

ASSEMBLY, No. 3663

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 19, 2003

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Co-Sponsored by:

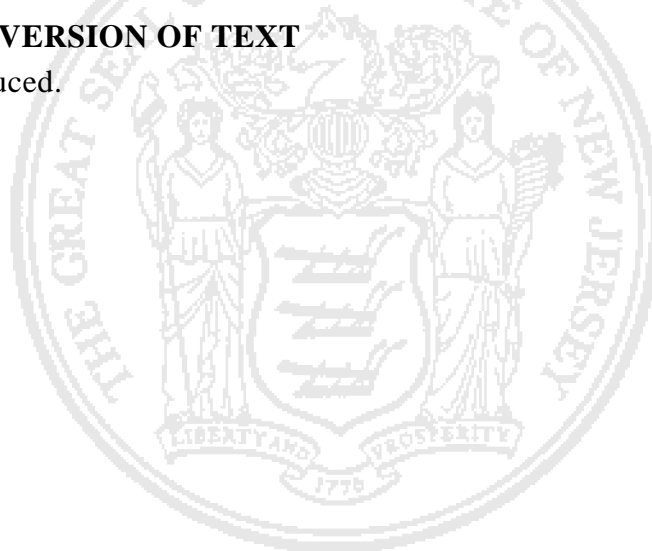
**Assemblymen Ahearn, Connors, Guear, Chivukula, McKeon, Arnone,
Blee, Conover and Munoz**

SYNOPSIS

Requires training in diabetes care for certain school employees and use of medical management plans in schools for students with diabetes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

1 AN ACT concerning the care of students with diabetes and
2 supplementing Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The Legislature finds and declares that:

8 a. Diabetes is a serious chronic disease that impairs the body's
9 ability to use food, and must be managed 24 hours a day in order to:
10 avoid the potentially life-threatening short-term consequences of blood
11 sugar levels that are either too high or too low; and avoid or delay the
12 serious long-term complications of high blood sugar level that include
13 blindness, amputation, heart disease and kidney failure;

14 b. In order to manage their disease, students with diabetes must
15 have access to the means to balance food, medications, and physical
16 activity level while at school and at school-related activities;

17 c. The school nurse is the most appropriate person in the school
18 setting to provide care for a student with diabetes; however, even a
19 nurse who is assigned to a school on a full-time basis will not always
20 be available during the school day, during extracurricular activities or
21 on field trips;

22 d. Because diabetes management is needed at all times, additional
23 school personnel need to be prepared to provide diabetes care at
24 school and all school-related activities in order for students with
25 diabetes to be medically safe and have the same access to educational
26 opportunities as all other students in New Jersey; and

27 e. Because of the significant number of students with diabetes, the
28 effect of diabetes upon a student's ability to learn, and the risk for
29 serious long and short-term medical complications, the Legislature
30 deems it in the public interest to enact the provisions of this act into
31 law.

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33 2. As used in this act:

34 "Medical management plan" means a document developed by the
35 parent or guardian of a student with diabetes and the trained diabetes
36 personnel who will be providing diabetes care to the student, which
37 sets out the health services needed by the student at school and is
38 signed by the parent or guardian and the trained diabetes personnel.

39 "School" means a primary or secondary public school located within
40 this State.

41 "School employee" means a person employed by a public school
42 district.

43 "Trained diabetes personnel" means a school employee who is
44 trained in accordance with the provisions of section 3 of this act, but
45 need not be a licensed or certified health care professional.

1 3. a. The State Board of Education, in consultation with the
2 Commissioner of Health and Senior Services, shall develop guidelines
3 for the training of school employees in the care needed for students
4 with diabetes, for which purpose the board shall solicit
5 recommendations from at least the following: the American Diabetes
6 Association, the American Association of Diabetes Educators, the
7 Medical Society of New Jersey; the American Academy of Pediatrics-
8 New Jersey Chapter, the New Jersey State Nurses Association, and the
9 New Jersey State School Nurses Association.

