

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 267

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED JUNE 12, 2008

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**Assemblymen Diegnan, McKeon, Assemblywomen Evans, Greenstein,
Senators Turner, Kyrillos and Bucco**

SYNOPSIS

Authorizes parent or guardian to request use of individualized health care plan for student with diabetes and provides for the emergency administration of glucagon for certain students.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 22, 2009, with amendments.

(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning the care of students with diabetes and
2 supplementing chapter 40 of Title 18A of the New Jersey
3 Statutes.

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

7
8 1. The Legislature finds and declares that:

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

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

19 c. The school nurse is the most appropriate person in the school
20 setting to provide care for a student with diabetes, because the
21 school nurse is in a position to coordinate care and educate school
22 staff in the monitoring and treatment of symptoms, develop an
23 individualized health care plan and an individualized emergency
24 health care plan, and consult and coordinate with a student's parents
25 or guardians and health care provider to establish a safe, therapeutic
26 environment;

27 d. Because of the significant number of students with diabetes,
28 the effect of diabetes upon a student's ability to learn, and the risk
29 of serious long and short-term medical complications, the
30 Legislature deems it in the public interest to enact legislation that
31 addresses the care of students with diabetes within the public school
32 system.

33

34 2. As used in this act:

35 "Individualized emergency health care plan" means a document
36 developed by the school nurse, in consultation with the parent or
37 guardian of a student with diabetes and other appropriate medical
38 professionals, which is consistent with the recommendations of the
39 student's health care providers and which outlines a set of
40 procedural guidelines that provide specific directions about what to
41 do in a particular emergency situation and is signed by the parent or
42 guardian and the school nurse.

43 "Individualized health care plan" means a document developed
44 by the school nurse, in consultation with the parent or guardian of a

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted June 22, 2009.

1 student with diabetes and other appropriate medical professionals
2 who may be providing diabetes care to the student, which is
3 consistent with the recommendations of the student's health care
4 providers and which sets out the health services needed by the
5 student at school and is signed by the parent or guardian and the
6 school nurse.

7 "School" means an elementary or secondary public school
8 located within this State.

9 "School employee" means a person employed by a school
10 district.

11

12 3. a. The parent or guardian of a student with diabetes who
13 seeks diabetes care while at school shall inform the school nurse
14 who shall develop an individualized health care plan and an
15 individualized emergency health care plan for the student provided
16 that:

17 (1) the parents or guardians of the student annually provide to
18 the board of education written authorization for the provision of
19 diabetes care as may be outlined in the individualized plans
20 including authorization for the emergency administration of
21 glucagon and, if requested by the student's parents or guardians
22 pursuant to section 5 of this act, authorization for the student's self-
23 management and care of his diabetes; 'and';

24 (2) '[the parents or guardians of the student annually provide to
25 the board of education written certification from the student's
26 physician that the student has diabetes and, if requested by the
27 student's parents or guardians pursuant to section 5 of this act, that
28 the student is capable of, and has been instructed in, the
29 management and care of his diabetes;

30 (3) the board of education annually informs the parents or
31 guardians of the student in writing that the district and its
32 employees or agents shall incur no liability as a result of any injury
33 arising from the implementation of the individualized plans
34 including the emergency administration of glucagon, or a student's
35 self-management and care of his diabetes; and

36 (4) the parents or guardians of the student annually sign a
37 statement acknowledging that the district shall incur no liability as a
38 result of any injury arising from the implementation of the
39 individualized plans including the emergency administration of
40 glucagon, or a student's self-management and care of his diabetes,
41 and the parents or guardians shall indemnify and hold harmless the
42 district and its employees or agents against any claims arising from
43 the implementation of the individualized plans including the
44 emergency administration of glucagon, or a student's self-
45 management and care of his diabetes] if a request is made by a
46 student's parent or guardian pursuant to section 5 of this act, the
47 student's physician or advanced practice nurse provides written

1 certification to the board of education that the student is capable of,
2 and has been instructed in, the management and care of his
3 diabetes¹ .

4 b. The individualized health care plan and individualized
5 emergency health care plan developed in accordance with
6 subsection a. of this section shall be updated by the school nurse
7 prior to the beginning of each school year and as necessary in the
8 event that there is a change in the health status of the student.

