

HOUSE BILL No. 6555

October 15, 2008, Introduced by Reps. Rick Jones, Meisner, Mayes, Spade, Condino, Stahl, Leland, Bauer, Polidori, Espinoza, Brown, Green, Calley, Farrah, Melton, Dean, Shaffer, Agema, Moss, Knollenberg and Pearce 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.

1 (B) THE GUIDELINES SHALL PROVIDE FOR ANNUAL TRAINING BY A
2 LICENSED HEALTH CARE PROFESSIONAL WITH EXPERTISE IN DIABETES.

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

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

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

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

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

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

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

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

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

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

22 (E) THE DEPARTMENT OF COMMUNITY HEALTH SHALL DESIGNATE 1 OR
23 MORE CONTACT PERSONS FOR SCHOOLS AND SHALL HAVE A CONTACT PERSON
24 AVAILABLE TO TRAINED DIABETES PERSONNEL BY TELEPHONE OR IN PERSON
25 TO PROVIDE ADDITIONAL OR UPDATED TRAINING AS REQUIRED DUE TO
26 CHANGES IN A STUDENT'S 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) IF THE STUDENT LEAVES SCHOOL ON A SCHOOL-SPONSORED FIELD
25 TRIP, TRAINED DIABETES PERSONNEL SHALL BE AVAILABLE BY TELEPHONE OR
26 OTHER ELECTRONIC COMMUNICATION DEVICE AT ALL TIMES DURING THE FIELD
27 TRIP.

1 (E) TRAINED DIABETES PERSONNEL SHALL BE PRESENT AT EACH SCHOOL
2 IN WHICH THE STUDENT IS ENROLLED. A STUDENT'S RIGHTS CONCERNING
3 SCHOOL CHOICE SHALL NOT BE RESTRICTED IN ANY WAY BECAUSE THE
4 STUDENT HAS DIABETES.

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

16 (4) A SCHOOL NURSE IS THE PREFERRED DIABETES CARE PROVIDER FOR
17 A STUDENT WITH DIABETES, BUT TRAINED DIABETES PERSONNEL ARE NOT
18 REQUIRED BY THIS SECTION TO BE LICENSED HEALTH CARE PROFESSIONALS.
19 IF A SCHOOL NURSE IS ASSIGNED TO A SCHOOL, THE SCHOOL NURSE SHALL
20 COORDINATE THE PROVISION OF DIABETES CARE AT THAT SCHOOL UNDER THIS
21 SECTION AND SHALL SERVE AS THE LEAD TRAINED DIABETES PERSONNEL.

22 (5) A SCHOOL EMPLOYEE, SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,
23 NONPUBLIC SCHOOL, OR MEMBER OF A SCHOOL BOARD, PUBLIC SCHOOL
24 ACADEMY BOARD OF DIRECTORS, OR NONPUBLIC SCHOOL GOVERNING BODY IS
25 NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR INJURY, DEATH, OR LOSS
26 TO PERSON OR PROPERTY ALLEGEDLY ARISING FROM A STUDENT NOT
27 RECEIVING DIABETES CARE OR BEING PROHIBITED BY AN EMPLOYEE OF THE

1 SCHOOL OR SCHOOL DISTRICT FROM ENGAGING IN DIABETES CARE OR
2 MANAGEMENT FOR HIMSELF OR HERSELF BECAUSE OF THE EMPLOYEE'S
3 REASONABLE BELIEF FORMED AFTER A REASONABLE AND ORDINARY INQUIRY
4 THAT THE CONDITIONS PRESCRIBED IN SUBSECTION (3) HAD NOT BEEN
5 SATISFIED. A SCHOOL EMPLOYEE, SCHOOL DISTRICT, PUBLIC SCHOOL
6 ACADEMY, NONPUBLIC SCHOOL, OR MEMBER OF A SCHOOL BOARD, PUBLIC
7 SCHOOL ACADEMY BOARD OF DIRECTORS, OR NONPUBLIC SCHOOL GOVERNING
8 BODY IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR INJURY, DEATH,
9 OR LOSS TO PERSON OR PROPERTY ALLEGEDLY ARISING FROM A PUPIL
10 RECEIVING DIABETES CARE OR BEING PERMITTED BY AN EMPLOYEE OF THE
11 SCHOOL OR SCHOOL DISTRICT TO ENGAGE IN DIABETES CARE AND MANAGEMENT
12 FOR HIMSELF OR HERSELF BECAUSE OF THE EMPLOYEE'S REASONABLE BELIEF
13 FORMED AFTER A REASONABLE AND ORDINARY INQUIRY THAT THE CONDITIONS
14 PRESCRIBED IN SUBSECTION (3) HAD BEEN SATISFIED. THIS SUBSECTION
15 DOES NOT ELIMINATE, LIMIT, OR REDUCE ANY OTHER IMMUNITY OR DEFENSE
16 THAT A SCHOOL EMPLOYEE, SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,
17 NONPUBLIC SCHOOL, OR MEMBER OF A SCHOOL BOARD, PUBLIC SCHOOL
18 ACADEMY BOARD OF DIRECTORS, OR NONPUBLIC SCHOOL GOVERNING BODY MAY
19 HAVE UNDER SECTION 1178 OR OTHER STATE LAW.

20 (6) AS USED IN THIS SECTION:

21 (A) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A DOCUMENT
22 DEVELOPED BY THE STUDENT'S PERSONAL HEALTH CARE TEAM THAT SETS OUT
23 THE HEALTH SERVICES NEEDED BY THE STUDENT AT SCHOOL, THAT EVALUATES
24 THE STUDENT'S ABILITY TO SELF-MANAGE AND LEVEL OF UNDERSTANDING OF
25 THE STUDENT'S DIABETES, AND THAT IS SIGNED BY AT LEAST THE PARENT
26 OR LEGAL GUARDIAN AND THE LICENSED PHYSICIAN WHO IS PART OF THE
27 STUDENT'S PERSONAL HEALTH CARE TEAM.

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

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

6 (D) "SCHOOL EMPLOYEE" MEANS ANY PERSON EMPLOYED BY OR UNDER
7 CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
8 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR ANY PERSON EMPLOYED
9 BY OR UNDER CONTRACT WITH A LOCAL HEALTH DEPARTMENT WHO IS ASSIGNED
10 TO A SCHOOL, OR ANY SUBCONTRACTOR DESIGNATED FOR THIS FUNCTION.

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