10 The training guidelines shall be fully developed no later than one
11 year after the effective date of this act and shall include instruction in
12 the following:

- 13 (1) recognition and treatment of hypoglycemia and hyperglycemia;
- 14 (2) understanding the appropriate actions to take when a student's
15 blood glucose levels are outside of the target ranges indicated by the
16 student's medical management plan;
- 17 (3) understanding physician instructions concerning diabetes
18 medication drug dosage, frequency, and the manner of administration;
- 19 (4) performance of finger-stick blood glucose checking, ketone
20 checking, and recording the results;
- 21 (5) the administration of glucagon and insulin and the recording of
22 results; and
- 23 (6) recommended schedules and food intake for meals and snacks,
24 the effect of physical activity upon blood glucose levels, and actions
25 to be implemented in the case of schedule disruption.

26 b. Each public school district shall ensure that the training outlined
27 in subsection a. of this section is provided, at a minimum, to the
28 registered school nurse and two other school employees at each school
29 that is attended by a student with diabetes.

30 c. The training outlined in subsection a. of this section shall be
31 provided annually by a health care professional with expertise in
32 diabetes, and shall take place prior to the commencement of each
33 school year or as needed when a student with diabetes is newly
34 enrolled at a school or a student is newly diagnosed with diabetes.

35 d. Each public school district shall provide training in the
36 recognition of hypoglycemia and hyperglycemia and actions to take in
37 response to emergency situations to all bus drivers responsible for the
38 transportation of a student with diabetes, unless cell phone contact
39 between bus drivers and trained diabetes personnel can be arranged.
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41 4. a. The parent or guardian of each student with diabetes who
42 seeks diabetes care while at school shall submit a medical management
43 plan to the school. The plan shall be reviewed by the school prior to
44 the beginning of each school year or upon the enrollment of a student
45 with diabetes or the diagnosis of a student with diabetes.

46 b. In accordance with the request of a parent or guardian of a

1 student with diabetes and the student's medical management plan,
2 trained diabetes personnel shall perform the following functions:
3 responding to blood glucose levels that are outside of the student's
4 target range; administering glucagon; administering insulin or assisting
5 a student in administering insulin through the insulin delivery system
6 that the student uses; providing oral diabetes medications; checking
7 and recording blood glucose levels and ketone levels or assisting a
8 student with such checking and recording; and following instructions
9 regarding meals, snacks and physical activity.

10 c. The school nurse assigned to a particular school shall coordinate
11 the provision of diabetes care at that school and serve as the lead
12 person among the trained diabetes personnel at the school. At least
13 one of the trained diabetes personnel shall be on site and available to
14 provide care to each student with diabetes as set forth in subsection b.
15 of this section during: regular school hours; school-sponsored, before
16 and after-school care programs; field trips; extracurricular activities;
17 and on buses when the bus driver has not completed the necessary
18 training, unless cell phone contact between the bus driver and trained
19 diabetes personnel can be arranged.

20 d. There shall be trained diabetes personnel at each school in which
21 a student with diabetes is enrolled, and a student's school choice shall
22 in no way be restricted because the student has diabetes.

23 e. The activities set fourth in subsection b. of this section shall not
24 constitute the practice of nursing and shall be exempted from all
25 applicable statutory or regulatory provisions that restrict the activities
26 that may be delegated to a person who is not a licensed health care
27 professional.

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29 5. Upon the written request of the parent or guardian and
30 authorization by the student's medical management plan, a student
31 with diabetes shall be permitted to: perform blood glucose checks;
32 administer insulin through the insulin delivery system that the student
33 uses; treat hypoglycemia and hyperglycemia, and otherwise attend to
34 the care and management of his diabetes in the classroom, in any area
35 of the school or school grounds, and at any school-related activity; and
36 possess on his person at all times such supplies and equipment as are
37 necessary to perform these monitoring and treatment functions.

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39 6. A physician, nurse, school employee or public school district
40 shall not be liable for civil damages as a result of the actions
41 authorized by this act when those actions are taken in the same manner
42 as a reasonably prudent person would have acted under the same or
43 similar circumstances.

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45 7. This act shall take effect immediately.

