

HOUSE BILL 771

F1
HB 992/15 – W&M

6lr1808
CF SB 71

By: Delegates D. Barnes, Angel, B. Barnes, Buckel, Fennell, Hornberger, Kelly,
Long, Luedtke, Metzgar, Patterson, Platt, Reilly, Shoemaker, Simonaire,
Tarlau, Walker, and A. Washington

Introduced and read first time: February 8, 2016
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 2016

CHAPTER _____

1 AN ACT concerning

2 **Public ~~and Nonpublic~~ Schools – ~~Student Diabetes Management Program~~**
3 **Administration of Diabetes Care Services – Guidelines**

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

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.



~~certain period of time; authorizing a certain student to perform certain diabetes care tasks under certain circumstances in accordance with a certain Plan; defining certain terms; and generally relating to a Student Diabetes Management Program and public and nonpublic schools 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.~~

BY adding to

Article – Education

Section ~~7-438 and 7-439~~ 7-426.4

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

Article – Education

~~7-438.~~

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

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

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

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

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

1 ~~(B) (1) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND~~
2 ~~MENTAL HYGIENE, IN CONSULTATION WITH THE AMERICAN ASSOCIATION OF~~
3 ~~DIABETES EDUCATORS, THE AMERICAN DIABETES ASSOCIATION, THE MARYLAND~~
4 ~~ASSOCIATION OF SCHOOL HEALTH NURSES, AND THE DIABETES CONTROL~~
5 ~~PROGRAM JOINTLY SHALL ESTABLISH GUIDELINES FOR THE TRAINING OF~~
6 ~~EMPLOYEES TO BECOME TRAINED DIABETES CARE PROVIDERS.~~

7 ~~(2) THE GUIDELINES SHALL INCLUDE INSTRUCTION ON:~~

8 ~~(I) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND~~
9 ~~HYPERGLYCEMIA;~~

10 ~~(II) APPROPRIATE ACTIONS TO TAKE WHEN BLOOD GLUCOSE~~
11 ~~LEVELS ARE OUTSIDE THE TARGET RANGES DETAILED IN THE STUDENT'S DIABETES~~
12 ~~MEDICAL MANAGEMENT PLAN;~~

13 ~~(III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING~~
14 ~~DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF~~
15 ~~ADMINISTRATION;~~

16 ~~(IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING,~~
17 ~~KETONE CHECKING, AND RESULTS RECORDATION;~~

18 ~~(V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE~~
19 ~~USE OF CONTINUOUS GLUCOSE MONITORS; AND~~

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

22 ~~(C) (1) EACH COUNTY BOARD SHALL REQUIRE THE PUBLIC SCHOOLS~~
23 ~~WITHIN THE JURISDICTION OF THE COUNTY BOARD TO ESTABLISH A STUDENT~~
24 ~~DIABETES MANAGEMENT PROGRAM IN THE SCHOOL.~~

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

31 ~~(D) (1) THE PROGRAM SHALL:~~

32 ~~(I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING~~
33 ~~TRAINED TO BECOME TRAINED DIABETES CARE PROVIDERS;~~

1 ~~(II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO~~
2 ~~BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A~~
3 ~~SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A~~
4 ~~DIABETES MEDICAL MANAGEMENT PLAN;~~

5 ~~(III) DESIGNATE LOCATIONS WITHIN THE SCHOOL WHERE A~~
6 ~~STUDENT MAY PRIVATELY PERFORM DIABETES CARE TASKS;~~

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

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

17 ~~(VI) FACILITATE THE ACCESS OF AUTHORIZED SCHOOL~~
18 ~~PERSONNEL TO STUDENT DIABETES MEDICAL MANAGEMENT PLANS; AND~~

19 ~~(VII) ESTABLISH PROCEDURES FOR DIABETES RELATED~~
20 ~~EMERGENCIES.~~

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

23 ~~(II) A PUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE TO~~
24 ~~PARTICIPATE IN THE PROGRAM.~~

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

28 ~~(I) CHECKING AND RECORDING BLOOD GLUCOSE LEVELS AND~~
29 ~~KETONE LEVELS OR ASSISTING A STUDENT WITH THESE TASKS;~~

30 ~~(II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY~~
31 ~~TREATMENTS AS PRESCRIBED;~~

1 ~~(III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE~~
2 ~~ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THAT THE~~
3 ~~STUDENT USES; AND~~

4 ~~(IV) PROVIDING ORAL DIABETES MEDICATIONS.~~

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

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

15 ~~(E) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO~~
16 ~~NEEDS DIABETES CARE AT SCHOOL SHALL SUBMIT A DIABETES MEDICAL~~
17 ~~MANAGEMENT PLAN TO THE SCHOOL.~~

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

20 ~~(I) THE PARENTS OR GUARDIANS OF THE STUDENT;~~

21 ~~(II) THE STUDENT;~~

22 ~~(III) THE SCHOOL NURSE;~~

23 ~~(IV) THE STUDENT'S CLASSROOM TEACHER;~~

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

26 ~~(VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE~~
27 ~~SCHOOL.~~

28 ~~(3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING~~
29 ~~SHALL BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL MANAGEMENT~~
30 ~~PLAN IS SUBMITTED.~~

