
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1385 Session of
2015

INTRODUCED BY BROWNE, SCARNATI, MENSCH, FOLMER, LEACH, ARGALL,
SCAVELLO, RAFFERTY, FONTANA, BARTOLOTTA, MCGARRIGLE, STEFANO,
BLAKE, SABATINA, TARTAGLIONE, WHITE, AUMENT, EICHELBERGER AND
WAGNER, OCTOBER 17, 2016

REFERRED TO EDUCATION, OCTOBER 17, 2016

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school health services, further
6 providing for definitions and providing for education of
7 school employees in diabetes care and management, for
8 diabetes care in schools, for possession and use of diabetes
9 medication and monitoring equipment, for liability, for
10 coordinating, supervising or educating not considered
11 delegation and for diabetes care in nonpublic schools.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1401 of the act of March 10, 1949
15 (P.L.30, No.14), known as the Public School Code of 1949, is
16 amended by adding clauses to read:

17 Section 1401. Definitions.--As used in this article--

18 * * *

19 (13) "Diabetes medical management plan" means a document
20 describing the medical orders or diabetes regimen developed and
21 signed by the student's health care practitioner and parent or

1 guardian.

2 (14) "Diabetes medication" means glucagon and insulin.

3 (15) "Service agreement" means a student's section 504
4 service agreement pursuant to section 504 of the Rehabilitation
5 Act of 1973 (Public Law 93-112, 29 U.S.C. § 794), 22 Pa. Code
6 Chs. 14 (relating to special education services and programs)
7 and 15 (relating to protected handicapped students) and the
8 Individuals with Disabilities Education Act (Public Law 91-230,
9 20 U.S.C. § 1400 et seq.).

10 (16) "Health care practitioner" means the term as defined
11 under section 103 of the act of July 19, 1979 (P.L.130, No.48),
12 known as the Health Care Facilities Act.

13 (17) "IEP" means a written statement for each child with a
14 disability that is developed, reviewed or revised in a meeting
15 in accordance with the Individuals with Disabilities Education
16 Act.

17 Section 2. The act is amended by adding sections to read:

18 Section 1414.3. Education of School Employes in Diabetes
19 Care and Management.--(a) Within one hundred twenty (120) days
20 of the effective date of this section, the Department of Health,
21 in coordination with the Department of Education, shall
22 establish educational modules and guidelines for the instruction
23 of school employes in diabetes care and treatment and make the
24 modules and guidelines available on its publicly accessible
25 Internet website. The educational modules shall include
26 instruction in a school entity's obligations under 22 Pa. Code §
27 12.41 (relating to student services) and its responsibilities to
28 comply with section 504 of the Rehabilitation Act of 1973
29 (Public Law 93-112, 29 U.S.C. § 794), 22 Pa. Code Chs. 14
30 (relating to special education services and programs) and 15

1 (relating to protected handicapped students) and the Individuals
2 with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §
3 1400 et seq.). At a minimum, the educational modules shall
4 include review of the responsibilities and instruction in:

5 (1) An overview of all types of diabetes.

6 (2) Means of monitoring blood glucose.

7 (3) The symptoms and treatment for blood glucose levels
8 outside of target ranges as well as symptoms and treatment for
9 hypoglycemia, hyperglycemia and other potential emergencies.

10 (4) Techniques on administering glucagon and insulin.

11 (b) The school nurse, in consultation with the chief school
12 administrator or a designee, may identify at least one school
13 employe who is not the school nurse and who does not need to be
14 a licensed health care practitioner in each school building
15 attended by a student with diabetes. If the school building
16 attended by a student with diabetes does not have a full-time
17 school nurse, the chief school administrator may, but is not
18 required to, consult with the school nurse assigned to that
19 school building to identify at least one school employe in the
20 school building. An identified employe shall complete the annual
21 educational modules outlined in subsection (a) or annual
22 education offered by a licensed health care practitioner with
23 expertise in the care and treatment of diabetes that includes
24 substantially the same information as outlined in subsection
25 (a). An employe responsible for a child with diabetes in the
26 absence of the school nurse shall have the right to decline the
27 responsibility and related directives.

