

SENATE BILL 672

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5lr1335
CF HB 992

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

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2015

Returned to second reading: March 20, 2015

Senate action: Adopted

Read second time: March 21, 2015

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 trained diabetes care providers;
6 providing for the content of the guidelines; requiring each county board of education
7 to require certain public schools to establish a certain Student Diabetes Management
8 Program in the school; providing that certain nonpublic schools may establish a
9 Student Diabetes Management Program in the school; providing that a nonpublic
10 school may conduct or contract for a course for training trained diabetes care
11 providers that includes certain items; providing for the purpose and requirements of
12 the Program; authorizing certain employees to volunteer for participation in a
13 certain Program; prohibiting public and nonpublic schools from compelling certain
14 employees to participate in a certain Program; requiring certain trained diabetes
15 care providers in the Program to perform certain tasks; providing that certain
16 services performed by certain trained diabetes care providers may not be construed
17 as performing acts of nursing under certain circumstances; establishing immunity
18 from liability for certain employees under certain circumstances; requiring certain
19 parents or guardians of a certain student to submit a Diabetes Medical Management
20 Plan to the school under certain circumstances; requiring a certain meeting of
21 certain individuals be held within a certain period of time; authorizing a certain
22 student to perform certain diabetes care tasks under certain circumstances in

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 accordance with a certain Plan; defining certain terms; and generally relating to a
2 Student Diabetes Management Program and public and nonpublic schools.

3 BY adding to

4 Article – Education

5 Section 7–437 and 7–438

6 Annotated Code of Maryland

7 (2014 Replacement Volume and 2014 Supplement)

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

10 **Article – Education**

11 **7–437.**

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

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

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

23 (4) “PROGRAM” MEANS A STUDENT DIABETES MANAGEMENT
24 PROGRAM.

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

29 (B) (1) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND
30 MENTAL HYGIENE, IN CONSULTATION WITH THE AMERICAN ASSOCIATION OF
31 DIABETES EDUCATORS, THE AMERICAN DIABETES ASSOCIATION, THE MARYLAND
32 ASSOCIATION OF SCHOOL HEALTH NURSES, AND THE DIABETES CONTROL
33 PROGRAM JOINTLY SHALL ESTABLISH GUIDELINES FOR THE TRAINING OF
34 EMPLOYEES TO BECOME TRAINED DIABETES CARE PROVIDERS.

1 **(2) THE GUIDELINES SHALL INCLUDE INSTRUCTION ON:**

2 **(I) THE RECOGNITION AND TREATMENT OF HYPOGLYCEMIA**
3 **AND HYPERGLYCEMIA;**

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

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

10 **(IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING,**
11 **KETONE CHECKING, AND RESULTS RECORDATION;**

12 **(V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE**
13 **USE OF CONTINUOUS GLUCOSE MONITORS; AND**

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

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

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

25 **(D) (1) THE PROGRAM SHALL:**

26 **(I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING**
27 **TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER;**

28 **(II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO**
29 **BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A**
30 **SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A**
31 **DIABETES MEDICAL MANAGEMENT PLAN;**

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

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

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

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

15 (VII) ESTABLISH PROCEDURES FOR DIABETES-RELATED
16 EMERGENCIES.

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

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

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

24 (I) CHECKING AND RECORDING BLOOD GLUCOSE LEVELS AND
25 KETONE LEVELS, OR ASSISTING A STUDENT WITH THESE TASKS;

26 (II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY
27 TREATMENTS AS PRESCRIBED;

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

31 (IV) PROVIDING ORAL DIABETES MEDICATIONS.

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

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

11 **(E) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO**
12 **NEEDS DIABETES CARE AT SCHOOL SHALL SUBMIT A DIABETES MEDICAL**
13 **MANAGEMENT PLAN TO THE SCHOOL.**

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

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

17 **(II) THE STUDENT;**

18 **(III) THE SCHOOL NURSE;**

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

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

22 **(VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE**
23 **SCHOOL.**

24 **(3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING**
25 **SHALL BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL MANAGEMENT**
26 **PLAN IS SUBMITTED.**

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

30 **(I) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT**
31 **CONSIDERS NECESSARY, INCLUDING IN THE STUDENT'S CLASSROOM, THE AREA**

1 DESIGNATED BY THE SCHOOL UNDER SUBSECTION (D) OF THIS SECTION, OR OFF
2 SCHOOL GROUNDS;

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

5 (III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE, IF
6 NECESSARY.

