

# SENATE BILL 71

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SB 672/15 – EHE

(PRE-FILED)

6lr0399

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By: **Senator Young**

Requested: July 6, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

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; providing that certain services performed by certain trained  
17 diabetes care providers may not be construed as performing acts of nursing under  
18 certain circumstances; establishing immunity from liability for certain employees  
19 under certain circumstances; requiring certain parents or guardians of a certain  
20 student to submit a Diabetes Medical Management Plan to the school under certain  
21 circumstances; requiring a certain meeting of certain individuals be held within a  
22 certain period of time; authorizing a certain student to perform certain diabetes care  
23 tasks under certain circumstances in accordance with a certain Plan; defining  
24 certain terms; and generally relating to a Student Diabetes Management Program  
25 and public and nonpublic schools.

26 BY adding to  
27 Article – Education  
28 Section 7–438 and 7–439  
29 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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.**

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

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

**(i) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND HYPERGLYCEMIA;**

1                   **(II) APPROPRIATE ACTIONS TO TAKE WHEN BLOOD GLUCOSE**  
2 **LEVELS ARE OUTSIDE THE TARGET RANGES DETAILED IN THE STUDENT’S DIABETES**  
3 **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) EACH COUNTY BOARD SHALL REQUIRE THE PUBLIC SCHOOLS**  
14 **WITHIN THE JURISDICTION OF THE COUNTY BOARD TO ESTABLISH A STUDENT**  
15 **DIABETES MANAGEMENT PROGRAM IN THE SCHOOL.**

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

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

23                   **(I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING**  
24 **TRAINED TO BECOME TRAINED DIABETES CARE PROVIDERS;**

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

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  
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 PUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE TO  
15 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 THAT 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) ALL TRAINED DIABETES CARE PROVIDERS AT THE SCHOOL**  
16 **WHO MAY BE REQUIRED 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 BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL MANAGEMENT**  
21 **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 7-439.

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

6 (2) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A PLAN  
7 DEVELOPED BY A STUDENT'S PHYSICIAN THAT DESCRIBES THE HEALTH CARE  
8 SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT'S  
9 DIABETES AT SCHOOL.

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

15 (4) "PROGRAM" MEANS A STUDENT DIABETES MANAGEMENT  
16 PROGRAM.

17 (5) "TRAINED DIABETES CARE PROVIDER" MEANS AN EMPLOYEE  
18 TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF DIABETES AND THE  
19 ADMINISTRATION OF HEALTH CARE SERVICES NEEDED BY AN INDIVIDUAL WITH  
20 DIABETES.

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

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

26 (I) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND  
27 HYPERGLYCEMIA;

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

31 (III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING  
32 DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF  
33 ADMINISTRATION;

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

3 (V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE  
4 USE OF CONTINUOUS GLUCOSE MONITORS; AND

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

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

9 (2) THE PURPOSE OF THE PROGRAM IS TO HAVE EMPLOYEE  
10 VOLUNTEERS AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO STUDENTS  
11 WITH DIABETES IN ACCORDANCE WITH THE STUDENT'S DIABETES MEDICAL  
12 MANAGEMENT PLAN DURING SCHOOL HOURS AND, WHEN POSSIBLE, AT  
13 SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS AND  
14 EXTRACURRICULAR ACTIVITIES.

15 (D) (1) THE PROGRAM SHALL:

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

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

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

25 (IV) REQUIRE THE SCHOOL NURSE OR A TRAINED DIABETES  
26 CARE PROVIDER TO BE ON-SITE AND AVAILABLE TO PROVIDE DIABETES CARE  
27 SERVICES TO A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN DURING  
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29 INCLUDING FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES;

30 (V) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN THE  
31 SCHOOL ADMINISTRATORS AND THE FACULTY, SCHOOL NURSE, TRAINED DIABETES  
32 CARE PROVIDERS, PARENTS OR GUARDIANS OF STUDENTS WITH A DIABETES

1 **MEDICAL MANAGEMENT PLAN, AND STUDENTS WITH A DIABETES MEDICAL**  
2 **MANAGEMENT PLAN;**

3 **(VI) FACILITATE THE ACCESS OF AUTHORIZED SCHOOL**  
4 **PERSONNEL TO STUDENT DIABETES MEDICAL MANAGEMENT PLANS; AND**

5 **(VII) ESTABLISH PROCEDURES FOR DIABETES-RELATED**  
6 **EMERGENCIES.**

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

9 **(II) A NONPUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE**  
10 **TO PARTICIPATE IN THE PROGRAM.**

11 **(3) A TRAINED DIABETES CARE PROVIDER WHO PARTICIPATES IN THE**  
12 **PROGRAM SHALL AGREE TO PERFORM DIABETES CARE TASKS FOR WHICH TRAINING**  
13 **HAS BEEN PROVIDED, INCLUDING:**

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

16 **(II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY**  
17 **TREATMENTS AS PRESCRIBED;**

18 **(III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE**  
19 **ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THAT THE**  
20 **STUDENT USES; AND**

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

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

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



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

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

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

7                   **(II) THE STUDENT;**

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

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

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

13                   **(VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE**  
14 **SCHOOL.**

15           **(3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING**  
16 **SHALL BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL MANAGEMENT**  
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18           **(4) IF A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN STATES**  
19 **THAT THE STUDENT MAY PERFORM SPECIFIED DIABETES CARE TASKS**  
20 **INDEPENDENTLY, THE STUDENT MAY:**

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

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

27                   **(III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE**  
28 **WHEN NECESSARY.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
30 1, 2016.