

# SENATE BILL 71

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SB 672/15 – EHE

(PRE-FILED)

6lr0399  
CF HB 771

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By: ~~Senator Young~~ **Senators Young and Nathan-Pulliam**

Requested: July 6, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public and Nonpublic Schools – Student Diabetes Management Program**

3 FOR the purpose of requiring the State Department of Education and the Department of  
4 Health and Mental Hygiene, in consultation with certain other organizations, to  
5 establish certain guidelines for the training of employees to become trained diabetes  
6 care providers; providing for the content of the guidelines; requiring each county  
7 board of education to require certain public schools to establish a certain Student  
8 Diabetes Management Program in the school; providing that certain nonpublic  
9 schools may establish a Student Diabetes Management Program in the school;  
10 providing that a nonpublic school may conduct or contract for a course for training  
11 of employees to become trained diabetes care providers that includes certain items;  
12 providing for the purpose and requirements of the Program; authorizing certain  
13 employees to volunteer for participation in a certain Program; prohibiting public and  
14 nonpublic schools from compelling certain employees to participate in a certain  
15 Program; requiring certain trained diabetes care providers in the Program to  
16 perform certain tasks; encouraging certain trained diabetes care providers in the  
17 Program to perform certain tasks; providing that certain services performed by  
18 certain trained diabetes care providers may not be construed as performing acts of  
19 nursing under certain circumstances; establishing immunity from liability for  
20 certain ~~employees~~ trained diabetes care providers under certain circumstances;  
21 requiring certain parents or guardians of a certain student to submit a Diabetes  
22 Medical Management Plan to the school under certain circumstances; encouraging  
23 certain parents or guardians of a certain student to submit a Diabetes Medical  
24 Management Plan to the school under certain circumstances; requiring a certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 meeting of certain individuals be held within a certain period of time; authorizing a  
2 certain student to perform certain diabetes care tasks under certain circumstances  
3 in accordance with a certain Plan; defining certain terms; and generally relating to  
4 a Student Diabetes Management Program and public and nonpublic schools.

5 BY adding to

6 Article – Education

7 Section 7–438 and 7–439

8 Annotated Code of Maryland

9 (2014 Replacement Volume and 2015 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
11 That the Laws of Maryland read as follows:

12 **Article – Education**

13 **7–438.**

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
15 INDICATED.

16 (2) “DIABETES MEDICAL MANAGEMENT PLAN” MEANS A PLAN  
17 DEVELOPED BY A STUDENT’S PHYSICIAN THAT DESCRIBES THE HEALTH CARE  
18 SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT’S  
19 DIABETES AT SCHOOL.

20 (3) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A  
21 LOCAL BOARD OF EDUCATION, INCLUDING PART-TIME EMPLOYEES, CERTIFIED AND  
22 NONCERTIFIED SUBSTITUTE TEACHERS EMPLOYED BY THE LOCAL BOARD OF  
23 EDUCATION FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, AND ADMINISTRATIVE  
24 STAFF.

25 (4) “PROGRAM” MEANS A STUDENT DIABETES MANAGEMENT  
26 PROGRAM.

27 (5) “TRAINED DIABETES CARE PROVIDER” MEANS AN EMPLOYEE  
28 TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF DIABETES AND THE  
29 ADMINISTRATION OF HEALTH CARE SERVICES NEEDED BY AN INDIVIDUAL WITH  
30 DIABETES.

31 (B) (1) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND  
32 MENTAL HYGIENE, IN CONSULTATION WITH THE AMERICAN ASSOCIATION OF  
33 DIABETES EDUCATORS, THE AMERICAN DIABETES ASSOCIATION, THE MARYLAND  
34 ASSOCIATION OF SCHOOL HEALTH NURSES, AND THE DIABETES CONTROL

1 PROGRAM JOINTLY SHALL ESTABLISH GUIDELINES FOR THE TRAINING OF  
2 EMPLOYEES TO BECOME TRAINED DIABETES CARE PROVIDERS.

