
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there is a rapidly
2 growing population of students with diabetes attending public
3 schools. Diabetes often prevents those students from
4 participating in school functions and events. Diabetes can also
5 adversely affect students' ability to perform routine school
6 tasks such as test taking. While many of the symptoms of
7 diabetes can be treated and mitigated with timely health
8 management measures, such as medication or food intake, current
9 school policies and practices fail to accommodate those options
10 in an effective manner.

11 The legislature finds that diabetes must be managed twenty-
12 four hours a day to avoid the potentially life-threatening
13 short-term consequences of blood glucose levels that are either
14 too high or too low, and to avoid or delay the serious long-term
15 complications of high blood glucose levels, which include
16 blindness, amputation of limbs, heart disease, and kidney
17 failure. Well-managed blood glucose levels enable students with
18 diabetes to be more productive and successful in school. In



1 In order to manage their disease, students with diabetes must
2 have access to the means to balance food, medications, and
3 physical activity levels while at school and at school-related
4 activities.

5 Diabetes is generally a self-managed disease, and many
6 students with diabetes are able to perform most of their own
7 diabetes care tasks. However, some students, because of their
8 age, inexperience, or other factors, need help with some or all
9 diabetes care tasks. Further, all students with diabetes will
10 need assistance in the event of a diabetes emergency. The
11 school nurse plays a central role in providing or facilitating
12 care for a student with diabetes in the school setting. All
13 public schools in Hawaii have a health aide, but many do not
14 have a full-time nurse on campus. In addition, even when a
15 nurse is assigned to a school full-time for a specific student
16 requiring nursing services throughout the day, that nurse is not
17 available to other students requiring nursing services to
18 provide direct care during the school day, during
19 extracurricular activities, and on field trips. Because
20 diabetes management is needed throughout the school day,
21 additional personnel who have completed training in diabetes
22 care tasks need to be prepared to perform diabetes care tasks at



1 school and at all school-related activities so that students
2 with diabetes have the same access to educational opportunities
3 that other students in Hawaii have.

4 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
5 amended by adding a new part to be appropriately designated and
6 to read as follows:

7 "PART . CARE OF STUDENTS WITH DIABETES

8 §302A-A Definitions. Whenever used in this part, unless a
9 different meaning clearly appears from the context:

10 "Diabetes medical management plan" means a plan that
11 identifies the health needs of the student, sets forth a
12 recommended course of action to address those needs at school,
13 and is signed by the student's personal health care professional
14 and a parent or guardian.

15 "Nurse" shall have the same definition as in section 457-2
16 and shall include any other licensed or registered nurse
17 providing care to students with diabetes under this part.

18 "School" means any public or charter elementary,
19 intermediate, secondary, or high school located within the
20 State, including its governing body.

21 "School employee" means any person employed by a school or
22 by the department of health who is assigned to a public or



1 charter school, or any subcontractor designated for this
2 function.

3 "Trained diabetes care personnel" means any school employee
4 or volunteer who is trained to provide services to students as
5 provided under this part.

6 **§302A-B Diabetes training.** (a) All schools shall consult
7 with the department, the department of health, and the American
8 Diabetes Association to develop and adopt guidelines for the
9 training of school employees and qualified volunteers pursuant
10 to rules adopted by the department under chapter 91 to provide
11 care to students with diabetes. The guidelines shall include a
12 requirement that each school provide annual diabetes training
13 programs for all nurses, trained diabetes care personnel, and
14 persons seeking to become trained diabetes care personnel. In
15 addition, the guidelines shall address:

- 16 (1) Recognition and treatment of hypoglycemia and
17 hyperglycemia;
- 18 (2) An understanding of the appropriate actions to be
19 taken when blood glucose levels are outside of the
20 target ranges indicated by the student's medical
21 management plan;



- 1 (3) Understanding of a physician's instructions concerning
2 diabetes medication dosages, frequency, and manner of
3 administration;
- 4 (4) Performance of finger-stick blood glucose checking,
5 ketone checking, and recording of results;
- 6 (5) The administration of insulin and the recording of the
7 results;
- 8 (6) Understanding how to perform basic insulin pump
9 functions;
- 10 (7) Recognizing diabetes-related complications that
11 require emergency assistance;
- 12 (8) Understanding recommended schedules and food intake
13 for meals and snacks, the physical effects of physical
14 activity on blood glucose levels, and actions to be
15 taken in case of schedule disruption;
- 16 (9) Understanding of any other appropriate medical
17 procedures that may be developed from time to time for
18 testing, treatment, or care of the student's diabetic
19 condition; and
- 20 (10) Understanding of long-term complications of diabetes
21 and the importance of teaching students with diabetes



1 about self-management skills that shall be reinforced
2 in the school setting.

