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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1128 Session of  
2006

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INTRODUCED BY ORIE, RAFFERTY, PILEGGI, KITCHEN, FONTANA, STACK,  
PUNT, O'PAKE, RHOADES, COSTA AND WASHINGTON, MARCH 17, 2006

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REFERRED TO EDUCATION, MARCH 17, 2006

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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," further providing for school health  
6 services.

7 The General Assembly finds and declares as follows:

8 (1) Diabetes is a serious, chronic disease that impairs  
9 the body's ability to use food. Diabetes must be managed 24  
10 hours a day in order to avoid the potentially life-  
11 threatening, short-term consequences of blood sugar levels  
12 that are either too high or too low, and to avoid or delay  
13 the serious long-term complications of high blood sugar  
14 levels which include blindness, amputation, heart disease and  
15 kidney failure. In order to manage their disease, students  
16 with diabetes must have access to the means to balance food,  
17 medications and physical activity level while at school and  
18 at school-related activities.

19 (2) The school nurse is the most appropriate person in  
20 the school setting to provide care for a student with

1 diabetes. Many schools in Pennsylvania, however, do not have  
2 a full-time nurse. Moreover, even when a nurse is assigned to  
3 a school full time, he or she will not always be available  
4 during the school day, during extracurricular activities or  
5 on field trips. Because diabetes management is needed at all  
6 times, additional school personnel need to be prepared to  
7 provide diabetes care at school and all school-related  
8 activities in order for students with diabetes to be  
9 medically safe and to have the same access to educational  
10 opportunities as do all students in Pennsylvania.

11 (3) There is a significant number of students with  
12 diabetes, the effects of which may impact a student's ability  
13 to learn and cause serious long-term and short-term medical  
14 complications.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
18 as the Public School Code of 1949, is amended by adding sections  
19 to read:

20 Section 1414.2. Training of School Employes in Diabetes Care  
21 and Treatment.--(a) Within ninety days (90) of the effective  
22 date of this act, the Department of Education, in cooperation  
23 from at least the Department of Health, the American Diabetes  
24 Association and the American Association of Diabetes Educators,  
25 shall develop and make available to schools guidelines for the  
26 training of school employes in diabetes care and treatment. At  
27 the minimum, the training guidelines shall include instruction  
28 in:

29 (1) recognition and treatment of hypoglycemia and  
30 hyperglycemia;

1       (2) understanding the appropriate actions to take when blood  
2 glucose levels are outside of target ranges;

3       (3) understanding physician instructions concerning diabetes  
4 medication drug dosage, frequency and the manner of  
5 administration;

6       (4) performance of finger-stick blood glucose checking,  
7 ketone checking and recording the results;

8       (5) the administration of glucagon and insulin and the  
9 recording of results; and

10       (6) recommended schedules and food intake for meals and  
11 snacks, the effect of physical activity upon blood glucose  
12 levels and actions to be implemented in the case of schedule  
13 disruption.

14       (b) The governing board of each school entity shall direct  
15 the school nurse or school physician to select at least three

16 (3) school employees from each school in which a diabetic student  
17 is enrolled to receive the training as described in subsection  
18 (a) and determine by whom the training is to be provided. School  
19 employees may not be subject to any penalty or disciplinary  
20 action for refusing to serve as trained diabetes personnel.

21 Training required under this section may be provided by a local  
22 health agency, subcontractor, school nurse, school physician or  
23 any other person skilled in providing diabetes care and  
24 treatment training required under this section.

25       (c) Training shall take place prior to the commencement of  
26 each school year or as needed when a diabetic student is newly  
27 enrolled or a student is newly diagnosed with diabetes.

28       (d) For the purposes of this section, "school" means any  
29 elementary or secondary public charter or nonpublic school,  
30 intermediate unit or area vocational-technical school. "School

entity" means any school district, intermediate unit, area vocational-technical school, charter school or nonpublic school located in this Commonwealth.

Section 1414.3. Diabetes Medical Management Plan.--(a) At the beginning of each school year, upon enrollment or diagnosis, a diabetic student who seeks diabetes care in school shall submit to the school nurse or school physician a diabetes medical management plan, which outlines the health services needed by the student while at school. This plan shall be developed by the student's parent or guardian along with the student's physician, certified registered nurse practitioner or physician assistant and include, at the minimum, written authorization allowing:

(1) trained diabetes personnel to perform diabetes care and treatment upon the child, including, but not limited to, responding to blood glucose levels that are outside of the student's target range; administering glucagon; administering insulin or assisting a student in administering insulin through the insulin delivery system the student uses; providing oral diabetes medications, checking and recording blood glucose levels and ketone levels or assisting a student with such checking and recording; and following instructions regarding meals, snacks and physical activity; and

(2) the child to conduct independent monitoring and treatment in school, if the parent or guardian so requests. If this request is made, the physician, certified registered nurse practitioner or physician assistant shall provide a written statement in the plan indicating the student has successfully demonstrated capability of independent monitoring and responsible behavior in self-administering treatment or

1 prescribed medication.

2 (b) Notwithstanding any authorization granted pursuant to  
3 subsection (a)(1), a school nurse shall be the primary provider  
4 of diabetes care and treatment and responsible for any  
5 delegation of care.

6 (c) Any diabetic student unable to or prevented from  
7 submitting a diabetes medical management plan to his or her  
8 school nurse or school physician shall not be precluded from  
9 receiving school nurse services, including the care and  
10 treatment of diabetes.

11 (d) For purposes of this section, "trained diabetes  
12 personnel" means a school employe, other than a school nurse or  
13 school physician, or a nonhealth care professional trained in  
14 accordance with section 1414.2. Functions performed by these  
15 professionals shall not constitute the practice of nursing and  
16 shall be exempted from all applicable statutory and/or  
17 regulatory provisions that restrict what functions can be  
18 performed by a person who is not a licensed health care  
19 professional.

20 Section 1414.4. Independent Monitoring and Treatment.--The  
21 governing board of each school entity shall develop a written  
22 policy allowing diabetic students to possess on their person at  
23 all times all necessary supplies, equipment and prescribed  
24 medication to perform self-monitoring and treatment. The policy  
25 may revoke or restrict a student's independent monitoring and  
26 treatment privileges if school policies are abused or ignored.

27 Section 1414.5. Required Care.--(a) At least one trained  
28 diabetes personnel shall be on site and available to provide  
29 treatment and care to diabetic students during regular school  
30 hours and at all school-sponsored activities, including, but not

1 limited to, extracurricular activities and field trips, where a  
2 student with diabetes is a direct participant. No student shall  
3 be required to attend another school solely because she or he  
4 has diabetes.

5 (b) The governing board of each school entity shall develop  
6 a written policy that requires the distribution of information  
7 to school bus drivers that identifies diabetic students, the  
8 potential emergencies that may occur as a result of the  
9 student's diabetes and the appropriate responses to such  
10 emergencies and emergency contact information for students with  
11 diabetes.

12 Section 1414.6. Immunity from Civil Liability.--No  
13 physician, nurse, school employe, trained diabetes personnel or  
14 school entity shall be liable for civil damages as a result of  
15 the activities authorized by this legislation when such acts are  
16 performed as an ordinary reasonably prudent person would have  
17 acted under the same or similar circumstances.

18 Section 2. This act shall take effect as follows:

19 (1) Section 1414.5 of the act shall take effect in 150  
20 days.

21 (2) The remainder of this act shall take effect  
22 immediately.