

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1338 be amended to read as follows:

- 1           Page 4, between lines 1 and 2, begin a new paragraph and insert:  
2           "SECTION 3. IC 20-34-5 IS ADDED TO THE INDIANA CODE  
3           AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2006]:  
5           **Chapter 5. Care of Students With Diabetes**  
6           **Sec. 1. The department and the state department of health**  
7           **shall:**  
8                 **(1) develop and implement a pilot program that meets the**  
9                 **requirements of this chapter not later than July 1, 2007; and**  
10                **(2) implement this chapter statewide not later than July 1,**  
11                **2009.**  
12           **Sec. 2. As used in this chapter, "unlicensed assistive**  
13           **personnel" means a school employee who:**  
14                **(1) is not a licensed health care professional;**  
15                **(2) has successfully completed the training required under**  
16                **section 10 of this chapter; and**  
17                **(3) has immunity from liability under IC 34-30-14.**  
18           **Sec. 3. As used in this chapter, "diabetes management and**  
19           **treatment plan" means a plan prepared under section 7 of this**  
20           **chapter.**  
21           **Sec. 4. As used in this chapter, "individualized health plan"**  
22           **means a coordinated plan of care designed to meet the unique**  
23           **health care needs of a student with diabetes in a school setting.**  
24           **Sec. 5. As used in this chapter, "school employee" means an**  
25           **individual employed by:**  
26                **(1) a public school or an accredited nonpublic school;**  
27                **(2) a local health department working with a school under**  
28                **this chapter; or**  
29                **(3) another entity with which a school has contracted to**  
30                **perform the duties required under this chapter.**  
31           **Sec. 6. As used in this chapter, "student" refers to a student**

1 with diabetes.

2       **Sec. 7. (a) A diabetes management and treatment plan must be**  
3 **prepared and implemented for a student with diabetes while the**  
4 **student is at school or participating in a school activity. The plan**  
5 **must be developed by:**

6           (1) the student's parent or guardian; and  
7           (2) the licensed physician responsible for the student's  
8           diabetes treatment or another diabetes health care provider  
9           ordered in writing by the physician.

10       **(b) A diabetes management and treatment plan must:**

11           (1) identify the health care services the student may need at  
12           school;  
13           (2) evaluate the student's:  
14                (A) ability to manage; and  
15                (B) level of understanding of;  
16           the student's diabetes;  
17           (3) specify the care that may be performed by the student  
18           with an agreed upon level of supervision; and  
19           (4) be signed by the student's parent or guardian and the  
20           licensed physician responsible for the student's diabetes  
21           treatment or another diabetes health care provider ordered  
22           in writing by the physician.

23       **(c) The parent or guardian of a student with diabetes who will**  
24 **be attending school or participating in a school activity shall**  
25 **submit a copy of the student's diabetes management and treatment**  
26 **plan to the school. The plan must be submitted to and be reviewed**  
27 **by the school:**

28           (1) before or at the beginning of a school year;  
29           (2) at the time the student enrolls, if the student is enrolled in  
30           school after the beginning of the school year; or  
31           (3) as soon as practicable following a diagnosis of diabetes  
32           for the student.

33       **Sec. 8. (a) An individualized health plan must be developed for**  
34 **each student with diabetes who will be attending school or**  
35 **participating in a school activity. The school's principal and school**  
36 **nurse shall develop a student's individualized health plan in**  
37 **collaboration with:**

38           (1) the student's parent or guardian;  
39           (2) to the extent practicable, the licensed physician  
40           responsible for the student's diabetes treatment or another  
41           diabetes health care provider ordered in writing by the  
42           physician; and  
43           (3) one (1) or more of the student's teachers.

44       **(b) A student's individualized health plan must incorporate the**  
45 **components of the student's diabetes management and treatment**  
46 **plan. A school shall develop a student's individualized health plan**  
47 **upon receiving the student's diabetes management and treatment**  
48 **plan.**

49       **Sec. 9. (a) At each school in which a student with diabetes is**  
50 **enrolled, the school principal shall:**

1           (1) seek school employees to serve as unlicensed assistive  
2           personnel; and

3           (2) make efforts to ensure that the school has adequate  
4           personnel to safely implement a diabetes case plan.

5           (b) Unlicensed assistive personnel serve under the supervision  
6           of the school nurse.