3 (2) THE GUIDELINES SHALL INCLUDE INSTRUCTION ON:

4 (I) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND  
5 HYPERGLYCEMIA;

6 (II) APPROPRIATE ACTIONS TO TAKE WHEN BLOOD GLUCOSE  
7 LEVELS ARE OUTSIDE THE TARGET RANGES DETAILED IN THE STUDENT'S DIABETES  
8 MEDICAL MANAGEMENT PLAN;

9 (III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING  
10 DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF  
11 ADMINISTRATION;

12 (IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING,  
13 KETONE CHECKING, AND RESULTS RECORDATION;

14 (V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE  
15 USE OF CONTINUOUS GLUCOSE MONITORS; AND

16 (VI) ADMINISTERING GLUCAGON AND INSULIN IN ACCORDANCE  
17 WITH THE STUDENT'S DIABETES MANAGEMENT PLAN AND RESULTS RECORDATION.

18 (C) (1) EACH COUNTY BOARD SHALL REQUIRE THE PUBLIC SCHOOLS  
19 WITHIN THE JURISDICTION OF THE COUNTY BOARD TO ESTABLISH A STUDENT  
20 DIABETES MANAGEMENT PROGRAM IN THE SCHOOL.

21 (2) THE PURPOSE OF THE PROGRAM IS TO HAVE EMPLOYEE  
22 VOLUNTEERS AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO STUDENTS  
23 WITH DIABETES IN ACCORDANCE WITH THE STUDENT'S DIABETES MEDICAL  
24 MANAGEMENT PLAN DURING SCHOOL HOURS AND, WHEN POSSIBLE, AT  
25 SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS AND  
26 EXTRACURRICULAR ACTIVITIES.

27 (D) (1) THE PROGRAM SHALL:

28 (I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING  
29 TRAINED TO BECOME TRAINED DIABETES CARE PROVIDERS;

30 (II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO  
31 BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A

1 SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A  
2 DIABETES MEDICAL MANAGEMENT PLAN;

3 (III) DESIGNATE LOCATIONS WITHIN THE SCHOOL WHERE A  
4 STUDENT MAY PRIVATELY PERFORM DIABETES CARE TASKS;

5 (IV) REQUIRE THE SCHOOL NURSE OR A TRAINED DIABETES  
6 CARE PROVIDER TO BE ON-SITE AND AVAILABLE TO PROVIDE DIABETES CARE  
7 SERVICES TO A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN DURING  
8 SCHOOL HOURS AND, WHEN POSSIBLE, AT SCHOOL-SPONSORED ACTIVITIES,  
9 INCLUDING FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES;

10 (V) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN  
11 SCHOOL ADMINISTRATORS AND THE FACULTY, SCHOOL NURSE, TRAINED DIABETES  
12 CARE PROVIDERS, PARENTS OR GUARDIANS OF STUDENTS WITH A DIABETES  
13 MEDICAL MANAGEMENT PLAN, AND STUDENTS WITH A DIABETES MEDICAL  
14 MANAGEMENT PLAN;

15 (VI) FACILITATE THE ACCESS OF AUTHORIZED SCHOOL  
16 PERSONNEL TO STUDENT DIABETES MEDICAL MANAGEMENT PLANS; AND

17 (VII) ESTABLISH PROCEDURES FOR DIABETES-RELATED  
18 EMERGENCIES.

19 (2) (I) ANY EMPLOYEE MAY VOLUNTEER TO PARTICIPATE IN THE  
20 PROGRAM AND BE TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER.

21 (II) A PUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE TO  
22 PARTICIPATE IN THE PROGRAM.

23 (3) A TRAINED DIABETES CARE PROVIDER WHO PARTICIPATES IN THE  
24 PROGRAM SHALL AGREE TO PERFORM DIABETES CARE TASKS FOR WHICH TRAINING  
25 HAS BEEN PROVIDED, INCLUDING:

26 (I) CHECKING AND RECORDING BLOOD GLUCOSE LEVELS AND  
27 KETONE LEVELS OR ASSISTING A STUDENT WITH THESE TASKS;

28 (II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY  
29 TREATMENTS AS PRESCRIBED;

30 (III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE  
31 ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THAT THE  
32 STUDENT USES; AND

1 (IV) PROVIDING ORAL DIABETES MEDICATIONS.

2 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
3 PROVISION OF DIABETES CARE SERVICES BY A TRAINED DIABETES CARE PROVIDER  
4 IN ACCORDANCE WITH THIS SECTION MAY NOT BE CONSTRUED AS PERFORMING  
5 ACTS OF PRACTICAL NURSING OR REGISTERED NURSING UNDER TITLE 8 OF THE  
6 HEALTH OCCUPATIONS ARTICLE.