28 (c) A school employe who is not a licensed health care
29 practitioner and who has successfully completed the education
30 modules under subsection (a) or annual education offered by a

1 licensed health care practitioner with expertise in the care and
2 treatment of diabetes that includes substantially the same
3 information as outlined in subsection (a) may be designated in a
4 student's service agreement or IEP to administer diabetes
5 medications, use monitoring equipment and provide other diabetes
6 care. A school entity may require the designated employe who has
7 not declined the assignment, to complete the annual educational
8 modules or annual education from a licensed health care
9 practitioner, or both, in the administration of diabetes
10 medications, use of monitoring equipment and provision of other
11 diabetes care. Education provided to school employes shall be
12 coordinated by the chief school administrator or a designee.
13 School entities may include the education in the professional
14 education plan submitted by the school entity to the Department
15 of Education under section 1205.1.

16 (d) Notwithstanding any other statute or regulation
17 restricting the functions that may be performed by persons other
18 than licensed health care practitioners, school employes who
19 have completed the education requirements under this section may
20 perform diabetes care and treatment for students. School
21 employes who are not licensed health care practitioners shall
22 only be authorized to administer diabetes medications via
23 injection or infusion following annual education by a licensed
24 health care practitioner with expertise in the care and
25 treatment of diabetes, and following the school entity's receipt
26 of written authorization from both the student's health care
27 practitioner and parent or guardian that an educated school
28 employe, who is not a licensed health care practitioner, may
29 administer specified medications.

30 (e) For purposes of this section, "school entity" means a

1 school district, intermediate unit, area vocational-technical
2 school, charter school or cyber charter school.

3 Section 1414.4. Diabetes Care in Schools.--(a) A parent or
4 guardian of a student with diabetes who desires that the student
5 receive diabetes-related care and treatment in a school setting
6 shall provide the school entity with written authorization for
7 the care and instructions from the student's health care
8 practitioner, consistent with the school entity's policies
9 regarding the provision of school health services. The required
10 authorizations may be submitted as part of a diabetes medical
11 management plan.

12 (b) All diabetes-related care provided to students shall be
13 consistent with the school health program established by the
14 governing body of the school entity and any accommodations
15 outlined in a student's service agreement.

16 (c) A student's service agreement may require a school
17 entity to provide the driver of a school bus or school vehicle,
18 who provides transportation to a student with diabetes, with an
19 information sheet that:

20 (1) Identifies the student with diabetes.

21 (2) Identifies potential emergencies that may occur as a
22 result of the student's diabetes and the appropriate responses
23 to such emergencies.

24 (3) Provides the telephone number of a contact person in
25 case of an emergency involving the student with diabetes.

26 (d) For purposes of this section:

27 "School bus" means a school bus as defined in 75 Pa.C.S. §
28 102 (relating to definitions).

29 "School entity" means a school district, intermediate unit,
30 area vocational-technical school, charter school or cyber

1 charter school.

2 "School vehicle" means a school vehicle as defined in 75
3 Pa.C.S. § 102.

4 Section 1414.5. Possession and Use of Diabetes Medication
5 and Monitoring Equipment.--(a) A school entity shall require
6 the parent or guardian of a student with diabetes who requests
7 that the student possess and self-administer diabetes medication
8 and operate monitoring equipment in a school setting to provide
9 the following:

10 (1) A written statement from the student's health care
11 practitioner that provides the name of the drug, the dose, the
12 times when the medication is to be taken or the monitoring
13 equipment to be used, the specified time period for which the
14 medication or monitoring equipment is authorized to be used and
15 the diagnosis or reason the medicine or monitoring equipment is
16 needed. The student's health care practitioner shall indicate
17 the potential of any serious reaction to the medication that may
18 occur, as well as any necessary emergency response. The
19 student's health care practitioner shall state whether the
20 student is competent to self-administer the medication or
21 monitoring equipment and whether the student is able to practice
22 proper safety precautions for the handling and disposal of the
23 medication and monitoring equipment.

