

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1625 Session of  
2015

INTRODUCED BY BAKER, MURT, BISHOP, MILLARD, DAVIS, WARD, WATSON,  
PHILLIPS-HILL, D. COSTA, WHEELAND, DRISCOLL, O'BRIEN, ROZZI,  
ROEBUCK, McNEILL, THOMAS, YOUNGBLOOD, SAYLOR, A. HARRIS,  
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LAWRENCE, SCHEMEL, QUIGLEY, EVERETT, TOOHL, MACKENZIE,  
DAWKINS, BRIGGS, PETRI, HARHART AND CRUZ, OCTOBER 15, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
DECEMBER 16, 2015

## 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

1 describing the medical orders or diabetes regimen developed and  
2 signed by the student's health care practitioner and parent or  
3 guardian.

4 (14) "Service agreement" means a student's section 504  
5 service agreement pursuant to section 504 of the Rehabilitation  
6 Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and, 22 Pa. <--  
7 Code Ch. CHS. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND <--  
8 PROGRAMS) AND 15 (relating to protected handicapped students)  
9 AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC LAW <--  
10 91-230, 20 U.S.C. § 1400 ET SEQ.).

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

14 (16) "IEP" MEANS A WRITTEN STATEMENT FOR EACH CHILD WITH A <--  
15 DISABILITY THAT IS DEVELOPED, REVIEWED OR REVISED IN A MEETING  
16 IN ACCORDANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION  
17 ACT.

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

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

1 14 (RELATING TO SPECIAL EDUCATION SERVICES AND PROGRAMS) AND 15  
2 (relating to protected handicapped students)- AND THE <--  
3 INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230,  
4 20 U.S.C. § 1400 ET SEQ.). At a minimum, the educational modules  
5 shall include REVIEW OF THE RESPONSIBILITIES AND instruction in: <--

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

7 (2) Means of monitoring blood glucose.

8 (3) The symptoms and treatment for blood glucose levels  
9 outside of target ranges as well as SYMPTOMS AND TREATMENT FOR <--  
10 hypoglycemia, hyperglycemia and other potential emergencies.

11 (4) Techniques on administering glucagon and insulin.

12 (b) The school nurse, in consultation with the chief school  
13 administrator or a designee, may identify at least one school  
14 employee who is not the school nurse and who does not need to be  
15 a licensed health care practitioner in each school building  
16 attended by a student with diabetes. If the school building  
17 attended by a student with diabetes does not have a full-time  
18 school nurse, the chief school administrator may, but is not  
19 required to, consult with the school nurse assigned to that  
20 school building to identify at least one school employee in the  
21 school building. An identified employee shall complete the annual  
22 educational modules outlined in subsection (a) or annual  
23 education offered by a licensed health care practitioner with  
24 expertise in the care AND TREATMENT of diabetes that includes <--  
25 substantially the same information as outlined in subsection  
26 (a). AN EMPLOYE RESPONSIBLE FOR A CHILD WITH DIABETES IN THE <--  
27 ABSENCE OF THE SCHOOL NURSE SHALL HAVE THE RIGHT TO DECLINE THE  
28 RESPONSIBILITY AND RELATED DIRECTIVES.

29 (c) A school employee who is not a licensed health care  
30 practitioner and who has successfully completed the education

1 modules under subsection (a) or annual education offered by a  
2 licensed health care practitioner with expertise in the care AND <--  
3 TREATMENT of diabetes that includes substantially the same  
4 information as outlined in subsection (a) may be designated in a  
5 student's service agreement OR IEP to administer diabetes <--  
6 medications, use monitoring equipment and provide other diabetes  
7 care. A school entity may require the designated employee WHO HAS <--  
8 NOT DECLINED THE ASSIGNMENT, to complete the annual educational  
9 modules or annual education from a licensed health care  
10 practitioner, or both, in the administration of diabetes  
11 medications, use of monitoring equipment and provision of other  
12 diabetes care. Education provided to school employees shall be  
13 coordinated by the chief school administrator or a designee.  
14 School entities may include the education in the professional  
15 education plan submitted by the school entity to the Department  
16 of Education under section 1205.1.

