

HOUSE BILL No. 5700

March 24, 2004, Introduced by Reps. Condino, Gleason, Bieda, Law, Tobocman, Dennis, Hood, Wojno, Zelenko, Clack, Stallworth, Phillips, Spade, Kolb, Cheeks, Jamnick, Minore, Accavitti, Anderson, Ehardt, Hunter, Nofs and Gaffney and referred to the Committee on Education.

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
2 date of this section, the department of community health shall
3 develop guidelines for the training of school employees in the
4 care needed for students with diabetes. All of the following
5 apply to these guidelines and training:

6 (a) The guidelines shall be developed in consultation with
7 the American diabetes association, the Michigan association of
8 school nurses, and other organizations considered appropriate by
9 the department of community health.

10 (b) The guidelines shall provide for annual training by a
11 health care professional with expertise in diabetes.

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1 (c) The training shall include instruction in at least all of
2 the following:

3 (i) Recognition and treatment of hypoglycemia and
4 hyperglycemia.

5 (ii) Understanding the appropriate actions to be taken when
6 blood glucose levels are outside the target ranges indicated by
7 the student's medical management plan.

8 (iii) Understanding physician instructions concerning
9 diabetes medication drug dosage, frequency, and manner of
10 administration.

11 (iv) Performance of finger-stick blood glucose checking and
12 ketone checking and recording the results.

13 (v) Administration of glucagons and insulin and recording of
14 results.

15 (vi) Recommended schedules and food intake for meals and
16 snacks, the effect of physical activity on blood glucose levels,
17 and actions to be taken in case of schedule disruption.

18 (2) If a student with diabetes is enrolled in a school
19 district, intermediate school district, public school academy, or
20 nonpublic school and the student's parent or legal guardian has
21 submitted a medical management plan to school officials as
22 provided under subsection (3), the board of the school district
23 or intermediate school district, board of directors of the public
24 school academy, or governing body of the nonpublic school shall
25 ensure that the training described in subsection (1) is provided
26 to at least 2 school employees who work in each school the
27 student attends. The training shall take place before the

1 beginning of each school year in which the student is expected to
2 attend the school or, if a student with diabetes enrolls in the
3 school during the school year or a student attending the school
4 is newly diagnosed with diabetes during the school year and the
5 training has not already occurred for that school year, as soon
6 as possible after the student's enrollment or diagnosis and
7 submission of the medical management plan.

8 (3) For a student with diabetes and the student's school to
9 be subject to this section, the student's parent or legal
10 guardian shall submit a medical management plan for the student
11 to school officials before the beginning of each school year or
12 upon enrollment of the student or diagnosis of the student with
13 diabetes. The medical management plan shall be developed by a
14 personal health care team for the student that includes a
15 licensed physician. If a medical management plan has been
16 submitted for a student with diabetes, all of the following apply
17 to that student:

18 (a) The training described in subsection (2) shall be
19 provided to school personnel.

20 (b) In accordance with the request of the student's parent or
21 legal guardian and with the medical management plan, trained
22 diabetes personnel shall perform functions related to management
23 of the student's diabetes, including, but not limited to, some or
24 all of the following:

25 (i) Responding to blood glucose levels that are outside of
26 the student's target range.

27 (ii) Administering glucagon.

1 (iii) Administering insulin or assisting the student in
2 administering insulin using the insulin delivery system the
3 student uses.

4 (iv) Providing oral diabetes medications.

5 (v) Checking and recording blood glucose levels and ketone
6 levels or assisting the student with this checking and
7 recording.

8 (vi) Following instructions regarding meals, snacks, and
9 physical activity.

10 (c) At least 1 of the trained diabetes personnel shall be
11 present and available to provide the care described in
12 subdivision (a) to the student at all times during regular school
13 hours and during school-sponsored before-school or after-school
14 care programs, field trips, and extracurricular activities.

15 (d) Trained diabetes personnel shall be present at each
16 school in which the student is enrolled. A student's rights
17 concerning school choice shall not be restricted in any way
18 because the student has diabetes.

19 (e) Upon written request of the student's parent or legal
20 guardian and authorization by the student's medical management
21 plan, school officials shall permit the student to perform blood
22 glucose checks, administer insulin to himself or herself using
23 the insulin delivery system he or she uses, treat hypoglycemia or
24 hyperglycemia he or she experiences, and otherwise attend to the
25 care and management of his or her diabetes in the classroom or
26 any other area of the school or school grounds and at any
27 school-related activity, and to possess on his or her person at

1 all times all necessary supplies and equipment to perform these
2 care and management functions.

3 (4) A school nurse is the preferred diabetes care provider
4 for a student with diabetes, but trained diabetes personnel are
5 not required by this section to be licensed health care
6 professionals. If a school nurse is assigned to a school, the
7 school nurse shall coordinate the provision of diabetes care at
8 that school under this section and shall serve as the lead
9 trained diabetes personnel.

10 (5) A school employee, school district, public school
11 academy, nonpublic school, or member of a school board, public
12 school academy board of directors, or nonpublic school governing
13 body is not liable for damages in a civil action for injury,
14 death, or loss to person or property allegedly arising from a
15 student not receiving diabetes care or being prohibited by an
16 employee of the school or school district from engaging in
17 diabetes care or management for himself or herself because of the
18 employee's reasonable belief formed after a reasonable and
19 ordinary inquiry that the conditions prescribed in subsection (3)
20 had not been satisfied. A school employee, school district,
21 public school academy, nonpublic school, or member of a school
22 board, public school academy board of directors, or nonpublic
23 school governing body is not liable for damages in a civil action
24 for injury, death, or loss to person or property allegedly
25 arising from a pupil receiving diabetes care or being permitted
26 by an employee of the school or school district to engage in
27 diabetes care and management for himself or herself because of

1 the employee's reasonable belief formed after a reasonable and
2 ordinary inquiry that the conditions prescribed in subsection (3)
3 had been satisfied. This subsection does not eliminate, limit,
4 or reduce any other immunity or defense that a school employee,
5 school district, public school academy, nonpublic school, or
6 member of a school board, public school academy board of
7 directors, or nonpublic school governing body may have under
8 section 1178 or other state law.

9 (6) As used in this section:

10 (a) "Medical management plan" means a document developed by
11 the parent or legal guardian of a student with diabetes and the
12 student's personal health care team that sets out the health
13 services needed by the student at school and that is signed by at
14 least the parent or legal guardian and the licensed physician who
15 is part of the student's personal health care team.

16 (b) "School" means any public or nonpublic school that
17 operates any of grades K to 12.

18 (c) "School employee" means any person employed by or under
19 contract with a school district, intermediate school district,
20 public school academy, or nonpublic school or any person employed
21 by or under contract with a local health department who is
22 assigned to a school, or any subcontractor designated for this
23 function.

24 (d) "Trained diabetes personnel" means a school employee
25 trained in accordance with this section.