

ASSEMBLY, No. 267

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman NEIL M. COHEN

District 20 (Union)

Co-Sponsored by:

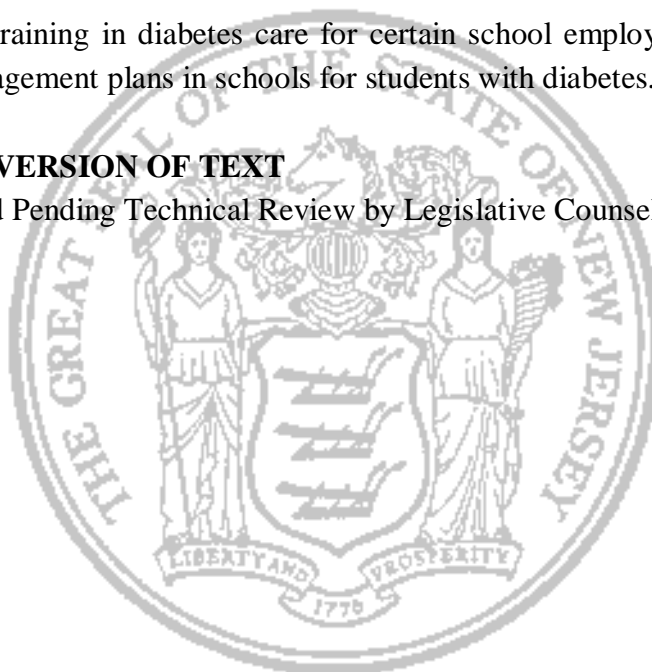
Assemblymen Diegnan, McKeon and Assemblywoman Evans

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

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/6/2008)

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
11 blood sugar levels that are either too high or too low; and avoid or
12 delay the serious long-term complications of high blood sugar level
13 that include blindness, amputation, heart disease, and kidney
14 failure;

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

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

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

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

33

34 2. As used in this act:

35 "Medical management plan" means a document developed by the
36 parent or guardian of a student with diabetes and the student's
37 personal health care team, which sets out the health services needed
38 by the student at school and is signed by at least one member of the
39 student's personal health care team.

40 "School" means an elementary or secondary public school,
41 charter school, or nonpublic school located within this State.

42 "School employee" means a person employed by a public school
43 district, a charter school, or a nonpublic school, a person employed
44 by a local health department and assigned to a school, or a person
45 employed by another entity and assigned to a school to provide
46 health services pursuant to a contract between that entity and the
47 public school district, charter school, or nonpublic school.

1 “Student’s personal health care team” means those health care
2 professionals who provide and guide the diabetes care provided to
3 the student outside of school.

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

7
8 3. a. The Commissioner of Health and Senior Services, in
9 consultation with the State Board of Education, shall develop
10 guidelines for the training of school employees in the care needed
11 for students with diabetes, for which purpose the commissioner
12 shall solicit recommendations from at least the following: the
13 American Diabetes Association, the American Association of
14 Diabetes Educators, the New Jersey Academy of Family Physicians,
15 the New Jersey State School Nurses Association, and the New
16 Jersey Diabetes Prevention and Control Program in the Department
17 of Health and Senior Services.

18 The training guidelines shall be fully developed no later than 90
19 days after the effective date of this act and shall include instruction
20 in the following:

21 (1) recognition and treatment of hypoglycemia and
22 hyperglycemia;

23 (2) understanding the appropriate actions to take when a
24 student's blood glucose levels are outside of the target ranges
25 indicated by the student's medical management plan;

26 (3) understanding physician instructions concerning diabetes
27 medication drug dosage, frequency, and the manner of
28 administration;

29 (4) performance of finger-stick blood glucose checking, ketone
30 checking, and recording the results;

31 (5) the administration of glucagon and insulin and the recording
32 of results; and

33 (6) recommended schedules and food intake for meals and
34 snacks, the effect of physical activity upon blood glucose levels,
35 and actions to be implemented in the case of schedule disruption.

36 b. Each public school district, charter school, and nonpublic
37 school shall ensure that the training outlined in subsection a. of this
38 section is provided, at a minimum, to three school employees, who
39 may include the registered school nurse, at each school that is
40 attended by a student with diabetes no later than the 120th day after
41 the effective date of this act or the 30th day after the parent or
42 guardian of a student with diabetes submits a written request to the
43 school for the use of trained diabetes personnel, whichever date is
44 later.