7 ~~(5) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN~~  
8 ~~EMPLOYEE WHO RESPONDS IN GOOD FAITH TO PROVIDE DIABETES RELATED~~  
9 ~~HEALTH CARE SERVICES TO A STUDENT IN ACCORDANCE WITH THIS SECTION IS~~  
10 ~~IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF~~  
11 ~~PROVIDING CARE.~~

12 (5) (I) A TRAINED DIABETES CARE PROVIDER WHO PROVIDES  
13 DIABETES CARE SERVICES TO AN INDIVIDUAL IN ACCORDANCE WITH THE  
14 PROVISIONS OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN  
15 THE COURSE OF PROVIDING DIABETES CARE SERVICES IF:

16 1. THE TRAINED DIABETES CARE PROVIDER IS ACTING  
17 IN GOOD FAITH WHILE PROVIDING DIABETES CARE SERVICES TO AN INDIVIDUAL  
18 WHO IS IN NEED OF DIABETES CARE SERVICES OR TO AN INDIVIDUAL BELIEVED IN  
19 GOOD FAITH BY THE TRAINED DIABETES CARE PROVIDER TO BE IN NEED OF  
20 DIABETES CARE SERVICES;

21 2. THE DIABETES CARE SERVICES ARE PROVIDED IN A  
22 REASONABLY PRUDENT MANNER; AND

23 3. THE DIABETES CARE SERVICES ARE PROVIDED TO  
24 THE INDIVIDUAL WITHOUT FEE OR OTHER COMPENSATION.

25 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT  
26 AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL  
27 LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR  
28 BY COMMON LAW TO WHICH A VOLUNTEER MAY BE ENTITLED.

29 (E) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO  
30 NEEDS DIABETES CARE AT SCHOOL SHALL SUBMIT A DIABETES MEDICAL  
31 MANAGEMENT PLAN TO THE SCHOOL.

32 (2) EACH STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN  
33 SHALL BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:

34 (I) THE PARENTS OR GUARDIANS OF THE STUDENT;

1 (II) THE STUDENT;

2 (III) THE SCHOOL NURSE;

3 (IV) THE STUDENT'S CLASSROOM TEACHER;

4 (V) ALL TRAINED DIABETES CARE PROVIDERS AT THE SCHOOL  
5 WHO MAY BE REQUIRED TO PROVIDE CARE TO THE STUDENT; AND

6 (VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE  
7 SCHOOL.

8 (3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING  
9 SHALL BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL MANAGEMENT  
10 PLAN IS SUBMITTED.

11 (4) IF A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN STATES  
12 THAT THE STUDENT MAY PERFORM SPECIFIED DIABETES CARE TASKS  
13 INDEPENDENTLY, THE STUDENT MAY:

14 (I) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT  
15 CONSIDERS NECESSARY, INCLUDING IN THE STUDENT'S CLASSROOM, THE AREA  
16 DESIGNATED BY THE SCHOOL UNDER SUBSECTION (D) OF THIS SECTION, OR OFF  
17 SCHOOL GROUNDS;

18 (II) POSSESS AND CARRY ANY SUPPLIES AND EQUIPMENT  
19 NECESSARY TO PERFORM DIABETES CARE TASKS; AND

20 (III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE  
21 WHEN NECESSARY.

22 7-439.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 (2) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A PLAN  
26 DEVELOPED BY A STUDENT'S PHYSICIAN THAT DESCRIBES THE HEALTH CARE  
27 SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT'S  
28 DIABETES AT SCHOOL.

29 (3) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A  
30 NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS, AND

1 SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH  
2 SCHOOL YEAR, A SCHOOL NURSE, REGISTERED NURSE CASE MANAGER, DELEGATING  
3 NURSE, AND ADMINISTRATIVE STAFF.

4 (4) "PROGRAM" MEANS A STUDENT DIABETES MANAGEMENT  
5 PROGRAM.

6 (5) "TRAINED DIABETES CARE PROVIDER" MEANS AN EMPLOYEE  
7 TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF DIABETES AND THE  
8 ADMINISTRATION OF HEALTH CARE SERVICES NEEDED BY AN INDIVIDUAL WITH  
9 DIABETES.

10 (B) (1) A NONPUBLIC SCHOOL MAY CONDUCT OR CONTRACT FOR A  
11 COURSE FOR THE TRAINING OF EMPLOYEES TO BECOME TRAINED DIABETES CARE  
12 PROVIDERS.