3 (b) Each school which a student with diabetes attends
4 shall provide the training required under subsection (a) to a
5 minimum of three school employees. If at any time fewer than
6 three school employees are available to be trained at the
7 school, the principal or other school administrator shall
8 distribute a written notice to all staff stating that it is
9 seeking employees to serve as diabetes care personnel. The
10 notice must inform staff of:

11 (1) The requirement of the school to provide diabetes care
12 to one or more students with diabetes and the
13 recruitment of personnel willing to be trained to
14 provide diabetes care;

15 (2) The tasks to be performed;

16 (3) Participation is voluntary;

17 (4) Training will be provided at no cost;

18 (5) Persons willing to be trained are protected from
19 liability; and

20 (6) Contact information of the coordinator.

21 (c) A school shall not discourage any employee from
22 participating in the training program or subject any employee



1 who declines to serve as trained care personnel to any penalty
2 or disciplinary action for that decision.

3 (d) The nurse or a health care professional with expertise
4 in diabetes care shall coordinate the training outlined under
5 subsection (a). If there is any student with diabetes enrolled
6 at the school before the start of the school year, the school
7 shall hold the training before each school year starts. If a
8 student with diabetes enrolls in the school or is diagnosed with
9 diabetes after the school year has started and the school has
10 not held the diabetes care training before the start of the
11 school year, the training shall be held no more than thirty days
12 following the student's enrollment or diagnosis.

13 (e) Each school shall provide training for all school
14 employees responsible for the supervision of any student with
15 diabetes, including bus drivers who transport students with
16 diabetes, regarding the recognition of hypoglycemia and
17 hyperglycemia and the appropriate action to take in an emergency
18 situation.

19 **§302A-C Diabetes medical management plan.** The parent or
20 guardian of each student with diabetes who seeks diabetes care
21 for the student while at school shall submit a diabetes medical
22 management plan for that student to the school. The school



1 shall implement the diabetes medical management plan upon
2 receipt.

3 **§302A-D Required care.** (a) Any school that has enrolled
4 a student who has submitted a diabetes medical management plan
5 shall ensure that the student receives the appropriate diabetes
6 care specified in the student's diabetes medical management
7 plan.

8 (b) In accordance with the student's diabetes medical
9 management plan, a nurse or trained diabetes care personnel
10 shall perform diabetes care, including:

11 (1) Checking and recording blood glucose levels and ketone
12 levels or assisting a student with diabetes in
13 checking and recording blood glucose levels and ketone
14 levels;

15 (2) Responding to blood glucose levels that are outside of
16 the student's target blood glucose range as stated in
17 the student's diabetes medical management plan;

18 (3) Administering insulin or assisting a student in
19 administering insulin via the insulin delivery system
20 that the student uses;

21 (4) Providing diabetes medicine to be taken orally by the
22 student; and



1 (5) Facilitating compliance with the recommendations in
2 the student's diabetes medical management plan
3 regarding meals, snacks, and physical activity.

4 (c) A nurse or trained diabetes care personnel shall be at
5 each school that has enrolled a student with diabetes during
6 regular school hours, after-school care programs, field trips,
7 extended off-site excursions, extracurricular activities, and on
8 buses when the bus driver has not completed the necessary
9 training required under section 302A-B.

10 (d) Schools that do not have students with diabetes or
11 students who have submitted a diabetes medical management plan
12 enrolled shall not be required to provide diabetes care required
13 under subsection (a).

14 (e) Notwithstanding any law to the contrary, the provision
15 of care required under subsection (a) shall not constitute the
16 practice of nursing. Trained diabetes care personnel who are
17 not nurses as defined under section 457-2 shall be exempt from
18 statutory provisions that restrict the activities that may be
19 delegated to or performed by a person who is not a licensed
20 health care professional.

21 (f) Notwithstanding any law to the contrary, it shall be
22 lawful for a licensed health care professional to provide



1 training to school employees as required under section 302A-B
2 and to supervise trained diabetes care personnel in the
3 administration of required care under subsection (a).

