AN ACT

To enact R.S. 17:436.3, relative to the care of students with diabetes; to provide for development of diabetes management and treatment plans; to provide relative to the provision of care by certain school personnel; to provide for the duties and responsibilities of the school principal and other school personnel; to provide for unlicensed diabetes care assistants, their duties and functions, and their training; to provide for student self-monitoring and treatment; to provide for immunity; to provide for rules and regulations; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.3 is hereby enacted to read as follows:

§436.3. Students with diabetes; management and treatment plans; provision of care; unlicensed diabetes care assistants; student self-monitoring and treatment

A.(1) Beginning with the 2012-2013 school year, a diabetes management and treatment plan shall be submitted by each student with diabetes enrolled in a public or nonpublic elementary or secondary school who seeks care for his diabetes while at school or while participating in a school-related activity and shall be updated on an annual basis. Such plan shall be developed by the physician or other licensed health care provider recognized by the Centers for Medicare and Medicaid Services who is selected by the parent or guardian to be responsible for such student's diabetes treatment and a current copy of such...
plan shall be kept on file at the school in which the student is enrolled.

(2) A student's diabetes management and treatment plan shall contain:

(a) An evaluation of the student's level of understanding of his condition

and his ability to manage his diabetes.

(b) The diabetes-related healthcare services the student may receive or

self-administer at school or during a school-related activity.

(c) A timetable, including dosage instructions, of any diabetes

medications to be administered to the student or self-administered by the

student.

(d) The signature of the student, the student's parent or legal guardian,

and the physician responsible for the student's diabetes treatment.

(3) The parent or legal guardian of a student with diabetes shall

annually submit a copy of the student's diabetes management and treatment

plan to the principal of the school in which the student is enrolled. The plan

shall be reviewed by the appropriate school personnel:

(a) Prior to or within five days after the beginning of each school year.

(b) Upon enrollment, if the student enrolls in the school after the

beginning of the school year.

(c) As soon as practicable following the student's receipt of a diagnosis

of diabetes.

B.(1) The school nurse shall provide care to a student with diabetes, or

assist a student with the self-care of his diabetes, in accordance with the

student's diabetes management and treatment plan. If a school has no school

nurse assigned to the school on a full-time basis, or the school nurse is

unavailable, an unlicensed diabetes care assistant may provide care to a student

with diabetes, or assist a student with the self-care of his diabetes, as provided

in this Section.

(2) Each school may adopt a policy to ensure that a school nurse, or at

least one unlicensed diabetes care assistant, shall be present and available to

provide care to a student with diabetes during the regular school day or during
school-related activities, in accordance with the student's diabetes management
and treatment plan.

C.(1) For purposes of this Section, "unlicensed diabetes care assistant"
means a school employee who volunteers to be trained in accordance with this
Section.

(2) The principal of the school, in consultation with the school nurse if
one is available, may:

(a) Seek school employees who are not healthcare professionals and who
are willing to be trained to serve as unlicensed diabetes care assistants and
provide care to students with diabetes pursuant to the provisions of this Section.

A school employee shall not be subject to any penalty or disciplinary action for
refusing to serve as an unlicensed diabetes care assistant.

(b) Make efforts to ensure that the school has at least one unlicensed
diabetes care assistant, if the school has a full-time nurse, or at least three
unlicensed diabetes care assistants if the school has no full-time nurse.

(3) An unlicensed diabetes care assistant shall serve under the
supervision of the school nurse or the school principal.

(4) An unlicensed diabetes care assistant, in accordance with the diabetes
management and treatment plan on file for a student, may provide diabetes care
to a student, or assist a student in the self-care of his diabetes, including but not
limited to:

(a) Checking and recording blood glucose and ketone levels.

(b) Responding to blood glucose levels outside of the target range
established for a student.

(c) Administering glucagon and other emergency treatments as
prescribed in a student's diabetes management and treatment plan.

(d) Administering, or assisting a student in administering, insulin
through the insulin delivery system prescribed in the student's diabetes
management and treatment plan.

(e) Administering oral diabetes medications to a student as prescribed
in the student's diabetes management and treatment plan.

(f) Assisting a student to follow the instructions in his diabetes management and treatment plan relative to meals, snacks, and physical activity.

(5)(a) An unlicensed diabetes care assistant may provide diabetes care to a student only in accordance with the student's diabetes management and treatment plan, and then only if the student's parent or legal guardian signs an agreement authorizing such care by the unlicensed diabetes care assistant and such agreement is on file with the school.

(b) An unlicensed diabetes care assistant shall exercise reasonable judgment in deciding whether to contact a healthcare professional in the event of a medical emergency involving a student with diabetes.

(c) In the performance of his duties as provided in this Section, an unlicensed diabetes care assistant who assists a student in compliance with a student's diabetes management and treatment plan as provided in this Section shall be exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a healthcare professional.

(d) An unlicensed diabetes care assistant shall be immune from any liability for any act or omission to act related to the provision of care to a student with diabetes, or assisting a student with the self-care of his diabetes.

(6) The State Board of Elementary and Secondary Education and the Louisiana State Board of Nursing jointly shall promulgate rules and regulations specifying methods and a curriculum for the training of unlicensed diabetes care assistants in accordance with the Administrative Procedure Act. The rules and regulations shall utilize the guidelines as required by this Section and by the latest National Diabetes Education Program, "Helping the Student with Diabetes Succeed: A Guide for School Personnel". In developing such rules and regulations, the boards shall include the following in the rule-making process:

(i) The Department of Health and Hospitals.


(iii) The Juvenile Diabetes Research Foundation International.
(iv) The American Association of Diabetes Educators.

(7) Training for an unlicensed diabetes care assistant may be provided by a healthcare professional with expertise in caring for persons with diabetes or by the school nurse and shall include:

(a) Recognizing the symptoms of hypoglycemia and hyperglycemia.

(b) Understanding the details of a student's diabetes management and treatment plan.

(c) Understanding the proper action to take if a student's blood glucose levels are outside the target ranges specified in his diabetes management and treatment plan.

(d) Performing finger sticks to check blood glucose levels, checking urine ketone levels, and properly recording the results.

(e) Properly administering glucagon and insulin and properly recording the results.

(f) Recognizing complications which require emergency assistance.

(g) Understanding the recommended schedules and food intake for meals and snacks for a student with diabetes, the effect of physical activity on blood glucose levels, and the proper actions to be taken if a student's schedule is disrupted.

D. In accordance with a student's diabetes management and treatment plan, a school shall permit the student to attend to the self-management and care of his diabetes, which may include the following activities:

(a) Performing blood glucose level checks.

(b) Self-administration of insulin through the insulin delivery system specified in the student's diabetes management and treatment plan.

(c) Treatment of hypoglycemia and hyperglycemia as specified in the student's diabetes management and treatment plan.

(d) Possessing on the student's person, at any time, such supplies or equipment as are necessary to monitor and care for the student's diabetes.

(e) Otherwise attending to the management and care of the student's
diabetes in the classroom, in any area of the school or school grounds, or at any
school-related activity.

E. With written permission from a student’s parent or legal guardian, a school may provide a school employee with responsibility for providing transportation for a student with diabetes, or supervising a student with diabetes during an off-campus activity, with an information sheet that provides the following information:

(a) The identity of the student with diabetes.

(b) A description of potential emergencies that may occur as a result of the student’s diabetes and the appropriate responses to such emergencies.

(c) The telephone number of the person to be contacted in case of an emergency involving the student with diabetes.

F. No physician, nurse, school employee, school, or school district shall be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized by this Section.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____________