13 (2) A TRAINING COURSE FOR TRAINED DIABETES CARE PROVIDERS  
14 ~~SHALL~~ MAY INCLUDE INSTRUCTION ON:

15 (I) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND  
16 HYPERGLYCEMIA;

17 (II) APPROPRIATE ACTIONS TO TAKE WHEN BLOOD GLUCOSE  
18 LEVELS ARE OUTSIDE THE TARGET RANGES DETAILED IN THE STUDENT'S DIABETES  
19 MEDICAL MANAGEMENT PLAN;

20 (III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING  
21 DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF  
22 ADMINISTRATION;

23 (IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING,  
24 KETONE CHECKING, AND RESULTS RECORDATION;

25 (V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE  
26 USE OF CONTINUOUS GLUCOSE MONITORS; AND

27 (VI) ADMINISTERING GLUCAGON AND INSULIN IN ACCORDANCE  
28 WITH THE STUDENT'S DIABETES MANAGEMENT PLAN AND RESULTS RECORDATION.

29 (C) (1) A NONPUBLIC SCHOOL MAY ESTABLISH A STUDENT DIABETES  
30 MANAGEMENT PROGRAM IN THE SCHOOL.

31 (2) THE PURPOSE OF THE PROGRAM IS TO HAVE EMPLOYEE  
32 VOLUNTEERS AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO STUDENTS

1 WITH DIABETES IN ACCORDANCE WITH THE STUDENT'S DIABETES MEDICAL  
2 MANAGEMENT PLAN DURING SCHOOL HOURS AND, WHEN POSSIBLE, AT  
3 SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS AND  
4 EXTRACURRICULAR ACTIVITIES.

5 (D) (1) THE PROGRAM ~~SHALL~~ MAY:

6 (I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING  
7 TRAINED TO BECOME TRAINED DIABETES CARE PROVIDERS;

8 (II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO  
9 BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A  
10 SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A  
11 DIABETES MEDICAL MANAGEMENT PLAN THAT INCLUDES THE ITEMS UNDER  
12 SUBSECTION (B)(2) OF THIS SECTION;

13 (III) DESIGNATE LOCATIONS WITHIN THE SCHOOL WHERE A  
14 STUDENT MAY PRIVATELY PERFORM DIABETES CARE TASKS;

15 (IV) REQUIRE THE SCHOOL NURSE OR A TRAINED DIABETES  
16 CARE PROVIDER TO BE ON-SITE AND AVAILABLE TO PROVIDE DIABETES CARE  
17 SERVICES TO A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN DURING  
18 SCHOOL HOURS AND, WHEN POSSIBLE, AT SCHOOL-SPONSORED ACTIVITIES,  
19 INCLUDING FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES;

20 (V) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN THE  
21 SCHOOL ADMINISTRATORS AND THE FACULTY, SCHOOL NURSE, IF APPLICABLE,  
22 TRAINED DIABETES CARE PROVIDERS, PARENTS OR GUARDIANS OF STUDENTS WITH  
23 A DIABETES MEDICAL MANAGEMENT PLAN, AND STUDENTS WITH A DIABETES  
24 MEDICAL MANAGEMENT PLAN;

25 (VI) FACILITATE THE ACCESS OF AUTHORIZED SCHOOL  
26 PERSONNEL TO STUDENT DIABETES MEDICAL MANAGEMENT PLANS; AND

27 (VII) ESTABLISH PROCEDURES FOR DIABETES-RELATED  
28 EMERGENCIES.

29 (2) (I) ANY EMPLOYEE MAY VOLUNTEER TO PARTICIPATE IN THE  
30 PROGRAM AND BE TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER.

31 (II) A NONPUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE  
32 TO PARTICIPATE IN THE PROGRAM.



