

**SB0071/395262/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 71  
(Third 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 “Provision of Diabetes Care Services to Students - Requirements”; in line 4, strike “, in consultation with certain other organizations,” and substitute “jointly”; and strike beginning with “the” in line 5 down through “providers” in line 6 and substitute “public schools regarding the provision of health care services to students with diabetes, provide certain technical assistance, and develop a certain process; requiring that the guidelines be informed by best practices in school diabetes management”.

On pages 1 and 2, strike beginning with “requiring” line 6 on page 1 down through “schools” in line 4 on page 2 and substitute “providing that a certain individual is not civilly liable for certain acts or omissions; providing that a certain provision of this Act does not affect, and may not be construed to affect, certain immunities and defenses; requiring the State Department of Education and the Department of Health and Mental Hygiene, in consultation with the State Board of Nursing, local school systems, local health departments, and certain stakeholders, to establish a certain plan; requiring the State Department of Education and the Department of Health and Mental Hygiene jointly to report to certain committees of the General Assembly on or before a certain date; defining a certain term; and generally relating to the provision of diabetic care services in public schools in the State”.

On page 2, in line 7, strike “7-438 and 7-439” and substitute “7-426.4”.

AMENDMENT NO. 2

On pages 2 through 11, strike in their entirety the lines beginning with line 13 on page 2 through line 2 on page 11, inclusive, and substitute:

(Over)

“7-426.4.

(A) IN THIS SECTION, “DIABETES MEDICAL MANAGEMENT PLAN” MEANS A SET OF INSTRUCTIONS AND MEDICATION ORDERS PROVIDED BY A STUDENT’S HEALTH CARE PROVIDER THAT INDICATES THE HEALTH CARE SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT’S DIABETES WHILE THE STUDENT IS AT SCHOOL.

(B) (1) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE JOINTLY SHALL ESTABLISH GUIDELINES FOR PUBLIC SCHOOLS REGARDING THE PROVISION OF HEALTH CARE SERVICES TO STUDENTS WITH DIABETES.

(2) THE GUIDELINES SHALL BE INFORMED BY BEST PRACTICES IN SCHOOL DIABETES MANAGEMENT.

(C) THE GUIDELINES SHALL INCLUDE:

(1) PROCEDURES FOR TREATING A STUDENT’S DIABETIC SYMPTOMS, INCLUDING ADMINISTERING MEDICATION SUCH AS INSULIN AND OTHER MEDICATIONS AS ORDERED BY THE STUDENT’S HEALTH CARE PROVIDER AND INDICATED IN THE STUDENT’S DIABETES MEDICAL MANAGEMENT PLAN;

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

(3) A DESCRIPTION OF A PARENT’S OR CAREGIVER’S RESPONSIBILITIES IN RELATION TO THE CARE OF A STUDENT WITH DIABETES WHILE THE STUDENT IS AT SCHOOL, INCLUDING:

(I) NOTIFYING THE SCHOOL OF THE STUDENT'S DIABETES  
DIAGNOSIS;

(II) PROVIDING APPROPRIATE MEDICATION, DELIVERY  
DEVICES, AND MEDICAL CONDITION INDICATION DEVICES, INCLUDING MEDIC  
ALERT BRACELETS OR NECKLACES, TO THE SCHOOL OR THE STUDENT, AS  
APPROPRIATE;

(III) PROVIDING PARENTAL OR CAREGIVER CONSENT FOR  
THE ADMINISTRATION OF MEDICATIONS BY SCHOOL PERSONNEL WHILE THE  
STUDENT IS AT SCHOOL OR AT SCHOOL-SPONSORED EVENTS OR ACTIVITIES; AND

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

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

(I) PROVIDING INSTRUCTION BY THE SCHOOL NURSE TO  
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;

(Over)

2. ADMINISTERING GLUCAGON IN AN EMERGENCY IN ACCORDANCE WITH HEALTH CARE PROVIDER ORDERS, IF THE SCHOOL PERSONNEL HAS RECEIVED INSTRUCTION BY THE SCHOOL NURSE ON ADMINISTERING GLUCAGON; AND

3. IMPLEMENTING A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN AND A STUDENT'S 504 PLAN OR OTHER WRITTEN EDUCATION 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; AND

(III) ENSURING THAT APPROPRIATE SCHOOL PERSONNEL, AS DETERMINED BY THE SCHOOL NURSE, ARE AVAILABLE TO MEET STUDENTS' HEALTH CARE NEEDS DURING THE SCHOOL DAY AND DURING SCHOOL-SPONSORED EVENTS AND ACTIVITIES;

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

(6) THE ESTABLISHMENT BY THE SCHOOL OF PROCEDURES, AS DETERMINED BY THE SCHOOL NURSE AND IN ACCORDANCE WITH A STUDENT DIABETES MANAGEMENT PLAN, FOR STUDENTS WHO ARE CAPABLE OF AND RESPONSIBLE FOR SELF-MANAGEMENT OF THEIR DIABETES IN ACCORDANCE WITH HEALTH CARE PROVIDER ORDERS AND WITH ANY NECESSARY SUPPORTS

FROM SCHOOL PERSONNEL WHO HAVE RECEIVED INSTRUCTION FROM THE SCHOOL NURSE; AND

(7) ANY OTHER PROCEDURES, DESCRIPTIONS, OR OTHER ITEMS THAT ARE RELEVANT TO THE PROVISION OF DIABETES CARE SERVICES TO STUDENTS.

(D) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE JOINTLY SHALL:

(1) PROVIDE TECHNICAL ASSISTANCE TO PUBLIC SCHOOLS TO AID THE SCHOOLS IN:

(I) IMPLEMENTING THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

(II) INSTRUCTING SCHOOL PERSONNEL AT THE LOCAL LEVEL; AND

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

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

(I) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE PROVIDING DIABETES CARE SERVICES TO A STUDENT WHO IS IN NEED OF, OR WHO THE INDIVIDUAL IN GOOD FAITH BELIEVES 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 State 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 the implementation of policies and programs so students with diabetes may:

(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.

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(b) On or before December 1, 2016, the State Department of Education and the Department of Health and Mental Hygiene jointly shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2-1246 of the State Government Article, on the progress of establishing the plan required under subsection (a) of this section.

On page 11, in line 3, strike “2.” and substitute “3.”.