4 (g) Schools, nurses, trained diabetes care personnel, and
5 any other person acting in good faith and in accordance with the
6 provisions established under this part shall not be subject to
7 civil liability or to discipline for unprofessional conduct.

8 **§302A-E School assignment; provision of care.** (a) A
9 student with diabetes shall be permitted to attend any school
10 that the student would otherwise be able to attend if the
11 student did not have diabetes.

12 (b) A school shall not prohibit a student with diabetes
13 from enrolling on the basis that:

14 (1) The student has diabetes; or

15 (2) The school does not have a full-time nurse or full-
16 time trained diabetes care personnel available.

17 (c) The school at which the student with diabetes is
18 enrolled shall provide the required diabetes care as provided
19 under section 302A-D.

20 (d) The school shall not require or pressure the parents
21 or guardian of a student with diabetes to be the sole provider
22 of or mandate their participation in providing diabetes care for



1 a student with diabetes while that student is attending school
2 or participating in school-related activities.

3 **§302A-F Independent monitoring and treatment.** (a) Upon
4 written request of a parent or guardian of a student with
5 diabetes and in accordance with the student's diabetes medical
6 management plan, a student with diabetes shall be permitted to:

7 (1) Perform the student's own blood glucose checks,
8 administer insulin through the insulin delivery system
9 that the student uses, and otherwise attend to the
10 care and management of the student's diabetes as
11 provided in the student's diabetes medical management
12 plan at school and during any school-related activity;
13 and

14 (2) Possess on the student's person all necessary supplies
15 and equipment to perform the diabetes monitoring and
16 treatment activities required under the student's
17 diabetes medical management plan.

18 (b) Upon request, a school shall provide a student with
19 diabetes access to a private area so that the student may
20 perform diabetes care activities.

21 **§302A-G Reports.** (a) Each school that has at least one
22 student with diabetes enrolled shall provide to the department



1 an annual report no later than October 15 of each year. The
2 report shall include:

3 (1) The number of students with diabetes enrolled at the
4 school; and

5 (2) Documentation of the school's compliance with the
6 provisions of this part.

7 (b) The department shall adopt rules pursuant to chapter
8 91 specifying the format of the report and the criteria for the
9 documentation of the schools' compliance with the provisions of
10 this part.

11 (c) The department shall publish each report on its
12 website by November 15 of each year.

13 **§302A-H Administrative complaints.** (a) An impartial
14 hearing before the department may be requested by any parent or
15 guardian of a student with diabetes or by a student with
16 diabetes for the failure of a school to comply with this part.

17 (b) A student with diabetes or the student's parent or
18 guardian may bring a lawsuit against the school for failure to
19 comply with this part. In the event that the student with
20 diabetes or the student's parent or guardian prevails, in
21 addition to any judgment awarded, the court may allow reasonable



1 attorney's fees and costs of the action to be paid by the
2 school.

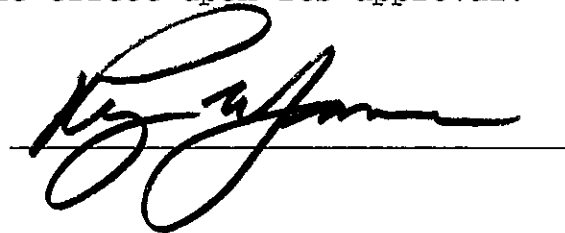
3 (c) Any action brought by a student with diabetes or the
4 student's parent or guardian shall not alter or limit the
5 remedies available under any other state or federal law,
6 including section 504 of the Rehabilitation Act of 1973, the
7 Americans with Disabilities Act, and the Individuals with
8 Disabilities Education Act of 2004."

9 SECTION 3. Within one hundred eighty days of the effective
10 date of this Act, the department of education shall adopt rules
11 under chapter 91, Hawaii Revised Statutes, to effectuate the
12 purpose of this Act.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY:



JAN 23 2013



H.B. NO. 1099

Report Title:

Students with Diabetes; Diabetes Medical Management Plan;
Schools

Description:

Requires schools with enrolled students with diabetes to provide diabetes care by a nurse or trained diabetes care personnel during school hours and at all school-related functions. Permits students with diabetes to administer their own diabetes care.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

