

ACT No. 858

SENATE BILL NO. 759 (Substitute of Senate Bill No. 692 by Senator Nevers)

BY SENATORS NEVERS AND THOMPSON AND REPRESENTATIVES ABRAMSON, ADAMS, ARNOLD, BADON, BARROW, BILLIOT, BROADWATER, BROWN, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, DIXON, EDWARDS, FANNIN, FOIL, GISCLAIR, HARRIS, HAZEL, HENSGENS, HILL, HOFFMANN, HOLLIS, HOWARD, HUNTER, GIROD JACKSON, JEFFERSON, JOHNSON, JONES, KLECKLEY, NANCY LANDRY, LEBAS, LIGI, LOPINTO, LORUSSO, MORENO, JIM MORRIS, NORTON, PUGH, PYLANT, REYNOLDS, SHADOIN, SIMON, SMITH, ST. GERMAIN AND PATRICK WILLIAMS

1 AN ACT

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

10 Be it enacted by the Legislature of Louisiana:

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

12 **§436.3. Students with diabetes; management and treatment plans; provision of**
13 **care; unlicensed diabetes care assistants; student self-monitoring**
14 **and treatment**

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

1 plan shall be kept on file at the school in which the student is enrolled.

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

3 (a) An evaluation of the student's level of understanding of his condition
4 and his ability to manage his diabetes.

5 (b) The diabetes-related healthcare services the student may receive or
6 self-administer at school or during a school-related activity.

7 (c) A timetable, including dosage instructions, of any diabetes
8 medications to be administered to the student or self-administered by the
9 student.

10 (d) The signature of the student, the student's parent or legal guardian,
11 and the physician responsible for the student's diabetes treatment.

12 (3) The parent or legal guardian of a student with diabetes shall
13 annually submit a copy of the student's diabetes management and treatment
14 plan to the principal of the school in which the student is enrolled. The plan
15 shall be reviewed by the appropriate school personnel:

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

17 (b) Upon enrollment, if the student enrolls in the school after the
18 beginning of the school year.

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

21 B.(1) The school nurse shall provide care to a student with diabetes, or
22 assist a student with the self-care of his diabetes, in accordance with the
23 student's diabetes management and treatment plan. If a school has no school
24 nurse assigned to the school on a full-time basis, or the school nurse is
25 unavailable, an unlicensed diabetes care assistant may provide care to a student
26 with diabetes, or assist a student with the self-care of his diabetes, as provided
27 in this Section.

28 (2) Each school may adopt a policy to ensure that a school nurse, or at
29 least one unlicensed diabetes care assistant, shall be present and available to
30 provide care to a student with diabetes during the regular school day or during

1 school-related activities, in accordance with the student's diabetes management
2 and treatment plan.

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

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

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

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

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

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

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

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

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

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

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

30 (e) Administering oral diabetes medications to a student as prescribed

1 in the student's diabetes management and treatment plan.

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

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

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

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

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

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

28 (i) The Department of Health and Hospitals.

29 (ii) The American Diabetes Association.

30 (iii) The Juvenile Diabetes Research Foundation International.

1 (iv) The American Association of Diabetes Educators.

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

5 (a) Recognizing the symptoms of hypoglycemia and hyperglycemia.

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

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

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

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

15 (f) Recognizing complications which require emergency assistance.

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

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

23 (a) Performing blood glucose level checks.

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

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

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

30 (e) Otherwise attending to the management and care of the student's

1 diabetes in the classroom, in any area of the school or school grounds, or at any
2 school-related activity.

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

8 (a) The identity of the student with diabetes.

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

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____