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

1 (e) For purposes of this section, "school entity" means a  
2 school district, intermediate unit, area vocational-technical  
3 school, charter school or cyber charter school.

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

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

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

21 (1) Identifies the student with diabetes.

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

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

27 (d) For purposes of this section:

28 "School bus" means a school bus as defined in 75 Pa.C.S. §  
29 102 (relating to definitions).

30 "School entity" means a school district, intermediate unit,

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

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

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

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

25 (2) A written request from the parent or guardian that the  
26 school entity comply with the ~~direction~~ INSTRUCTIONS of the <--  
27 student's health care practitioner. The parent's request shall  
28 include a statement relieving the school entity or any school  
29 employee of any responsibility for the prescribed medication or  
30 monitoring equipment and acknowledging that the school entity

bears no responsibility for ensuring that the medication is  
taken by the student and the monitoring equipment is used.

(3) A demonstration of competency by the student satisfying <--  
WRITTEN ACKNOWLEDGMENT BY the school nurse that the student HAS <--  
DEMONSTRATED THAT THE STUDENT is capable of self-administration  
of the medication and use of the monitoring equipment.

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

(b) A school entity may revoke or restrict a student's  
privileges to possess ~~or~~ AND self-administer diabetes medication <--  
and OPERATE monitoring equipment due to noncompliance with <--  
school rules and provisions of a student's service agreement, <--  
IEP or due to demonstrated unwillingness or inability of the  
student to safeguard the medication and monitoring equipment  
from access by other students.

(c) A school entity that ~~restricts~~ PROHIBITS a student from <--  
possessing and self-administering diabetes medication and  
OPERATING monitoring equipment pursuant to subsection (b) shall <--  
ensure that the diabetes medication or monitoring equipment is  
appropriately stored in a readily accessible place in the school  
building attended by the student. The school entity shall notify  
~~appropriate~~ THE SCHOOL NURSE AND OTHER IDENTIFIED school <--  
employees regarding the location of the diabetes medication and  
monitoring equipment and means to access them.

1 (d) For purposes of this section, ~~"school"~~ THE FOLLOWING  
2 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

3 "SCHOOL entity" means a school district, intermediate unit,  
4 area vocational-technical school, charter school or cyber  
5 charter school.

6 "DIABETES MEDICATION" MEANS GLUCAGON AND INSULIN.

7 Section 1414.6. Liability.--Nothing in sections 1414.3,  
8 1414.4 or 1414.5 shall be construed to create, establish or  
9 expand any civil liability on the part of any school entity or  
10 school employe.

11 Section 1414.7. Coordinating, Supervising or Educating Not  
12 Considered Delegation.--(a) Notwithstanding any other law to  
13 the contrary, coordinating or supervising the provision of  
14 diabetes care by school employes authorized in sections 1414.3  
15 and 1414.4 and providing education in accordance with section  
16 1414.3 shall not be construed as a delegation by a licensed  
17 health care practitioner.

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

23 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SCHOOL  
24 EMPLOYE WHO IS DESIGNATED TO PROVIDE DIABETES MEDICATIONS TO A  
25 STUDENT SHALL NOT BE CONSIDERED TO BE ENGAGING IN HEALTH-RELATED  
26 ACTIVITIES WHICH ARE RESERVED EXCLUSIVELY FOR LICENSED  
27 PROFESSIONALS.

28 Section 1414.8. Diabetes Care in Nonpublic Schools.--(a) A  
29 nonpublic school may comply with the education of school  
30 employes and provision of diabetes-related care to a student



1 with diabetes required under sections 1414.3, 1414.4 and 1414.5.  
2 A written education plan that outlines the aids and related  
3 services required to meet the academic needs of the student with  
4 diabetes may take the place of a service agreement for a student  
5 with diabetes attending a nonpublic school unless a service  
6 agreement is otherwise required under law or regulation.

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

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

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

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

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