7           (c) A school employee may not be subject to any disciplinary  
8           action for refusing to serve as unlicensed assistive personnel.

9           Sec. 10. (a) The state department of health, with the assistance  
10          of interested parties, shall develop a training program that includes  
11          instruction in the following:

12           (1) Recognizing the symptoms of hypoglycemia and  
13           hyperglycemia.

14           (2) Understanding the proper action to take if the blood  
15           glucose levels of a student are outside the target ranges  
16           indicated on the student's diabetes management and  
17           treatment plan.

18           (3) Understanding the details of a student's individualized  
19           health plan.

20           (4) Performing finger sticks to check blood glucose levels,  
21           checking urine ketone levels, and recording the results of the  
22           checks.

23           (5) Properly administering glucagon and insulin, and  
24           recording the results of the administration.

25           (6) Recognizing complications that require emergency  
26           medical assistance.

27           (7) Understanding recommended schedules and food intake  
28           for meals and snacks for a student, the effect of physical  
29           activity on blood glucose levels, and the proper action to be  
30           taken if a student's schedule referred to in this subdivision is  
31           disrupted.

32           (b) If a school nurse is assigned to a school, the school nurse  
33           shall coordinate the training of school employees acting as  
34           unlicensed assistive personnel, using the training program  
35           developed under subsection (a).

36           (c) Training for unlicensed assistive personnel must be  
37           provided by a health care professional with expertise in the care of  
38           students with diabetes or by a school nurse. The training must be  
39           provided before the beginning of the school year or as soon as  
40           practicable following:

41           (1) the enrollment; or

42           (2) the diagnosis;

43           of a student with diabetes at a school that previously had no  
44           students with diabetes.

45           (d) The school nurse or principal shall maintain a copy of the  
46           training program and the records of training completed by the  
47           school employees.

48           Sec. 11. (a) If a school nurse is assigned to a school and the

1 nurse is available, the nurse shall perform the tasks necessary to  
2 assist a student in carrying out the student's individualized health  
3 plan.

4 (b) If a school nurse is not assigned to a school or is not  
5 available, unlicensed assistive personnel shall perform the tasks  
6 necessary to assist a student in carrying out the student's  
7 individualized health plan, in compliance with the training  
8 guidelines provided under section 10 of this chapter. Unlicensed  
9 assistive personnel must have access to a health care professional  
10 with expertise in the care of students with diabetes or a school  
11 nurse must have access to the licensed physician responsible for the  
12 student's diabetes treatment if unlicensed assistive personnel act  
13 under this subsection.

14 (c) Unlicensed assistive personnel may act under this section  
15 only if the parent or guardian of the student signs an agreement  
16 that:

17 (1) authorizes unlicensed assistive personnel to assist the  
18 student; and

19 (2) states that the parent or guardian understands that, as  
20 provided under IC 34-30-14, unlicensed assistive personnel  
21 is not liable for civil damages for assisting in the student's  
22 care.

23 (d) Unlicensed assistive personnel who assist a student under  
24 this section in carrying out the student's individualized health plan:

25 (1) is not considered to be engaging in the practice of  
26 nursing;

27 (2) is exempt from applicable statutes and rules that restrict  
28 activities that may be performed by an individual who is not  
29 a health care professional; and

30 (3) shall contact a health care provider in a medical  
31 emergency involving a student with diabetes.

32 (e) A school corporation may not restrict the assignment of a  
33 student to a particular school on the basis that the school does not  
34 have the required unlicensed assistive personnel.

35 Sec. 12. As provided in a student's individualized health plan,  
36 a school corporation shall allow the student to attend to the  
37 management and care of the student's diabetes, including  
38 performing the following activities:

39 (1) Performing blood glucose level checks.

40 (2) Administering insulin through the insulin delivery system  
41 the student uses.

42 (3) Treating hypoglycemia and hyperglycemia.

43 (4) Possessing on the student's person at any time the  
44 supplies or equipment necessary to monitor and care for the  
45 student's diabetes.

1           **(5) Otherwise attending to the management and care of the**  
2           **student's diabetes in the classroom, in any area of the school**  
3           **or school grounds, or at any school related activity."**

4           Renumber all SECTIONS consecutively.  
            (Reference is to EHB 1338 as printed February 24, 2006.)

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Senator LANDSKE