STATEMENT

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This bill requires training in diabetes care for certain school employees and the use of medical management plans in schools for students with diabetes.

Specifically, the bill provides as follows:

Ⓒ The State Board of Education, in consultation with the Commissioner of Health and Senior Services, is to develop guidelines for the training of public school employees in the care needed for students with diabetes, for which purpose the board will solicit recommendations from at least the following: the American Diabetes Association, the American Association of Diabetes Educators, the Medical Society of New Jersey; the American Academy of Pediatrics-New Jersey Chapter, the New Jersey State Nurses Association, and the New Jersey State School Nurses Association.

Ⓒ The training guidelines are to be fully developed no later than one year after the effective date of the bill and include instruction in the following:

- recognition and treatment of hypoglycemia and hyperglycemia;
- understanding the appropriate actions to take when a student's blood glucose levels are outside of the target ranges indicated by the student's medical management plan;
- understanding physician instructions concerning diabetes medication drug dosage, frequency, and the manner of administration;
- performance of finger-stick blood glucose checking, ketone checking, and recording the results;
- the administration of glucagon and insulin and the recording of results; and
- recommended schedules and food intake for meals and snacks, the effect of physical activity upon blood glucose levels, and actions to be implemented in the case of schedule disruption.

Ⓒ Each public school district is to ensure that the training is provided, at a minimum, to the registered school nurse and two other school employees at each school that is attended by a student with diabetes.

Ⓒ The training is to be provided annually by a health care professional with expertise in diabetes and take place prior to the commencement of each school year or as needed when a student with diabetes is newly enrolled at a school or a student is newly diagnosed with diabetes.

Ⓒ Each public school district is to provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations to all bus drivers responsible for the transportation of a student with diabetes unless cell phone contact between bus drivers and trained diabetes personnel can be arranged.

- 1 C The parent or guardian of each student with diabetes who seeks
2 diabetes care while at school is to submit a medical management
3 plan to the school, which will be reviewed by the school prior to the
4 beginning of each school year or upon the enrollment of a student
5 with diabetes or the diagnosis of a student with diabetes.
- 6 C In accordance with the request of a parent or guardian of a student
7 with diabetes and the student's medical management plan, trained
8 diabetes personnel are to perform the following functions:
9 responding to blood glucose levels that are outside of the student's
10 target range; administering glucagon; administering insulin or
11 assisting a student in administering insulin through the insulin
12 delivery system that the student uses; providing oral diabetes
13 medications; checking and recording blood glucose levels and
14 ketone levels or assisting a student with such checking and
15 recording; and following instructions regarding meals, snacks and
16 physical activity.
- 17 C The school nurse assigned to a particular school is to coordinate the
18 provision of diabetes care at that school and serve as the lead
19 person among the trained diabetes personnel at the school. At least
20 one of the trained diabetes personnel is to be on site and available
21 to provide care to each student with diabetes during: regular school
22 hours; school-sponsored, before and after-school care programs;
23 field trips; extracurricular activities; and on buses when the bus
24 driver has not completed the necessary training, unless cell phone
25 contact between the bus driver and trained diabetes personnel can
26 be arranged.
- 27 C There are to be trained diabetes personnel at each school in which
28 a student with diabetes is enrolled, and a student's school choice
29 must in no way be restricted because the student has diabetes.
- 30 C Upon the written request of the parent or guardian and
31 authorization by the student's medical management plan, a student
32 with diabetes will be permitted to: perform blood glucose checks;
33 administer insulin through the insulin delivery system that the
34 student uses; treat hypoglycemia and hyperglycemia, and otherwise
35 attend to the care and management of his diabetes in the classroom,
36 in any area of the school or school grounds, and at any school-
37 related activity; and possess on his person at all times such supplies
38 and equipment as are necessary to perform these monitoring and
39 treatment functions.
- 40 C A physician, nurse, school employee or public school district will
41 not be liable for civil damages as a result of the actions authorized
42 by this bill when those actions are taken in the same manner as a
43 reasonably prudent person would have acted under the same or
44 similar circumstances.