health care professional.

1 5. *Independent monitoring and treatment.* A student with
2 diabetes, upon written request of the student's parent or
3 guardian and as authorized by the student's diabetes medical
4 management plan, shall be permitted to perform blood glucose
5 checks, administer insulin through the insulin delivery system
6 the student uses, treat hypoglycemia and hyperglycemia, and
7 otherwise attend to the care and management of the student's
8 diabetes in the classroom and in any area of the school or
9 school grounds, and to possess on the student's person at all
10 times all necessary supplies and equipment to perform these
11 monitoring and treatment functions.

12 6. *Immunity from civil liability.* A physician, nurse,
13 school employee, school district, or nonpublic school shall not
14 be liable for civil damages or subject to disciplinary action
15 under professional licensing standards or school disciplinary
16 policies as a result of activities authorized by this section
17 when such acts are committed as an ordinarily prudent person in
18 a like position would have acted under similar circumstances.

19 7. *Enforcement and recourse.*

20 a. The board of directors of a public school district
21 and the authorities in charge of a nonpublic school shall
22 report to the department of education annually by September
23 15 the number of students with diabetes enrolled and shall
24 provide documentation showing compliance with this section and
25 guidelines developed in accordance with this section.

26 b. A parent or guardian of a student with diabetes may file
27 a complaint with the department of education or a civil action
28 for injunctive relief against a school district or nonpublic
29 school that fails to meet the requirements of this section.
30 The court shall award a parent or guardian who is a prevailing
31 party in such a civil action the reasonable costs of suit,
32 including but not limited to reasonable attorney fees. This
33 right of action shall not alter or limit the remedies available
34 under any other state or federal law. An individual school
35 employee shall not be liable under this paragraph.

1 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance
2 with section 25B.2, subsection 3, the state cost of requiring
3 compliance with any state mandate included in this Act shall
4 be paid by a school district from state school foundation aid
5 received by the school district under section 257.16. This
6 specification of the payment of the state cost shall be deemed
7 to meet all of the state funding-related requirements of
8 section 25B.2, subsection 3, and no additional state funding
9 shall be necessary for the full implementation of this Act
10 by and enforcement of this Act against all affected school
11 districts.

12 EXPLANATION

13 This bill directs the department of education, in
14 coordination with the department of public health and the
15 American diabetes association, to develop guidelines by January
16 1, 2013, for the training of school employees in the care
17 needed for students with diabetes. The bill provides that
18 training shall be provided annually and training guidelines
19 shall include instruction in a variety of functions necessary
20 for the monitoring and treatment of diabetes.

21 The bill directs the board of directors of a public
22 school district and the authorities in charge of a nonpublic
23 school to ensure that the required training is provided to a
24 minimum of three school employees at each school attended by
25 a student with diabetes. A school employee who has received
26 such training is defined as a "trained diabetes personnel".
27 The principal or school administrator at such a school must
28 distribute written notice to recruit employees to volunteer to
29 be trained. The bill provides that the board of directors of
30 a public school district and the authorities in charge of a
31 nonpublic school cannot penalize an employee for refusing to
32 volunteer or restrict an employee from volunteering. The bill
33 provides that the training shall be coordinated by a school
34 nurse and provided by a school nurse or other health care
35 professional with expertise in diabetes. The training shall

1 take place prior to the commencement of each school year, or
2 as needed when a student is newly diagnosed with diabetes or
3 a student with diabetes is newly enrolled at a school, but
4 not more than 30 days after such diagnosis or enrollment. A
5 school nurse or other health care professional with expertise
6 in diabetes is to promptly provide follow-up training and
7 supervision as needed. The bill also provides that a public
8 and nonpublic school must provide training in the recognition
9 of hypoglycemia and hyperglycemia and actions to take in
10 response to emergency situations related to such conditions
11 to all school personnel who have primary responsibility for
12 supervising a child with diabetes during some portion of
13 the school day and to all bus drivers responsible for the
14 transportation of a student with diabetes.

15 The bill requires the parent or guardian of a student who
16 seeks diabetes care while at school to submit to the student's
17 school a diabetes medical management plan. The student's
18 school is required to review and implement the diabetes medical
19 management plan upon receipt. A "diabetes medical management
20 plan" means a document developed by a student's personal health
21 care team that sets out the health services needed by the
22 student at school and that is signed by the student's personal
23 health care team and parent or guardian.

24 The bill provides that in accordance with the request of a
25 parent or guardian of a student with diabetes and the student's
26 diabetes medical management plan, a school nurse, or, in the
27 absence of a school nurse, trained diabetes personnel shall
28 perform various functions necessary for the monitoring and
29 treatment of diabetes. The bill provides that a school nurse
30 or at least one trained diabetes personnel shall be on site and
31 available to provide care to each student with diabetes during
32 regular school hours, school-sponsored before school and after
33 school care programs, and on buses when the bus driver has not
34 completed the necessary training. The bill requires a public
35 and nonpublic school where a student with diabetes is enrolled

1 to maintain trained diabetes personnel. The bill provides
2 that a student's school choice shall not be restricted because
3 the student has diabetes. The bill provides that activities
4 involving diabetes care as set forth in the bill shall not
5 constitute the practice of nursing and shall be exempt from all
6 applicable statutes or rules that restrict what activities can
7 be delegated by a nurse or performed by a person who is not a
8 licensed health care professional.

9 The bill provides that upon written request of the student's
10 parent or guardian and as authorized by the student's diabetes
11 medical management plan, a student with diabetes shall be
12 permitted to perform various functions necessary for care and
13 management of the student's diabetes in the classroom and in
14 any area of the school or school grounds, and to possess at
15 all times all necessary supplies and equipment to perform such
16 functions.

17 The bill provides that a physician, nurse, school employee,
18 school district, or nonpublic school shall not be liable
19 for civil damages or subject to disciplinary action under
20 professional licensing standards or school disciplinary
21 policies as a result of activities authorized by the bill when
22 such acts are committed as an ordinarily prudent person in a
23 like position would have acted under similar circumstances.

24 The bill provides that the board of directors of a public
25 school district and the authorities in charge of a nonpublic
26 school shall report to the department of education annually by
27 September 15 the number of students with diabetes enrolled and
28 shall provide documentation showing compliance with the bill
29 and guidelines developed in accordance with the bill.

30 The bill authorizes a parent or guardian of a student
31 with diabetes to file a complaint with the department of
32 education or a civil action for injunctive relief against a
33 school district or nonpublic school that fails to meet the
34 requirements of the bill. The bill provides that the court
35 shall award a parent or guardian who is a prevailing party in

1 such a civil action the reasonable costs of suit, including but
2 not limited to reasonable attorney fees. The bill provides
3 that such right of action shall not alter or limit the remedies
4 available under any other state or federal law. The bill
5 provides that an individual school employee shall not be liable
6 under such right of action.

7 The bill may include a state mandate as defined in Code
8 section 25B.3. The bill requires that the state cost of
9 any state mandate included in the bill be paid by a school
10 district from state school foundation aid received by the
11 school district under Code section 257.16. The specification
12 is deemed to constitute state compliance with any state mandate
13 funding-related requirements of Code section 25B.2. The
14 inclusion of this specification is intended to reinstate the
15 requirement of political subdivisions to comply with any state
16 mandates included in the bill.