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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 42

Session of  
2003

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INTRODUCED BY ORIE, KUKOVICH, KITCHEN, TARTAGLIONE, COSTA,  
WOZNIAK, LEMMOND, RHOADES AND O'PAKE, JANUARY 24, 2003

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REFERRED TO EDUCATION, JANUARY 24, 2003

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AN ACT

1 Providing for diabetes training of designated school employees;  
2 requiring diabetes health care plans for students with  
3 diabetes; and providing for required care and for independent  
4 monitoring and treatment.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Students with  
9 Diabetes Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Diabetes care provider." A school employee trained in  
15 accordance with section 3.

16 "School." A primary or secondary public or private school  
17 located in this Commonwealth.

18 "School employee." A person employed by a public school

1 district or private school, a person employed by a local health  
2 department who is assigned to a public or private school or a  
3 subcontractor designated for this function, regardless of  
4 whether the employee is a medical professional.

5 Section 3. Training of designated school employees.

6 (a) Guidelines to be developed.--The State Board of Nursing,  
7 working in cooperation with the Department of Health, Department  
8 of Education, American Diabetes Association and American  
9 Association of Diabetes Educators, shall develop guidelines for  
10 the training of school employees in the care needed for students  
11 with diabetes. Training guidelines shall include instruction in:

12 (1) The administration of glucagon and insulin and the  
13 recording of results.

14 (2) Understanding physician instructions concerning drug  
15 dosage, frequency and the manner of administration.

16 (3) Recognition and treatment of hypoglycemia and  
17 hyperglycemia.

18 (4) Recommended schedules and food intake for meals and  
19 snacks, the effect of exercise upon blood glucose levels and  
20 actions to be implemented in the case of schedule disruption.

21 (5) Performance of finger-stick blood glucose testing,  
22 ketone testing and recording of results therefrom.

23 (6) Understanding the appropriate actions to take when  
24 blood glucose levels are outside the target ranges indicated  
25 by a physician's order for or health care plan of a student.

26 (7) Understanding that individual accommodations must be  
27 made for a student with diabetes to be medically safe at  
28 school and have the same access to educational opportunities  
29 as available to other students.

30 (b) Duties of schools.--

1           (1) Each school district or private school shall provide  
2           the training outlined in subsection (a) to a minimum of three  
3           school employees at each school attended by a student with  
4           diabetes.

5           (2) Each school district and private school shall  
6           provide training in the recognition and treatment of  
7           hypoglycemia and hyperglycemia to all bus drivers responsible  
8           for the transportation of a student with diabetes when a  
9           diabetes care provider is not present.

10          (3) The training outlined in subsection (a) shall be  
11          provided by a health care professional with expertise in  
12          diabetes. Such training shall take place prior to the  
13          commencement of each school year at every school attended by  
14          one or more students with diabetes or as needed when a  
15          student with diabetes is newly enrolled at a school or a  
16          student is newly diagnosed with diabetes.

17 Section 4. Diabetes health care plan.

18          Each student with diabetes who seeks diabetes care while at  
19          school shall submit to the school a diabetes health care plan  
20          developed by the student's family and personal health care team  
21          that sets out the health services needed by the students and is  
22          signed by the student's health care team. This plan should be  
23          submitted and reviewed by the school prior to the beginning of  
24          each school year or upon the enrollment of a student with  
25          diabetes or the diagnosis of a student with diabetes. When  
26          developing or updating a diabetes health care plan or at the  
27          time of the student's participation, the student's family shall  
28          notify the school of the student's participation in school-  
29          sponsored before-school and after-school care programs, field  
30          trips or extracurricular activities.

1 Section 5. Required care.

2 (a) General duties.--In accordance with the student's  
3 diabetes health care plan, diabetes care providers shall be able  
4 to perform functions, including, but not limited to:

5 (1) Responding to blood glucose levels that are outside  
6 of the student's target range.

7 (2) Administering glucagon.

8 (3) Administering insulin or assisting a student in  
9 administering insulin through the insulin delivery system the  
10 student uses.

11 (4) Performing and recording blood glucose testing and  
12 ketone testing or assisting a student with such testing.

13 (5) Following instructions regarding meals, snacks and  
14 physical education.

15 Students with diabetes shall have the right of access to  
16 diabetes supplies and equipment at all times while at school.

17 (b) Periods when duties are to be performed.--A diabetes  
18 care provider shall be onsite and available to provide care to  
19 each student with diabetes as set forth in subsection (a) during  
20 regular school hours, school-sponsored before-school and after-  
21 school care programs, field trips and extracurricular activities  
22 and on buses when the bus driver has not completed the necessary  
23 training.

24 (c) School choice.--A diabetes care provider shall be  
25 provided at each school where a student with diabetes is  
26 enrolled and a student's school choice shall in no way be  
27 restricted because the student has diabetes.

28 (d) Construction.--The activities set forth in subsection  
29 (a) shall not be construed to constitute the practice of nursing  
30 and shall be exempted from all applicable statutory and/or

1 regulatory provisions that restrict what activities can be  
2 delegated to a person who is not a licensed medical  
3 professional.

4 Section 6. Independent monitoring and treatment.

5       Upon written request of the parent or guardian and  
6 authorization by the student's health care team in the diabetes  
7 health care plan, a student with diabetes shall be permitted to  
8 perform blood glucose tests, administer insulin through the  
9 insulin delivery system the student uses, treat hypoglycemia and  
10 hyperglycemia and otherwise attend to the care and management of  
11 the student's diabetes in the classroom, in any area of the  
12 school or school grounds and at any school-related activity and  
13 to possess on his person at all time all necessary supplies and  
14 equipment to perform these monitoring and treatment functions.

15 Section 7. Effective date.

16       This act shall take effect in 60 days.