9 c. Each individualized health care plan shall include, and each
10 individualized emergency health care plan may include, the
11 following information:

12 (1) the **'[definition] symptoms'**¹ of hypoglycemia for that
13 particular student and the recommended treatment;

14 (2) the **'[definition] symptoms'**¹ of hyperglycemia for that
15 particular student and the recommended treatment;

16 (3) the frequency of blood glucose testing;

17 (4) written orders from the student's physician or advanced
18 practice nurse outlining the dosage and indications for insulin
19 administration and the administration of glucagon, if needed;

20 (5) times of meals and snacks and indications for additional
21 snacks for exercise;

22 (6) full participation in exercise and sports, and any
23 contraindications to exercise, or accommodations that must be made
24 for that particular student;

25 (7) accommodations for school trips, after-school activities,
26 class parties, and other school-related activities;

27 (8) education of all school personnel who may come in contact
28 with the student about diabetes, how to recognize and treat
29 hypoglycemia, how to recognize hyperglycemia, and when to call
30 for assistance;

31 (9) medical and treatment issues that may affect the educational
32 process of the student with diabetes; and

33 (10) how to maintain communications with the student, the
34 student's parent or guardian and health care team, the school nurse,
35 and the educational staff.

36 d. The school nurse assigned to a particular school shall
37 coordinate the provision of diabetes care at that school and ensure
38 that appropriate staff are trained in the care of students with
39 diabetes, including staff working with school-sponsored programs
40 outside of the regular school day, as provided in the individualized
41 health care plan and the individualized emergency health care plan.
42 **'[Non-medical staff shall not be trained to treat hyperglycemia.]'**¹

43

44 4. a. The school nurse shall have the primary responsibility for
45 the emergency administration of glucagon to a student with diabetes
46 who is experiencing severe hypoglycemia. The school nurse shall
47 designate, in consultation with the board of education, additional

1 employees of the school district who volunteer to administer
2 glucagon to a student with diabetes who is experiencing severe
3 hypoglycemia. The designated employees shall only be authorized
4 to administer glucagon, following training by the school nurse or
5 other qualified health care professional, when a school nurse is not
6 physically present at the scene.

7 b. The activities set forth in subsection a. of this section shall
8 not constitute the practice of nursing and shall be exempted from all
9 applicable statutory or regulatory provisions that restrict the
10 activities that may be delegated to a person who is not a licensed
11 health care professional.

12 c. In the event that a licensed athletic trainer volunteers to
13 administer glucagon to a student with diabetes pursuant to
14 subsection a. of this section, it shall not constitute a violation of the
15 “Athletic Training Licensure Act,” P.L.1984, c.203 (C.45:9-37.35 et
16 seq.).

17
18 5. Upon the written request of the parent or guardian and as
19 provided in a student’s individualized health care plan, a school
20 district shall allow the student to attend to the management and care
21 of the student’s diabetes as needed in the classroom, in any area of
22 the school or school grounds, or at any school-related activity if the
23 student has been evaluated and determined to be capable of doing
24 so as reflected in the student’s individualized health care plan. The
25 student’s management and care of his diabetes shall include the
26 following:

- 27 a. performing blood glucose level checks;
28 b. administering insulin through the insulin delivery system the
29 student uses;
30 c. treating hypoglycemia and hyperglycemia;
31 d. possessing on the student’s person at any time the supplies or
32 equipment necessary to monitor and care for the student’s diabetes;
33 e. compliance with required procedures for medical waste
34 disposal in accordance with district policies and as set forth in the
35 individualized health care plan; and
36 f. otherwise attending to the management and care of the
37 student’s diabetes.

38
39 6. A school district shall, for each pupil with diabetes whom a
40 school bus driver transports, provide the driver with a notice of the
41 pupil’s condition ¹, how to treat hypoglycemia, who to contact in an
42 emergency.¹ and parent contact information.

43
44 7. Designated areas of the school building shall have posted, in
45 plain view, a reference sheet identifying signs and symptoms of
46 hypoglycemia in students with diabetes.

1 8. The school nurse shall obtain a release from the parent or
2 guardian of a diabetic student to authorize the sharing of medical
3 information between the student's physician or advanced practice
4 nurse and other health care providers. The release shall also
5 authorize the school nurse to share medical information with other
6 staff members of the school district as necessary.

7
8 9. No school employee, including a school nurse, a school bus
9 driver, a school bus aide, or any other officer or agent of a board of
10 education, shall be held liable for any good faith act or omission
11 consistent with the provisions of this act, nor shall an action before
12 the New Jersey State Board of Nursing lie against a school nurse for
13 any such action taken by a person trained in good faith by the
14 school nurse pursuant to this act. Good faith shall not include
15 willful misconduct, gross negligence, or recklessness.

16
17 10. The possession and use of syringes consistent with the
18 purposes of this act shall not be considered a violation of applicable
19 statutory or regulatory provisions that may otherwise restrict or
20 prohibit such possession and use.

21
22 11. A student's school choice shall not be restricted due to the
23 fact that the student has diabetes.

24
25 12. This act shall take effect on the 120th day after the date of
26 enactment.