

JAN 28 2015

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 these 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



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

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



1 completed appropriate training are needed at schools to perform
2 diabetes care tasks at school and school-related activities so
3 that students with diabetes have the same access to educational
4 opportunities that other students in Hawaii have.

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

8 **"PART . CARE OF STUDENTS WITH DIABETES**

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

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

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

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



1 "School employee" means any person employed by a school or
2 by the department of health and assigned to a public or charter
3 school, or any subcontractor designated for this function.

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

7 **§302A-B Diabetes training.** (a) The department shall
8 consult with the department of health and the American Diabetes
9 Association to develop and adopt rules pursuant to chapter 91
10 for the training of school employees and qualified volunteers to
11 provide care to students with diabetes. The rules shall include
12 a 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 and technology that may be developed from
18 time to time for testing, treatment, or care of the
19 student with diabetes; 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 supported
2 in the school setting as prescribed by the student's
3 diabetes medical management plan.

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

- 12 (1) The requirement that the school provide diabetes care
- 13 to students with diabetes and recruit personnel
- 14 willing to be trained to provide diabetes care;
- 15 (2) The tasks to be performed;
- 16 (3) The voluntary nature of participation;
- 17 (4) Training, which will be provided at no cost;
- 18 (5) Liability protections for persons willing to be
- 19 trained; and
- 20 (6) Contact information of the coordinator.



1 (c) A school shall not discourage any employee from
2 participating in the training program or subject any employee
3 who declines to serve as trained diabetes care personnel to any
4 penalty or disciplinary action for that decision.

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

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



1 **§302A-C Diabetes medical management plan.** The parent or
2 guardian of each student with diabetes who seeks diabetes care
3 for the student while at school shall submit a diabetes medical
4 management plan for that student to the school. The school
5 shall implement the diabetes medical management plan upon
6 receipt.

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

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

15 (1) Checking and recording blood glucose levels and ketone
16 levels or assisting a student with diabetes in
17 checking and recording blood glucose levels and ketone
18 levels;

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



1 (3) Administering insulin or assisting a student in
2 administering insulin via the insulin delivery system
3 that the student uses;

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

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

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

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



1 registered health care professional to the extent required to
2 perform duties pursuant to this part.

3 (e) Notwithstanding any law to the contrary, it shall be
4 lawful for a licensed health care professional to provide
5 training to school employees as required under section 302A-B
6 and to supervise trained diabetes care personnel in the
7 administration of required care under subsection (a).

8 (f) Except in cases of gross negligence or intentional
9 conduct, schools, nurses, trained diabetes care personnel, and
10 any other person acting in good faith and in accordance with the
11 provisions established under this part shall not be subject to
12 civil liability or to discipline for unprofessional conduct.

13 **§302A-E School assignment; provision of care.** (a) A
14 student with diabetes shall be permitted to attend any school
15 that the student would otherwise be able to attend if the
16 student did not have diabetes.

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

19 (1) The student has diabetes; or

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



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

4 (d) The school shall not require or pressure the parents
5 or guardian of a student with diabetes to be the sole provider
6 of or mandate their participation in providing diabetes care for
7 a student with diabetes while that student is attending school
8 or participating in school-related activities.

9 **§302A-F Independent monitoring and treatment.** (a) Upon
10 written request of a parent or guardian of a student with
11 diabetes and in accordance with the student's diabetes medical
12 management plan, a student with diabetes shall be permitted to:

13 (1) Perform the student's own blood glucose checks,
14 administer insulin through the insulin delivery system
15 that the student uses, and otherwise attend to the
16 care and management of the student's diabetes as
17 provided in the student's diabetes medical management
18 plan at school and during any school-related activity;
19 and

20 (2) Possess on the student's person all necessary supplies
21 and equipment to perform the diabetes monitoring and



1 treatment activities required under the student's
2 diabetes medical management plan.

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

6 **§302A-G Reports.** (a) Each school that has at least one
7 student with diabetes enrolled shall provide to the department
8 an annual report no later than October 15 of each year. The
9 report shall include:

10 (1) The number of students with diabetes enrolled at the
11 school; and

12 (2) Documentation of the school's compliance with the
13 provisions of this part.

14 (b) The department shall adopt rules pursuant to chapter
15 91 specifying the format of the report and the criteria for the
16 documentation of the schools' compliance with the provisions of
17 this part.

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

20 **§302A-H Administrative complaints.** (a) An impartial
21 hearing before the department may be requested by any parent or



1 guardian of a student with diabetes or by a student with
2 diabetes for the failure of a school to comply with this part.

3 (b) A student with diabetes or the student's parent or
4 guardian may bring a lawsuit against the school for failure to
5 comply with this part. In the event that the student with
6 diabetes or the student's parent or guardian prevails, in
7 addition to any judgment awarded, the court may allow reasonable
8 attorney's fees and costs of the action to be paid by the
9 school.

10 (c) Any action brought by a student with diabetes or the
11 student's parent or guardian under this part shall not alter or
12 limit the remedies available under any other state or federal
13 law, including section 504 of the Rehabilitation Act of 1973,
14 the Americans with Disabilities Act, and the Individuals with
15 Disabilities Education Act of 2004."

16 SECTION 3. Within one hundred eighty days of the effective
17 date of this Act, the department of education shall adopt rules
18 under chapter 91, Hawaii Revised Statutes, to effectuate the
19 purpose of this Act.

20



S.B. NO. 1221

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

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INTRODUCED BY: Michelle Kilari
Cleaver & Michikawa
MDM
San Francisco



S.B. NO. 1221

Report Title:

Students With Diabetes; Schools

Description:

Requires the Department of Education to provide care to students with diabetes pursuant to a student's diabetes medical management plan.

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

