

HOUSE BILL No. 4878

May 5, 2009, Introduced by Reps. Rick Jones, Tyler, Lori, DeShazor, Walsh, Denby, Switalski, Marleau and Dean and referred to the Committee on Health Policy.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1180.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1180. (1) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE
2 OF THIS SECTION, THE DEPARTMENT OF COMMUNITY HEALTH SHALL DEVELOP
3 GUIDELINES FOR THE TRAINING OF SCHOOL EMPLOYEES IN THE CARE NEEDED
4 FOR STUDENTS WITH DIABETES. ALL OF THE FOLLOWING APPLY TO THESE
5 GUIDELINES AND TRAINING:

6 (A) THE GUIDELINES SHALL BE DEVELOPED IN CONSULTATION WITH THE
7 AMERICAN DIABETES ASSOCIATION, THE MICHIGAN ASSOCIATION OF SCHOOL
8 NURSES, AND OTHER ORGANIZATIONS CONSIDERED APPROPRIATE BY THE
9 DEPARTMENT OF COMMUNITY HEALTH.

10 (B) THE GUIDELINES SHALL PROVIDE FOR ANNUAL TRAINING BY A

1 LICENSED HEALTH CARE PROFESSIONAL WITH EXPERTISE IN DIABETES.

2 (C) THE TRAINING SHALL INCLUDE INSTRUCTION IN AT LEAST ALL OF
3 THE FOLLOWING:

4 (i) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND
5 HYPERGLYCEMIA.

6 (ii) UNDERSTANDING THE APPROPRIATE ACTIONS TO BE TAKEN WHEN
7 BLOOD GLUCOSE LEVELS ARE OUTSIDE THE TARGET RANGES INDICATED BY THE
8 STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN.

9 (iii) UNDERSTANDING PHYSICIAN INSTRUCTIONS CONCERNING DIABETES
10 MEDICATION DRUG DOSAGE, FREQUENCY, AND MANNER OF ADMINISTRATION.

11 (iv) PERFORMANCE OF FINGER-STICK BLOOD GLUCOSE CHECKING AND
12 KETONE CHECKING AND RECORDING THE RESULTS.

13 (v) ADMINISTRATION OF INSULIN AND RECORDING OF RESULTS.

14 (vi) UNDERSTANDING HOW TO PERFORM BASIC INSULIN PUMP FUNCTIONS.

15 (vii) ADMINISTRATION OF GLUCAGON AND RECORDING OF RESULTS.

16 (viii) RECOMMENDED SCHEDULES AND FOOD INTAKE FOR MEALS AND
17 SNACKS, THE EFFECT OF PHYSICAL ACTIVITY ON BLOOD GLUCOSE LEVELS,
18 AND ACTIONS TO BE TAKEN IN CASE OF SCHEDULE DISRUPTION.

19 (D) THE TRAINING SHALL REQUIRE SUCCESSFUL COMPLETION OF A
20 COMPETENCY SKILLS CHECKLIST.

21 (E) THE DEPARTMENT OF COMMUNITY HEALTH SHALL IDENTIFY 1 OR
22 MORE LICENSED HEALTH CARE PROFESSIONALS AS CONTACT PERSONS FOR
23 SCHOOLS AND SHALL HAVE A CONTACT PERSON AVAILABLE TO TRAINED
24 DIABETES PERSONNEL BY TELEPHONE OR IN PERSON TO PROVIDE ADDITIONAL
25 OR UPDATED TRAINING AS REQUIRED DUE TO CHANGES IN A STUDENT'S
26 CONDITION OR UPDATED INFORMATION.

27 (2) IF A STUDENT WITH DIABETES IS ENROLLED IN A SCHOOL

1 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR
2 NONPUBLIC SCHOOL AND THE STUDENT'S PARENT OR LEGAL GUARDIAN HAS
3 SUBMITTED A DIABETES MEDICAL MANAGEMENT PLAN TO SCHOOL OFFICIALS AS
4 PROVIDED UNDER SUBSECTION (3), THE BOARD OF THE SCHOOL DISTRICT OR
5 INTERMEDIATE SCHOOL DISTRICT, BOARD OF DIRECTORS OF THE PUBLIC
6 SCHOOL ACADEMY, OR GOVERNING BODY OF THE NONPUBLIC SCHOOL SHALL
7 ENSURE THAT THE TRAINING DESCRIBED IN SUBSECTION (1) IS PROVIDED TO
8 THE SCHOOL NURSE ASSIGNED TO THE SCHOOL, IF ANY, AND TO AT LEAST 2
9 SCHOOL EMPLOYEES WHO WORK IN EACH SCHOOL THE STUDENT ATTENDS AND
10 WHO VOLUNTEER FOR THE TRAINING. THE TRAINING SHALL TAKE PLACE
11 BEFORE THE BEGINNING OF EACH SCHOOL YEAR IN WHICH THE STUDENT IS
12 EXPECTED TO ATTEND THE SCHOOL OR, IF A STUDENT WITH DIABETES
13 ENROLLS IN THE SCHOOL DURING THE SCHOOL YEAR OR A STUDENT ATTENDING
14 THE SCHOOL IS NEWLY DIAGNOSED WITH DIABETES DURING THE SCHOOL YEAR
15 AND THE TRAINING HAS NOT ALREADY OCCURRED FOR THAT SCHOOL YEAR, AS
16 SOON AS POSSIBLE AFTER THE STUDENT'S ENROLLMENT OR DIAGNOSIS AND
17 SUBMISSION OF THE STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN.