24 (2) A written request from the parent or guardian that the
25 school entity comply with the instructions of the student's
26 health care practitioner. The parent's request shall include a
27 statement relieving the school entity or any school employe of
28 any responsibility for the prescribed medication or monitoring
29 equipment and acknowledging that the school entity bears no
30 responsibility for ensuring that the medication is taken by the

1 student and the monitoring equipment is used.

2 (3) A written acknowledgment by the school nurse that the
3 student has demonstrated that the student is capable of self-
4 administration of the medication and use of the monitoring
5 equipment.

6 (4) A written acknowledgment by the student that the student
7 has received instruction from the student's health care
8 practitioner on proper safety precautions for the handling and
9 disposal of the medications and monitoring equipment. The
10 written acknowledgment shall also contain a provision stating
11 that the student will not allow other students to have access to
12 the medication and monitoring equipment and that the student
13 understands appropriate safeguards.

14 (b) A school entity may revoke or restrict a student's
15 privileges to possess and self-administer diabetes medication
16 and operate monitoring equipment due to noncompliance with
17 school rules and provisions of a student's service agreement,
18 IEP or due to demonstrated unwillingness or inability of the
19 student to safeguard the medication and monitoring equipment
20 from access by other students.

21 (c) A school entity that prohibits a student from possessing
22 and self-administering diabetes medication and operating
23 monitoring equipment pursuant to subsection (b) shall ensure
24 that the diabetes medication or monitoring equipment is
25 appropriately stored in a readily accessible place in the school
26 building attended by the student. The school entity shall notify
27 the school nurse and other identified school employes regarding
28 the location of the diabetes medication and monitoring equipment
29 and means to access them.

30 (d) For purposes of this section, "school entity" means a

1 school district, intermediate unit, area vocational-technical
2 school, charter school or cyber charter school.

3 Section 1414.6. Liability.--Nothing in sections 1414.3,
4 1414.4 or 1414.5 shall be construed to create, establish or
5 expand any civil liability on the part of any school entity or
6 school employe.

7 Section 1414.7. Coordinating, Supervising or Educating Not
8 Considered Delegation.--(a) Notwithstanding any other law to
9 the contrary, coordinating or supervising the provision of
10 diabetes care by school employes authorized in sections 1414.3
11 and 1414.4 and providing education in accordance with section
12 1414.3 shall not be construed as a delegation by a licensed
13 health care practitioner.

14 (b) A licensed health care practitioner who, acting in
15 compliance with sections 1414.3 and 1414.4, coordinates or
16 supervises care for a student or provides education to a school
17 employe shall not be subject to any criminal or civil liability
18 or any professional disciplinary action for the same.

19 (c) Notwithstanding any other provision of law, a school
20 employe who is designated to provide diabetes medications to a
21 student shall not be considered to be engaging in health-related
22 activities which are reserved exclusively for licensed
23 professionals.

24 Section 1414.8. Diabetes Care in Nonpublic Schools.--(a) A
25 nonpublic school may comply with the education of school
26 employes and provision of diabetes-related care to a student
27 with diabetes required under sections 1414.3, 1414.4 and 1414.5.
28 A written education plan that outlines the aids and related
29 services required to meet the academic needs of the student with
30 diabetes may take the place of a service agreement for a student

1 with diabetes attending a nonpublic school unless a service
2 agreement is otherwise required under law or regulation.

3 (b) Nothing in section 1414.3, 1414.4, 1414.5, 1414.6 or
4 this section shall be construed to do any of the following:

5 (1) Create, establish or expand any obligations on the part
6 of any nonpublic school to comply with section 504 of the
7 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794).

8 (2) Create, establish, result in or expand any contractual
9 obligations on the part of any nonpublic school.

10 (c) No nonpublic school employe or nonpublic school shall be
11 liable for civil damages as a result of the activities
12 authorized by sections 1414.3, 1414.4 and 1414.5, except that an
13 employe may be liable for willful misconduct.

14 Section 3. This act shall take effect in 60 days.