1           **(3) A TRAINED DIABETES CARE PROVIDER WHO PARTICIPATES IN THE**  
2 **PROGRAM ~~SHALL AGREE~~ IS ENCOURAGED TO PERFORM DIABETES CARE TASKS FOR**  
3 **WHICH TRAINING HAS BEEN PROVIDED, INCLUDING:**

4           **(I) CHECKING AND RECORDING BLOOD GLUCOSE LEVELS AND**  
5 **KETONE LEVELS OR ASSISTING A STUDENT WITH THESE TASKS;**

6           **(II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY**  
7 **TREATMENTS AS PRESCRIBED;**

8           **(III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE**  
9 **ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THAT THE**  
10 **STUDENT USES; AND**

11           **(IV) PROVIDING ORAL DIABETES MEDICATIONS.**

12           **(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**  
13 **PROVISION OF DIABETES CARE SERVICES BY A TRAINED DIABETES CARE PROVIDER**  
14 **IN ACCORDANCE WITH THIS SECTION MAY NOT BE CONSTRUED AS PERFORMING**  
15 **ACTS OF PRACTICAL NURSING OR REGISTERED NURSING UNDER TITLE 8 OF THE**  
16 **HEALTH OCCUPATIONS ARTICLE.**

17           ~~**(5) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN**~~  
18 ~~**EMPLOYEE WHO RESPONDS IN GOOD FAITH TO PROVIDE DIABETES RELATED**~~  
19 ~~**HEALTH CARE SERVICES TO A STUDENT IN ACCORDANCE WITH THIS SECTION IS**~~  
20 ~~**IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF**~~  
21 ~~**PROVIDING CARE.**~~

22           **(5) (I) A TRAINED DIABETES CARE PROVIDER WHO PROVIDES**  
23 **DIABETES CARE SERVICES TO AN INDIVIDUAL IN ACCORDANCE WITH THE**  
24 **PROVISIONS OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN**  
25 **THE COURSE OF PROVIDING DIABETES CARE SERVICES IF:**

26                   **1. THE TRAINED DIABETES CARE PROVIDER IS ACTING**  
27 **IN GOOD FAITH WHILE PROVIDING DIABETES CARE SERVICES TO AN INDIVIDUAL**  
28 **WHO IS IN NEED OF DIABETES CARE SERVICES OR TO AN INDIVIDUAL BELIEVED IN**  
29 **GOOD FAITH BY THE TRAINED DIABETES CARE PROVIDER TO BE IN NEED OF**  
30 **DIABETES CARE SERVICES;**

31                   **2. THE DIABETES CARE SERVICES ARE PROVIDED IN A**  
32 **REASONABLY PRUDENT MANNER; AND**

33                   **3. THE DIABETES CARE SERVICES ARE PROVIDED TO**  
34 **THE INDIVIDUAL WITHOUT FEE OR OTHER COMPENSATION.**

1                   **(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT**  
2 **AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL**  
3 **LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR**  
4 **BY COMMON LAW TO WHICH A VOLUNTEER MAY BE ENTITLED.**

5           **(E) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO**  
6 **NEEDS DIABETES CARE AT SCHOOL ~~SHALL~~ IS ENCOURAGED TO SUBMIT A DIABETES**  
7 **MEDICAL MANAGEMENT PLAN TO THE SCHOOL.**

8                   **(2) EACH STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN**  
9 **~~SHALL~~ MAY BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:**

10                   **(I) THE PARENTS OR GUARDIANS OF THE STUDENT;**

11                   **(II) THE STUDENT;**

12                   **(III) THE SCHOOL NURSE, IF APPLICABLE;**

13                   **(IV) THE STUDENT'S CLASSROOM TEACHER;**

14                   **(V) IF THE PROGRAM HAS BEEN ESTABLISHED AT THE SCHOOL,**  
15 **ALL TRAINED DIABETES CARE PROVIDERS AT THE SCHOOL WHO MAY BE REQUIRED**  
16 **TO PROVIDE CARE TO THE STUDENT; AND**

17                   **(VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE**  
18 **SCHOOL.**

19                   **(3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING**  
20 **~~SHALL~~ MAY BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL**  
21 **MANAGEMENT PLAN IS SUBMITTED.**

22                   **(4) IF A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN STATES**  
23 **THAT THE STUDENT MAY PERFORM SPECIFIED DIABETES CARE TASKS**  
24 **INDEPENDENTLY, THE STUDENT MAY:**

25                   **(I) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT**  
26 **CONSIDERS NECESSARY, INCLUDING IN THE STUDENT'S CLASSROOM, THE AREA**  
27 **DESIGNATED BY THE SCHOOL UNDER SUBSECTION (D) OF THIS SECTION, OR OFF**  
28 **SCHOOL GROUNDS;**

29                   **(II) POSSESS AND CARRY ANY SUPPLIES AND EQUIPMENT**  
30 **NECESSARY TO PERFORM DIABETES CARE TASKS; AND**

1                                   **(III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE**  
2 **WHEN NECESSARY.**

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.