45 c. The training outlined in subsection a. of this section shall be
46 provided annually by a health care professional with expertise in
47 diabetes, and shall take place prior to the commencement of each

1 school year or as needed when a student with diabetes is newly
2 enrolled at a school or a student is newly diagnosed with diabetes.

3 d. Each public school district, charter school, and nonpublic
4 school shall, no later than the 120th day after the effective date of
5 this act or the 30th day after the parent or guardian of a student with
6 diabetes submits a written request to the school for the use of
7 trained diabetes personnel, whichever date is later, provide training
8 to all bus drivers responsible for the transportation of a student with
9 diabetes:

10 (1) in the recognition of hypoglycemia and hyperglycemia; and

11 (2) unless cell phone contact between bus drivers and trained
12 diabetes personnel can be arranged, in actions to take in response to
13 emergency situations.

14

15 4. a. The parent or guardian of each student with diabetes who
16 seeks diabetes care while at school shall submit a medical
17 management plan to the school. The plan shall be reviewed by the
18 school prior to the beginning of each school year or upon the
19 enrollment of a student with diabetes or the diagnosis of a student
20 with diabetes.

21 b. In accordance with the request of a parent or guardian of a
22 student with diabetes and the student's medical management plan,
23 trained diabetes personnel shall, no later than the 120th day after
24 the effective date of this act or the 30th day after the parent or
25 guardian submits a written request to the school for the use of
26 trained diabetes personnel, whichever date is later, perform at least
27 the following functions: responding to blood glucose levels that are
28 outside of the student's target range; administering glucagon;
29 administering insulin or assisting a student in administering insulin
30 through the insulin delivery system that the student uses; providing
31 oral diabetes medications; checking and recording blood glucose
32 levels and ketone levels or assisting a student with such checking
33 and recording; and following instructions regarding meals, snacks,
34 and physical activity.

35 c. The school nurse assigned to a particular school shall
36 coordinate the provision of diabetes care at that school, in a manner
37 consistent with the medical management plan for each student with
38 diabetes, and serve as the lead person among the trained diabetes
39 personnel at the school. At least one of the trained diabetes
40 personnel shall be on site and available to provide care to each
41 student with diabetes as set forth in subsection b. of this section
42 during: regular school hours; school-sponsored, before and after-
43 school care programs; field trips; extracurricular activities; and on
44 buses when the bus driver has not completed the necessary training
45 in actions to take in response to emergency situations, unless the
46 bus driver has completed training in the recognition of

1 hypoglycemia and hyperglycemia and cell phone contact between
2 the bus driver and trained diabetes personnel can be arranged.

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

7 e. The activities set forth in subsection b. 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

13 5. Upon the written request of the parent or guardian and
14 authorization by the student's medical management plan, a student
15 with diabetes shall be permitted to: perform blood glucose checks;
16 administer insulin through the insulin delivery system that the
17 student uses; treat hypoglycemia and hyperglycemia, and otherwise
18 attend to the care and management of his diabetes in the classroom,
19 in any area of the school or school grounds, and at any school-
20 related activity; and possess on his person at all times such supplies
21 and equipment as are necessary to perform these monitoring and
22 treatment functions.

23

24 6. A physician, nurse, school employee, public school district,
25 charter school, or nonpublic school shall not be liable for civil
26 damages as a result of the actions authorized by this act when those
27 actions are taken in the same manner as a reasonably prudent person
28 would have acted under the same or similar circumstances.

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30 7. This act shall take effect immediately.

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32

33

STATEMENT

34

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

38 Specifically, the bill provides as follows:

- 39 • The Commissioner of Health and Senior Services, in
40 consultation with the State Board of Education, is to develop
41 guidelines for the training of public, charter and nonpublic
42 school employees in the care needed for students with
43 diabetes, for which purpose the commissioner will solicit
44 recommendations from at least the following: the American
45 Diabetes Association, the American Association of Diabetes
46 Educators, the New Jersey Academy of Family Physicians,
47 the New Jersey State School Nurses Association, and the

