

House Bill 879 (COMMITTEE SUBSTITUTE)

By: Representatives Ramsey of the 72nd, Cooper of the 41st, Watson of the 163rd, Coleman of the 97th, Sheldon of the 105th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to student health in elementary and secondary education, so as to provide
3 for the care of students with diabetes in school; to provide for legislative findings; to provide
4 for definitions; to provide for the training of designated school personnel; to provide for the
5 submission of a diabetes medical management plan by parents or guardians for a student; to
6 delineate the functions that may be performed by school nurses or trained diabetes personnel;
7 to authorize a student to perform independent monitoring and treatment; to provide for
8 immunity from civil liability; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 The General Assembly finds that:

13 (1) Diabetes is a serious, chronic disease that impairs the body's ability to use food.
14 Diabetes must be managed 24 hours a day in order to avoid the potentially life-threatening
15 consequences of blood glucose levels that are either too high (hyperglycemia) or too low
16 (hypoglycemia), and to avoid or delay the serious long-term complications of high blood
17 glucose levels which include blindness, amputation, heart disease, and kidney failure.

18 (2) In order to manage their disease, students with diabetes must have access to the means
19 to balance food, medications, and physical activity levels while at school and at school
20 related activities;

21 (3) Diabetes is generally a self-managed disease, and many students with diabetes are able
22 to perform most of their own diabetes care tasks. Such students should be permitted to do
23 so in the school setting. However, some students, because of age, inexperience, or other
24 factors, need help with some or all of diabetes care tasks, and all students will need help
25 in the event of a diabetes emergency;

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26 (4) The school nurse is the preferred person in the school setting to provide or facilitate
 27 care for a student with diabetes. Many schools in Georgia, however, do not have a
 28 full-time nurse, or a school nurse may not always be available on site. Thus, even when
 29 a nurse is assigned to a school full time, he or she will not always be available to provide
 30 direct care during the school day;

31 (5) Diabetes management is needed at all times. Additional school personnel, who have
 32 completed training coordinated by the school nurse or other health care professional and
 33 who provide care under the supervision of the school nurse or other health care
 34 professional, need to be prepared to perform diabetes care tasks at school when a school
 35 nurse or other health care professional is not available. Preparations are needed to ensure
 36 that students with diabetes will be medically safe and have the same access to educational
 37 opportunities as all students in Georgia; and

38 (6) Due to the significant number of students with diabetes, the effect of diabetes upon a
 39 student's ability to learn, and the risk for serious long-term and short-term medical
 40 complications, legislation in this state is necessary to address this issue.

41 **SECTION 2.**

42 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 43 relating to student health in elementary and secondary education, is amended by adding a
 44 new Code section to read as follows:

45 "20-2-779.

46 (a) As used in this Code section, the term:

47 (1) 'Diabetes medical management plan' means a document developed by the student's
 48 physician or other health care provider that sets out the health services, including the
 49 student's target range for blood glucose levels, needed by the student at school and is
 50 signed by the student's parent or guardian.

51 (2) 'School' means any primary or secondary public school located within this state.

52 (3) 'School employee' means any person employed by a local board of education or state
 53 chartered special school or any person employed by a local health department who is
 54 assigned to a public school.

55 (4) 'Trained diabetes personnel' means a school employee who volunteers to be trained
 56 in accordance with this Code section. Such employee shall not be required to be a health
 57 care professional.

58 (b)(1) No later than August 1, 2012, the Department of Education, in conjunction with
 59 the Georgia Association of School Nurses, shall develop guidelines for the training of
 60 school employees in the care needed for students with diabetes. The training guidelines
 61 shall include instruction in:

- 62 (A) Recognition and treatment of hypoglycemia and hyperglycemia;
63 (B) Understanding the appropriate actions to take when blood glucose levels are
64 outside of the target ranges indicated by a student's diabetes medical management plan;
65 (C) Understanding physician instructions concerning diabetes medication dosage,
66 frequency, and the manner of administration;
67 (D) Performance of finger-stick blood glucose checking, ketone checking, and
68 recording the results;
69 (E) Administration of insulin and glucagon, an injectable used to raise blood glucose
70 levels immediately for severe hypoglycemia, and the recording of results;
71 (F) Performance of basic insulin pump functions;
72 (G) Recognizing complications that require emergency assistance; and
73 (H) Recommended schedules and food intake for meals and snacks, the effect of
74 physical activity upon blood glucose levels, and actions to be implemented in the case
75 of schedule disruption.
- 76 (2) Each local board of education and state chartered special school shall ensure that the
77 training outlined in paragraph (1) of this subsection is provided to a minimum of two
78 school employees at each school attended by a student with diabetes.
- 79 (3) A school employee shall not be subject to any penalty or disciplinary action for
80 refusing to serve as trained diabetes personnel.
- 81 (4) The training outlined in paragraph (1) of this subsection shall be coordinated and
82 provided by a school nurse or may be contracted out to be provided by another health
83 care professional with expertise in diabetes. Such training shall take place prior to the
84 commencement of each school year, or as needed when a student with diabetes is newly
85 enrolled at a school or a student is newly diagnosed with diabetes. The school nurse or
86 other contracted health care professional shall provide follow-up training and supervision.
- 87 (5) Each local school system and state chartered special school shall provide information
88 in the recognition of diabetes related emergency situations to all bus drivers responsible
89 for the transportation of a student with diabetes.
- 90 (c) The parent or guardian of each student with diabetes who seeks diabetes care while at
91 school shall submit to the school a diabetes medical management plan which upon receipt
92 shall be reviewed and implemented by the school.
- 93 (d)(1) In accordance with the request of a parent or guardian of a student with diabetes
94 and the student's diabetes medical management plan, the school nurse or, in the absence
95 of the school nurse, trained diabetes personnel shall perform functions including, but not
96 limited to, responding to blood glucose levels that are outside of the student's target
97 range; administering glucagon; administering insulin, or assisting a student in
98 administering insulin through the insulin delivery system the student uses; providing oral

99 diabetes medications; checking and recording blood glucose levels and ketone levels, or
100 assisting a student with such checking and recording; and following instructions
101 regarding meals, snacks, and physical activity.

102 (2) The school nurse or at least one trained diabetes personnel shall be on site at each
103 school and available during regular school hours and during field trips that occur during
104 school hours to provide care to each student with diabetes as identified pursuant to
105 subsection (c) of this Code section.

106 (3) There shall be trained diabetes personnel at each school where a student with diabetes
107 is enrolled, and a student's school choice shall in no way be restricted because the student
108 has diabetes.

109 (4) The activities set forth in paragraph (1) of this subsection shall not constitute the
110 practice of nursing and shall be exempted from all applicable statutory and regulatory
111 provisions that restrict what activities can be delegated to or performed by a person who
112 is not a licensed health care professional.

113 (e) Upon written request of a student's parent or guardian and if authorized by the student's
114 diabetes medical management plan, a student with diabetes shall be permitted to perform
115 blood glucose checks, administer insulin through the insulin delivery system the student
116 uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the monitoring and
117 treatment of his or her diabetes in the classroom, in any area of the school or school
118 grounds, and at any school related activity, and he or she shall be permitted to possess on
119 his or her person at all times all necessary supplies and equipment to perform such
120 monitoring and treatment functions.

121 (f) No physician, nurse, school employee, local school system, or state chartered special
122 school shall be liable for civil damages or subject to disciplinary action under professional
123 licensing regulations or school disciplinary policies as a result of the activities authorized
124 or required by this Code section when such acts are committed as an ordinarily reasonably
125 prudent physician, nurse, school employee, local school system, or state chartered special
126 school would have acted under the same or similar circumstances.

127 (g) A private school which complies with the requirements of this Code section shall have
128 the same limited liability for such school and its employees in the same manner as for
129 public schools as provided for in subsection (f) of this Code section."

130 **SECTION 3.**

131 All laws and parts of laws in conflict with this Act are repealed.