7 7-438.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A PLAN
11 DEVELOPED BY A STUDENT'S PHYSICIAN THAT DESCRIBES THE HEALTH CARE
12 SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT'S
13 DIABETES AT SCHOOL.

14 (3) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A
15 NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS, AND
16 SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH
17 SCHOOL YEAR, A SCHOOL NURSE, REGISTERED NURSE CASE MANAGER, DELEGATING
18 NURSE, AND ADMINISTRATIVE STAFF.

19 (4) "PROGRAM" MEANS A STUDENT DIABETES MANAGEMENT
20 PROGRAM.

21 (5) "TRAINED DIABETES CARE PROVIDER" MEANS AN EMPLOYEE
22 TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF DIABETES AND THE
23 ADMINISTRATION OF HEALTH CARE SERVICES NEEDED BY AN INDIVIDUAL WITH
24 DIABETES.

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

28 (2) A TRAINING COURSE FOR TRAINED DIABETES CARE PROVIDERS
29 SHALL INCLUDE INSTRUCTION ON:

30 (I) THE RECOGNITION AND TREATMENT OF HYPOGLYCEMIA
31 AND HYPERGLYCEMIA;

1 **(II) THE APPROPRIATE ACTIONS TO TAKE WHEN BLOOD**
2 **GLUCOSE LEVELS ARE OUTSIDE OF THE TARGET RANGES DETAILED IN THE**
3 **STUDENT’S DIABETES MEDICAL MANAGEMENT PLAN;**

4 **(III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING**
5 **DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF**
6 **ADMINISTRATION;**

7 **(IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING,**
8 **KETONE CHECKING, AND RESULTS RECORDATION;**

9 **(V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE**
10 **USE OF CONTINUOUS GLUCOSE MONITORS; AND**

11 **(VI) ADMINISTERING GLUCAGON AND INSULIN IN ACCORDANCE**
12 **WITH THE STUDENT’S DIABETES MANAGEMENT PLAN AND RESULTS RECORDATION.**

13 **(C) (1) A NONPUBLIC SCHOOL MAY ESTABLISH A STUDENT DIABETES**
14 **MANAGEMENT PROGRAM IN THE SCHOOL.**

15 **(2) THE PURPOSE OF THE PROGRAM IS TO HAVE EMPLOYEE**
16 **VOLUNTEERS AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO STUDENTS**
17 **WITH DIABETES IN ACCORDANCE WITH THE STUDENT’S DIABETES MEDICAL**
18 **MANAGEMENT PLAN DURING SCHOOL HOURS, AND WHEN POSSIBLE, AT**
19 **SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS AND**
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21 **(D) (1) THE PROGRAM SHALL:**

22 **(I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING**
23 **TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER;**

24 **(II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO**
25 **BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A**
26 **SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A**
27 **DIABETES MEDICAL MANAGEMENT PLAN THAT INCLUDES THE ITEMS UNDER**
28 **SUBSECTION (B)(2) OF THIS SECTION;**

29 **(III) DESIGNATE LOCATIONS WITHIN THE SCHOOL WHERE A**
30 **STUDENT MAY PRIVATELY PERFORM DIABETES CARE TASKS;**

31 **(IV) REQUIRE THE SCHOOL NURSE OR A TRAINED DIABETES**
32 **CARE PROVIDER TO BE ON-SITE AND AVAILABLE TO PROVIDE DIABETES CARE**
33 **SERVICES TO A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN DURING**

1 SCHOOL HOURS, AND WHEN POSSIBLE AT SCHOOL-SPONSORED ACTIVITIES,
2 INCLUDING FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES;

3 (V) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN THE
4 SCHOOL ADMINISTRATORS AND THE FACULTY, SCHOOL NURSE, TRAINED DIABETES
5 CARE PROVIDERS, PARENTS OR GUARDIANS OF STUDENTS WITH A DIABETES
6 MEDICAL MANAGEMENT PLAN, AND STUDENTS WITH A DIABETES MEDICAL
7 MANAGEMENT PLAN;

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

10 (VII) ESTABLISH PROCEDURES FOR DIABETES-RELATED
11 EMERGENCIES.

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

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

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

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

21 (II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY
22 TREATMENTS AS PRESCRIBED;

23 (III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE
24 ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THE
25 STUDENT USES; AND

26 (IV) PROVIDING ORAL DIABETES MEDICATIONS.

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

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

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

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

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

12 **(II) THE STUDENT;**

13 **(III) THE SCHOOL NURSE;**

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

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

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

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

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

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

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

1 (III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE, IF
2 NECESSARY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.