

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2348 Session of
2006

INTRODUCED BY T. STEVENSON, THOMAS, BAKER, BEBKO-JONES,
BELFANTI, BLACKWELL, BOYD, CALTAGIRONE, CAPPELLI, COHEN,
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SIPTROTH, SOLOBAY, SURRA, E. Z. TAYLOR, WATERS, WOJNAROSKI,
YOUNGBLOOD, FRANKEL AND BEYER, JANUARY 18, 2006

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 18, 2006

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

1 at school-related activities.

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

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

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

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

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

1 in:

2 (1) recognition and treatment of hypoglycemia and

3 hyperglycemia;

4 (2) understanding the appropriate actions to take when blood

5 glucose levels are outside of target ranges;

6 (3) understanding physician instructions concerning diabetes

7 medication drug dosage, frequency and the manner of

8 administration;

9 (4) performance of finger-stick blood glucose checking,

10 ketone checking and recording the results;

11 (5) the administration of glucagon and insulin and the

12 recording of results; and

13 (6) recommended schedules and food intake for meals and

14 snacks, the effect of physical activity upon blood glucose

15 levels and actions to be implemented in the case of schedule

16 disruption.

17 (b) The governing board of each school entity shall direct

18 the school nurse or school physician to select at least three

19 (3) school employees from each school in which a diabetic student

20 is enrolled to receive the training as described in subsection

21 (a) and determine by whom the training is to be provided. School

22 employees may not be subject to any penalty or disciplinary

23 action for refusing to serve as trained diabetes personnel.

24 Training required under this section may be provided by a local

25 health agency, subcontractor, school nurse, school physician or

26 any other person skilled in providing diabetes care and

27 treatment training required under this section.

28 (c) Training shall take place prior to the commencement of

29 each school year or as needed when a diabetic student is newly

30 enrolled or a student is newly diagnosed with diabetes.

1 (d) For the purposes of this section, "school" means any
2 elementary or secondary public charter or nonpublic school,
3 intermediate unit or area vocational-technical school. "School
4 entity" means any school district, intermediate unit, area
5 vocational-technical school, charter school or nonpublic school
6 located in this Commonwealth.

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

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

27 (2) the child to conduct independent monitoring and
28 treatment in school, if the parent or guardian so requests. If
29 this request is made, the physician, certified registered nurse
30 practitioner or physician assistant shall provide a written

1 statement in the plan indicating the student has successfully
2 demonstrated capability of independent monitoring and
3 responsible behavior in self-administering treatment or
4 prescribed medication.

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

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

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

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

30 Section 1414.5. Required Care.--(a) At least one trained

1 diabetes personnel shall be on site and available to provide
2 treatment and care to diabetic students during regular school
3 hours and at all school-sponsored activities, including, but not
4 limited to, extracurricular activities and field trips, where a
5 student with diabetes is a direct participant. No student shall
6 be required to attend another school solely because she or he
7 has diabetes.

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

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

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

22 (1) Section 1414.5 of the act shall take effect in 150
23 days.

24 (2) The remainder of this act shall take effect
25 immediately.