18 (3) FOR A STUDENT WITH DIABETES AND THE STUDENT'S SCHOOL TO BE
19 SUBJECT TO THIS SECTION, THE STUDENT'S PARENT OR LEGAL GUARDIAN
20 SHALL SUBMIT A DIABETES MEDICAL MANAGEMENT PLAN FOR THE STUDENT TO
21 SCHOOL OFFICIALS BEFORE THE BEGINNING OF EACH SCHOOL YEAR OR UPON
22 ENROLLMENT OF THE STUDENT OR DIAGNOSIS OF THE STUDENT WITH
23 DIABETES. THE DIABETES MEDICAL MANAGEMENT PLAN SHALL BE DEVELOPED
24 BY A PERSONAL HEALTH CARE TEAM FOR THE STUDENT THAT INCLUDES A
25 LICENSED PHYSICIAN. IF A DIABETES MEDICAL MANAGEMENT PLAN HAS BEEN
26 SUBMITTED FOR A STUDENT WITH DIABETES, ALL OF THE FOLLOWING APPLY
27 TO THAT STUDENT:

1 (A) THE TRAINING DESCRIBED IN SUBSECTION (2) SHALL BE PROVIDED
2 TO SCHOOL PERSONNEL.

3 (B) IN ACCORDANCE WITH THE REQUEST OF THE STUDENT'S PARENT OR
4 LEGAL GUARDIAN AND WITH THE DIABETES MEDICAL MANAGEMENT PLAN,
5 TRAINED DIABETES PERSONNEL SHALL PERFORM FUNCTIONS RELATED TO
6 MANAGEMENT OF THE STUDENT'S DIABETES, INCLUDING, BUT NOT LIMITED
7 TO, SOME OR ALL OF THE FOLLOWING:

8 (i) RESPONDING TO BLOOD GLUCOSE LEVELS THAT ARE OUTSIDE OF THE
9 STUDENT'S TARGET RANGE.

10 (ii) ADMINISTERING INSULIN OR ASSISTING THE STUDENT IN
11 ADMINISTERING INSULIN USING THE INSULIN DELIVERY SYSTEM THE STUDENT
12 USES.

13 (iii) PROVIDING ORAL DIABETES MEDICATIONS.

14 (iv) CHECKING AND RECORDING BLOOD GLUCOSE LEVELS AND KETONE
15 LEVELS OR ASSISTING THE STUDENT WITH THIS CHECKING AND RECORDING.

16 (v) FOLLOWING INSTRUCTIONS REGARDING MEALS, SNACKS, AND
17 PHYSICAL ACTIVITY.

18 (vi) ADMINISTERING GLUCAGON IN AN EMERGENCY SITUATION.

19 (C) AT LEAST 1 OF THE TRAINED DIABETES PERSONNEL SHALL BE
20 PRESENT AND AVAILABLE TO PROVIDE THE CARE DESCRIBED IN SUBDIVISION
21 (B) TO THE STUDENT AT ALL TIMES DURING REGULAR SCHOOL HOURS AND
22 DURING SCHOOL-SPONSORED BEFORE-SCHOOL OR AFTER-SCHOOL CARE PROGRAMS
23 AND EXTRACURRICULAR ACTIVITIES.

24 (D) TRAINED DIABETES PERSONNEL SHALL BE PRESENT AT EACH SCHOOL
25 IN WHICH THE STUDENT IS ENROLLED. A STUDENT'S RIGHTS CONCERNING
26 SCHOOL CHOICE SHALL NOT BE RESTRICTED IN ANY WAY BECAUSE THE
27 STUDENT HAS DIABETES.

1 (E) UPON WRITTEN REQUEST OF THE STUDENT'S PARENT OR LEGAL
2 GUARDIAN AND AUTHORIZATION BY THE STUDENT'S DIABETES MEDICAL
3 MANAGEMENT PLAN, SCHOOL OFFICIALS SHALL PERMIT THE STUDENT TO
4 PERFORM BLOOD GLUCOSE CHECKS, ADMINISTER INSULIN TO HIMSELF OR
5 HERSELF USING THE INSULIN DELIVERY SYSTEM HE OR SHE USES, TREAT
6 HYPOGLYCEMIA OR HYPERGLYCEMIA HE OR SHE EXPERIENCES, AND OTHERWISE
7 ATTEND TO THE CARE AND MANAGEMENT OF HIS OR HER DIABETES IN THE
8 CLASSROOM OR ANY OTHER AREA OF THE SCHOOL OR SCHOOL GROUNDS AND AT
9 ANY SCHOOL-RELATED ACTIVITY, AND TO POSSESS ON HIS OR HER PERSON AT
10 ALL TIMES ALL NECESSARY SUPPLIES AND EQUIPMENT TO PERFORM THESE
11 CARE AND MANAGEMENT FUNCTIONS.