1 ~~(4) IF A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN STATES~~
2 ~~THAT THE STUDENT MAY PERFORM SPECIFIED DIABETES CARE TASKS~~
3 ~~INDEPENDENTLY, THE STUDENT MAY:~~

4 ~~(I) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT~~
5 ~~CONSIDERS NECESSARY, INCLUDING IN THE STUDENT'S CLASSROOM, THE AREA~~
6 ~~DESIGNATED BY THE SCHOOL UNDER SUBSECTION (D) OF THIS SECTION, OR OFF~~
7 ~~SCHOOL GROUNDS;~~

8 ~~(II) POSSESS AND CARRY ANY SUPPLIES AND EQUIPMENT~~
9 ~~NECESSARY TO PERFORM DIABETES CARE TASKS; AND~~

10 ~~(III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE~~
11 ~~WHEN NECESSARY.~~

12 ~~7-439.~~

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

15 ~~(2) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A PLAN~~
16 ~~DEVELOPED BY A STUDENT'S PHYSICIAN THAT DESCRIBES THE HEALTH CARE~~
17 ~~SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT'S~~
18 ~~DIABETES AT SCHOOL.~~

19 ~~(3) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A~~
20 ~~NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS, AND~~
21 ~~SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH~~
22 ~~SCHOOL YEAR, A SCHOOL NURSE, REGISTERED NURSE CASE MANAGER, DELEGATING~~
23 ~~NURSE, AND ADMINISTRATIVE STAFF.~~

24 ~~(4) "PROGRAM" MEANS A STUDENT DIABETES MANAGEMENT~~
25 ~~PROGRAM.~~

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

30 ~~(B) (1) A NONPUBLIC SCHOOL MAY CONDUCT OR CONTRACT FOR A~~
31 ~~COURSE FOR THE TRAINING OF EMPLOYEES TO BECOME TRAINED DIABETES CARE~~
32 ~~PROVIDERS.~~

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

3 ~~(I) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND~~
4 ~~HYPERGLYCEMIA;~~

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

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

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

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

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

17 ~~(C) (1) A NONPUBLIC SCHOOL MAY ESTABLISH A STUDENT DIABETES~~
18 ~~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 TRAINED DIABETES CARE PROVIDERS;~~

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 THAT INCLUDES THE ITEMS UNDER~~
32 ~~SUBSECTION (B)(2) OF THIS SECTION;~~

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 THE~~
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 NONPUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE~~
20 ~~TO 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 THAT 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) IF THE PROGRAM HAS BEEN ESTABLISHED AT THE SCHOOL,~~
21 ~~ALL TRAINED DIABETES CARE PROVIDERS AT THE SCHOOL WHO MAY BE REQUIRED~~
22 ~~TO PROVIDE CARE TO THE STUDENT; AND~~

23 ~~(VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE~~
24 ~~SCHOOL.~~

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

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

31 ~~(i) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT~~
32 ~~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 (H) POSSESS AND CARRY ANY SUPPLIES AND EQUIPMENT
4 NECESSARY TO PERFORM DIABETES CARE TASKS; AND~~

~~5 (H) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE
6 WHEN NECESSARY.~~

7 7-426.4.

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

12 (B) THE GUIDELINES SHALL INCLUDE:

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

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

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

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

20 (II) PROVIDING APPROPRIATE MEDICATION, DELIVERY
21 DEVICES, AND MEDICAL CONDITION INDICATION DEVICES, INCLUDING MEDIC
22 ALERT BRACELETS OR NECKLACES;

23 (III) PROVIDING PARENTAL CONSENT FOR THE
24 ADMINISTRATION OF MEDICATIONS; AND

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

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

29 (I) INSTRUCTION BY THE SCHOOL NURSE FOR SCHOOL HEALTH
30 SERVICES PERSONNEL, TEACHERS, COACHES, TRANSPORTATION PERSONNEL, AND

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

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

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

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

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

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

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

19 (6) ESTABLISHING PROCEDURES FOR STUDENTS WHO HAVE BEEN
20 DETERMINED BY THE SCHOOL NURSE TO BE CAPABLE OF AND RESPONSIBLE FOR
21 SELF-MANAGEMENT OF THEIR DIABETES IN ACCORDANCE WITH HEALTH CARE
22 PROVIDER ORDERS; AND

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

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

27 (1) PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS TO:

28 (I) IMPLEMENT THE GUIDELINES ESTABLISHED UNDER THIS
29 SECTION; AND

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

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

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

7 **(I) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE**
8 **PROVIDING DIABETES CARE SERVICES TO A STUDENT WHO IS IN NEED OF DIABETES**
9 **CARE SERVICES OR TO A STUDENT WHO THE INDIVIDUAL BELIEVES IN GOOD FAITH**
10 **TO BE IN NEED OF DIABETES CARE SERVICES;**

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

25 **(1) remain safe in school;**

26 **(2) be supported for optimal academic achievement; and**

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

29 **(b) On or before December 1, 2016, the State Department of Education and the**
30 **Department of Health and Mental Hygiene shall report to the Senate Education, Health,**
31 **and Environmental Affairs Committee and the House Committee on Ways and Means on**
32 **the implementation of the plan established under this section.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.