- 1 New Jersey Diabetes Prevention and Control Program in the
2 Department of Health and Senior Services.
- 3 • The training guidelines are to be fully developed no later
4 than 90 days after the effective date of the bill and include
5 instruction in the following:
 - 6 -- recognition and treatment of hypoglycemia and
7 hyperglycemia;
 - 8 -- understanding the appropriate actions to take when a
9 student's blood glucose levels are outside of the target ranges
10 indicated by the student's medical management plan;
 - 11 -- understanding physician instructions concerning diabetes
12 medication drug dosage, frequency, and the manner of
13 administration;
 - 14 -- performance of finger-stick blood glucose checking,
15 ketone checking, and recording the results;
 - 16 -- the administration of glucagon and insulin and the
17 recording of results; and
 - 18 -- recommended schedules and food intake for meals and
19 snacks, the effect of physical activity upon blood glucose levels,
20 and actions to be implemented in the case of schedule disruption.
 - 21 • Each public school district, charter school, and nonpublic
22 school is to ensure that the training is provided, at a
23 minimum, to three school employees, who may include the
24 registered school nurse, at each school that is attended by a
25 student with diabetes no later than the 120th day after the
26 effective date of the bill or the 30th day after the parent or
27 guardian of a student with diabetes submits a written request
28 to the school for the use of trained diabetes personnel,
29 whichever date is later.
 - 30 • The training is to be provided annually by a health care
31 professional with expertise in diabetes and take place prior
32 to the commencement of each school year or as needed when
33 a student with diabetes is newly enrolled at a school or a
34 student is newly diagnosed with diabetes.
 - 35 • Each public school district, charter school, and nonpublic
36 school is, no later than the 120th day after the effective date
37 of the bill or the 30th day after the parent or guardian of a
38 student with diabetes submits a written request to the school
39 for the use of trained diabetes personnel, whichever date is
40 later, to provide training provide training to all bus drivers
41 responsible for the transportation of a student with diabetes:
 - 42 -- in the recognition of hypoglycemia and hyperglycemia;
- 43 and
- 44 -- unless cell phone contact between bus drivers and trained
45 diabetes personnel can be arranged, in actions to take in response to
46 emergency situations.

- 1 • The parent or guardian of each student with diabetes who
2 seeks diabetes care while at school is to submit a medical
3 management plan to the school, which will be reviewed by
4 the school prior to the beginning of each school year or upon
5 the enrollment of a student with diabetes or the diagnosis of
6 a student with diabetes.
- 7 • In accordance with the request of a parent or guardian of a
8 student with diabetes and the student's medical management
9 plan, trained diabetes personnel, commencing no later than
10 the 120th day after the effective date of the bill or the 30th
11 day after the parent or guardian submits a written request to
12 the school for the use of trained diabetes personnel,
13 whichever date is later, are to perform the following
14 functions: responding to blood glucose levels that are
15 outside of the student's target range; administering glucagon;
16 administering insulin or assisting a student in administering
17 insulin through the insulin delivery system that the student
18 uses; providing oral diabetes medications; checking and
19 recording blood glucose levels and ketone levels or assisting
20 a student with such checking and recording; and following
21 instructions regarding meals, snacks and physical activity.
- 22 • The school nurse assigned to a particular school is to
23 coordinate the provision of diabetes care at that school, in a
24 manner consistent with the medical management plan for
25 each student with diabetes, and serve as the lead person
26 among the trained diabetes personnel at the school. At least
27 one of the trained diabetes personnel is to be on site and
28 available to provide care to each student with diabetes
29 during: regular school hours; school-sponsored, before and
30 after-school care programs; field trips; extracurricular
31 activities; and on buses when the bus driver has not
32 completed the necessary training in actions to take in
33 response to emergency situations, unless the bus driver has
34 completed training in the recognition of hypoglycemia and
35 hyperglycemia and cell phone contact between the bus driver
36 and trained diabetes personnel can be arranged.
- 37 • There are to be trained diabetes personnel at each school in
38 which a student with diabetes is enrolled, and a student's
39 school choice must in no way be restricted because the
40 student has diabetes.
- 41 • Upon the written request of the parent or guardian and
42 authorization by the student's medical management plan, a
43 student with diabetes will be permitted to: perform blood
44 glucose checks; administer insulin through the insulin
45 delivery system that the student uses; treat hypoglycemia
46 and hyperglycemia, and otherwise attend to the care and
47 management of his diabetes in the classroom, in any area of

- 1 the school or school grounds, and at any school-related
2 activity; and possess on his person at all times such supplies
3 and equipment as are necessary to perform these monitoring
4 and treatment functions.
- 5 • A physician, nurse, school employee, public school district,
6 charter school, or nonpublic school will not be liable for
7 civil damages as a result of the actions authorized by this bill
8 when those actions are taken in the same manner as a
9 reasonably prudent person would have acted under the same
10 or similar circumstances.