12 (F) THE SCHOOL BOARD SHALL ENSURE THAT EACH EMPLOYEE PROVIDING
13 TRANSPORTATION FOR THE STUDENT FOR SCHOOL-SPONSORED ACTIVITIES IS
14 PROVIDED WITH TRAINING IN THE RECOGNITION AND TREATMENT OF
15 HYPOGLYCEMIA AND HYPERGLYCEMIA AND IS PROVIDED WITH A 1-PAGE
16 INFORMATION SHEET THAT DOES ALL OF THE FOLLOWING:

17 (i) IDENTIFIES THE STUDENT WITH DIABETES.

18 (ii) IDENTIFIES POTENTIAL EMERGENCIES THAT MAY OCCUR AS A
19 RESULT OF THE STUDENT'S DIABETES AND THE APPROPRIATE RESPONSES TO
20 THOSE EMERGENCIES.

21 (iii) PROVIDES EMERGENCY CONTACT INFORMATION FOR THE STUDENT'S
22 PARENT OR LEGAL GUARDIAN.

23 (4) A SCHOOL NURSE IS THE PREFERRED DIABETES CARE PROVIDER FOR
24 A STUDENT WITH DIABETES, BUT TRAINED DIABETES PERSONNEL ARE NOT
25 REQUIRED BY THIS SECTION TO BE LICENSED HEALTH CARE PROFESSIONALS.
26 IF A SCHOOL NURSE IS ASSIGNED TO A SCHOOL, THE SCHOOL NURSE SHALL
27 COORDINATE THE PROVISION OF DIABETES CARE AT THAT SCHOOL UNDER THIS

1 SECTION AND SHALL SERVE AS THE LEAD TRAINED DIABETES PERSONNEL.

2 (5) A SCHOOL EMPLOYEE, SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,
3 NONPUBLIC SCHOOL, OR MEMBER OF A SCHOOL BOARD, PUBLIC SCHOOL
4 ACADEMY BOARD OF DIRECTORS, OR NONPUBLIC SCHOOL GOVERNING BODY IS
5 NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR INJURY, DEATH, OR LOSS
6 TO PERSON OR PROPERTY ALLEGEDLY ARISING AS A RESULT OF THE
7 ACTIVITIES AUTHORIZED BY THIS LEGISLATION WHEN THOSE ACTS ARE
8 COMMITTED AS AN ORDINARILY PRUDENT PERSON WOULD HAVE ACTED UNDER
9 THE SAME OR SIMILAR CIRCUMSTANCES.

10 (6) AS USED IN THIS SECTION:

11 (A) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A DOCUMENT
12 DEVELOPED BY THE STUDENT'S PERSONAL HEALTH CARE TEAM THAT SETS OUT
13 THE HEALTH SERVICES NEEDED BY THE STUDENT AT SCHOOL, THAT EVALUATES
14 THE STUDENT'S ABILITY TO SELF-MANAGE AND LEVEL OF UNDERSTANDING OF
15 THE STUDENT'S DIABETES, AND THAT IS SIGNED BY AT LEAST THE PARENT
16 OR LEGAL GUARDIAN AND THE LICENSED PHYSICIAN WHO IS PART OF THE
17 STUDENT'S PERSONAL HEALTH CARE TEAM.

18 (B) "LICENSED HEALTH CARE PROFESSIONAL" MEANS A PHYSICIAN,
19 NURSE, OR PHYSICIAN'S ASSISTANT LICENSED UNDER ARTICLE 15 OF THE
20 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.

21 (C) "SCHOOL" MEANS ANY PUBLIC OR NONPUBLIC SCHOOL THAT
22 OPERATES ANY OF GRADES K TO 12.

23 (D) "SCHOOL EMPLOYEE" MEANS ANY PERSON EMPLOYED BY OR UNDER
24 CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
25 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR ANY PERSON EMPLOYED
26 BY OR UNDER CONTRACT WITH A LOCAL HEALTH DEPARTMENT WHO IS ASSIGNED
27 TO A SCHOOL, OR ANY SUBCONTRACTOR DESIGNATED FOR THIS FUNCTION.

1 (E) "TRAINED DIABETES PERSONNEL" MEANS A SCHOOL EMPLOYEE
2 TRAINED IN ACCORDANCE WITH THIS SECTION.