

HB0771/325569/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 771

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Nonpublic”; in the same line, strike “Student Diabetes Management Program” and substitute “Administration of Diabetes Care Services - Guidelines”; strike beginning with “training” in line 5 down through “providers” in line 6 and substitute “administration of certain health care services to certain students with diabetes”; strike beginning with “requiring” in line 6 down through “schools” in line 25 and substitute “requiring the State Department of Education and the Department of Health and Mental Hygiene, in consultation with the Board of Nursing and certain stakeholders, to establish a certain plan; requiring the State Department of Education and the Department of Health and Mental Hygiene to make a certain report on or before a certain date; and generally relating to diabetic care services in public schools in the State”; and in line 28, strike “7-438 and 7-439” and substitute “7-426.4”.

AMENDMENT NO. 2

On pages 2 through 9, strike in their entirety the lines beginning with line 6 on page 2 through line 28 on page 9, inclusive and substitute:

“7-426.4.

(A) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE JOINTLY SHALL ESTABLISH GUIDELINES FOR PUBLIC SCHOOLS REGARDING THE ADMINISTRATION OF HEALTH CARE SERVICES TO STUDENTS WITH DIABETES.

(B) THE GUIDELINES SHALL INCLUDE:

(Over)

(1) PROCEDURES FOR TREATING AND ADMINISTERING MEDICATION TO CONTROL DIABETIC SYMPTOMS;

(2) PROCEDURES FOR MONITORING BLOOD GLUCOSE AND KETONE LEVELS;

(3) A DESCRIPTION OF PARENTAL OR CAREGIVER RESPONSIBILITIES IN RELATION TO THE CARE OF THEIR CHILD WITH DIABETES, INCLUDING:

(i) NOTIFYING A SCHOOL OF A CHILD'S DIABETES DIAGNOSIS;

(ii) PROVIDING APPROPRIATE MEDICATION, DELIVERY DEVICES, AND MEDICAL CONDITION INDICATION DEVICES, INCLUDING MEDIC ALERT BRACELETS OR NECKLACES;

(iii) PROVIDING PARENTAL CONSENT FOR THE ADMINISTRATION OF MEDICATIONS; AND

(iv) PROVIDING AN EMERGENCY CARD FOR MEDICAL EMERGENCIES WITH UP-TO-DATE CONTACT NAMES AND TELEPHONE NUMBERS;

(4) A DESCRIPTION OF SCHOOL RESPONSIBILITIES IN RELATION TO THE CARE OF A STUDENT WITH DIABETES, INCLUDING:

(i) INSTRUCTION BY THE SCHOOL NURSE FOR SCHOOL HEALTH SERVICES PERSONNEL, TEACHERS, COACHES, TRANSPORTATION

PERSONNEL, AND OTHER APPROPRIATE SCHOOL PERSONNEL, AS DETERMINED BY THE SCHOOL NURSE, INCLUDING INSTRUCTION ON:

1. RECOGNIZING THE SYMPTOMS OF HYPOGLYCEMIA AND HYPERGLYCEMIA AND THE APPROPRIATE ACTIONS TO TAKE TO CONTROL THE SYMPTOMS;

2. ADMINISTERING GLUCAGON IN AN EMERGENCY IN ACCORDANCE WITH HEALTH CARE PROVIDER ORDERS; AND

3. IMPLEMENTING A STUDENT'S MEDICAL PLAN AND A STUDENT'S 504 PLAN;

(II) PROVIDING AND DISTRIBUTING THE REQUIRED DOCUMENTS FOR NOTIFICATION, CONSENT FOR THE ADMINISTRATION OF MEDICATIONS, MEDICAL EMERGENCY CONTACT INFORMATION, AND ANY OTHER APPROPRIATE DOCUMENTS TO THE APPROPRIATE INDIVIDUALS OR ENTITIES; AND

(III) ENSURING THAT APPROPRIATE SCHOOL PERSONNEL ARE AVAILABLE TO ADMINISTER INSULIN DURING THE SCHOOL DAY AND DURING OTHER SCHOOL-SPONSORED EVENTS AND ACTIVITIES;

(5) A DESCRIPTION OF STUDENT RESPONSIBILITIES IN RELATION TO THE STUDENT'S DIABETES CARE THAT ARE AGE AND CLINICALLY APPROPRIATE;

(6) ESTABLISHING PROCEDURES FOR STUDENTS WHO HAVE BEEN DETERMINED BY THE SCHOOL NURSE TO BE CAPABLE OF AND RESPONSIBLE FOR

(Over)

SELF-MANAGEMENT OF THEIR DIABETES IN ACCORDANCE WITH HEALTH CARE PROVIDER ORDERS; AND

(7) ANY OTHER ISSUE THAT IS RELEVANT TO THE ADMINISTRATION OF HEALTH CARE SERVICES TO STUDENTS WITH DIABETES.

(C) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL:

(1) PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS TO:

(i) IMPLEMENT THE GUIDELINES ESTABLISHED UNDER THIS SECTION; AND

(ii) INSTRUCT SCHOOL PERSONNEL AT THE LOCAL LEVEL REGARDING THE GUIDELINES ESTABLISHED UNDER THIS SECTION; AND

(2) DEVELOP A PROCESS TO MONITOR THE IMPLEMENTATION OF THE GUIDELINES ESTABLISHED UNDER THIS SECTION.

(D) (1) AN INDIVIDUAL WHO HAS RECEIVED INSTRUCTION TO PROVIDE DIABETES CARE SERVICES TO STUDENTS IN ACCORDANCE WITH THE GUIDELINES ADOPTED UNDER THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF PROVIDING DIABETES CARE SERVICES TO A STUDENT IF:

(i) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE PROVIDING DIABETES CARE SERVICES TO A STUDENT WHO IS IN NEED OF

DIABETES CARE SERVICES OR TO A STUDENT WHO THE INDIVIDUAL BELIEVES IN GOOD FAITH TO BE IN NEED OF DIABETES CARE SERVICES;

(II) THE DIABETES CARE SERVICES ARE PROVIDED IN A REASONABLY PRUDENT MANNER; AND

(III) THE DIABETES CARE SERVICES ARE PROVIDED TO THE STUDENT WITHOUT FEE OR OTHER COMPENSATION.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED TO AFFECT, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF LAW TO WHICH AN INDIVIDUAL MAY BE ENTITLED.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education and the Department of Health and Mental Hygiene, in consultation with the Board of Nursing, local school systems, local health departments, and other interested stakeholders, shall establish a plan for all public school health services programs in the State to provide diabetes care services through implementation of policies and programs so students with diabetes can:

(1) remain safe in school;

(2) be supported for optimal academic achievement; and

(3) fully participate in all aspects of school programming, including after-school activities and other school-sponsored events.

(b) On or before December 1, 2016, the State Department of Education and the Department of Health and Mental Hygiene shall report to the Senate Education,

(Over)

**HB0771/325569/1 Committee on Ways and Means
Amendments to HB 771
Page 6 of 6**

Health, and Environmental Affairs Committee and the House Committee on Ways and Means on the implementation of the plan established under this section.”;

and in line 29, strike “2.” and substitute “3.”.