

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1395

By: Representatives Gossage, Gonzales

By: Senator Elliott

## For An Act To Be Entitled

AN ACT TO PROTECT THE HEALTH AND SAFETY OF PUBLIC SCHOOL STUDENTS WITH DIABETES BY AUTHORIZING CERTAIN PUBLIC SCHOOL PERSONNEL TO BE TRAINED IN THE ADMINISTRATION OF INSULIN AND GLUCAGON; AND FOR OTHER PURPOSES.

## Subtitle

TO PROTECT THE HEALTH AND SAFETY OF PUBLIC SCHOOL STUDENTS WITH DIABETES BY AUTHORIZING CERTAIN PUBLIC SCHOOL PERSONNEL TO BE TRAINED IN THE ADMINISTRATION OF INSULIN AND GLUCAGON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended to add an additional section to read as follows:

6-18-711. Administration of medication for diabetes.

(a) Upon written request of a parent or guardian of a student with diabetes and authorization by the treating physician of the student, a student, in the classroom, in another area designated at the school, on school grounds, or at a school-related activity may

(1) Perform blood glucose checks;

(2) Administer insulin through the insulin delivery system the student uses;

(3) Treat hypoglycemia and hyperglycemia;



(4) Possess on his or her person the necessary supplies and equipment to perform diabetes monitoring and treatment functions.

(b) A student shall have access to a private area to perform diabetes monitoring and treatment functions upon request of the parent or guardian of a student, as outlined in the student's health plan.

SECTION 2. Arkansas Code § 17-87-103(11), concerning exceptions to the nurse practice act, is amended to read as follows:

(11)(A) The administration of glucagon, insulin, or both to a student who is ~~suffering~~ diagnosed with diabetes by trained volunteer school personnel designated as care providers in a ~~plan developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., as it existed on July 1, 2013~~ health plan that covers diabetes management and is based on the orders of a treating physician, who have been trained by a licensed registered nurse employed by a school district or other health care professional to administer glucagon, insulin, or both to a child with diabetes in an emergency situation.

(B)(i) A licensed registered nurse employed by a school district or other health care professional shall annually train volunteer school personnel designated as care providers in a health plan developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., as it existed on July 1, 2013, of a student submitted under subdivision (11)(A) of this section to administer glucagon, insulin, or both to a student with diabetes.

(ii) ~~The~~ If a parent or guardian of a student with diabetes chooses to have care provided by a care provider, the parent or guardian of a student with diabetes shall sign an authorization to allow the administration of glucagon or insulin to the student by volunteer school personnel designated as ~~care providers~~ a care provider who shall be incorporated into the health plan of a student submitted under subdivision (11)(A) of this section.

(iii) The school district shall maintain a copy of the health plan developed provided under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., as it existed on July 1, 2013 subdivision (11)(A), a list of volunteer school personnel who are designated as care providers and trained to administer glucagon, insulin or both, and a

copy of the parent's or guardian's signed authorization.

(C)(1) A school district shall strive to achieve the following staffing ratios for students with diabetes at each public school, at least:

(i) One (1) care provider for a public school with one (1) full-time licensed registered nurse; and

(ii) Three (3) care providers for a public school without one (1) full-time licensed registered nurse.

(2) The school district may recruit and identify public school personnel to serve as care providers to administer glucagon, insulin, or both when a licensed registered nurse is not available.

(3) A school district shall not require or pressure a parent or guardian of a student with diabetes to provide diabetes care at school or a school-related activity.

(D) A school district, school district employee, or an agent of a school district, including a health-care professional who trained volunteer school personnel designated as care providers and a care provider, shall not be liable for any damages resulting from his or her actions or inactions under this section.

~~(D)~~(E) The Arkansas State Board of Nursing and the State Board of Education shall promulgate rules necessary to administer this subdivision (11); or