

1 HB233
2 159772-6
3 By Representative Johnson (R)
4 RFD: Health
5 First Read: 15-JAN-14

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 Relating to health; to provide for the delegation of
9 specific medical procedures related to diabetes to certain
10 school personnel for students in public schools based on a
11 student's Individual Health Plan; to provide for the training
12 of certain school personnel relating to the diabetic needs of
13 students pursuant to guidelines developed by the State
14 Department of Education in consultation with the Alabama Board
15 of Nursing; to limit the liability of public schools and
16 certain school personnel under this act; and further to
17 provide immunity from civil lawsuit for physicians, certified
18 registered nurse practitioners, and physician assistants
19 acting pursuant to this act.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall be known as the Alabama
22 Safe at Schools Act.

23 Section 2. For purposes of this act, the following
24 words have the following meanings:

25 (1) DELEGATION. The act of authorizing a competent
26 individual to perform selected nursing activities supportive
27 to registered nurses or licensed practical nurses in selected

1 school situations as provided under this act while retaining
2 the accountability for the outcome if the delegation is to an
3 unlicensed individual.

4 (2) INDIVIDUAL HEALTH PLAN. A document that outlines
5 health care to be provided to a student in the school setting,
6 developed by the school nurse in conjunction with the
7 student's parents or guardians and may contain the orders from
8 the physician, certified registered nurse practitioner
9 operating under a valid collaborative agreement, or physician
10 assistant operating with a valid supervisory agreement.

11 (3) SCHOOL. Any primary or secondary public school
12 located in the state.

13 (4) SCHOOL EMPLOYEE. Any person employed by a public
14 school system located in the state.

15 (5) UNLICENSED MEDICATION ASSISTANT. A school
16 employee who is trained in accordance with this act, but who
17 is not required to be a health care professional.

18 Section 3. (a) No later than the beginning of the
19 2015-2016 school year, the State Department of Education, in
20 consultation with the Alabama Board of Nursing, shall develop
21 guidelines for the training of school employees in the care
22 needed for students with diabetic medical needs according to
23 the student's Individual Health Plan, the medical
24 authorizations of which are limited to permitting the
25 administration of injectable medications specific to his or
26 her diabetes. No other delegation of injectable medications
27 shall be allowed under this act. These guidelines shall be

1 developed in consideration of the recommendations of the
2 American Academy of Pediatrics, the National Diabetes
3 Education Program, and any other appropriate published medical
4 guidelines. Each local board of education shall ensure that
5 diabetes training programs are provided for all school nurses
6 and unlicensed medication assistants at schools under its
7 jurisdiction.

8 (b) Each local school system shall ensure that the
9 training outlined in subsection (a) is provided to unlicensed
10 medication assistants. In consultation with the local school
11 superintendent and in consideration of a student's Individual
12 Health Plan related to his or her diabetic condition, the lead
13 nurse of the school system may recommend the placement of a
14 school nurse based on the overall health needs of that
15 student.

16 (c) School employees shall not be required to serve
17 as unlicensed medication assistants, nor be subject to any
18 penalty or disciplinary action for refusing to serve as an
19 unlicensed medication assistant. It shall be unlawful to
20 consider a school employee's decision to serve or not to serve
21 as an unlicensed medication assistant in any employment
22 decision, including, but not limited to, termination,
23 non-renewal of contract, reduction-in-force, or transfer.
24 Furthermore, no school administrator or supervisor shall
25 threaten, harass, or otherwise coerce a school employee into
26 serving as an unlicensed medication assistant.

1 (d) The medical authorization allowed under this act
2 shall be limited to permitting the use of injectable
3 medications specific to diabetes.

4 Section 4. The parent or guardian of each student
5 with an identified diabetic medical condition, who seeks care
6 while at school shall submit the order from a physician,
7 certified registered nurse practitioner operating under a
8 valid collaborative agreement, or physician assistant
9 operating under a valid supervisory agreement according to the
10 timeline established by the local education agency to be
11 considered in the development of the student's Individual
12 Health Plan.

13 Section 5. (a) The local board of education shall
14 ensure that each student in the school or system with a
15 diabetic condition receives appropriate care as specified in
16 his or her Individual Health Plan.

17 (b) The school nurse or a trained unlicensed
18 medication assistant, to the extent required by the student's
19 Individual Health Plan, shall be on site and available to
20 provide care to each student with diabetes during regular
21 school hours and school-sponsored before school and after
22 school care programs, during field trips, extended off-site
23 excursions, extracurricular activities in which the student is
24 a direct participant, and on buses when the bus driver is not
25 a trained unlicensed medication assistant.

26 Section 6. Notwithstanding any other provision of
27 law, a licensed health care professional may provide training

1 and supervise school employees becoming unlicensed medication
2 assistants who may also be providing care and performing tasks
3 pursuant to this act in the activities set forth in Section 5.

4 Section 7. A student with diabetes in public school
5 may attend the school the student would otherwise attend if
6 the student did not have diabetes, and the diabetes care
7 specified in Section 5 shall be provided at the school. A
8 school system may not restrict a student who has diabetes from
9 attending any school on the basis that the student has
10 diabetes, that the school does not have a full-time school
11 nurse, or that the school does not have trained unlicensed
12 medication assistants. A student with diabetes may participate
13 in extracurricular and co-curricular activities to the same
14 extent as a student without diabetes. In addition, a school
15 shall not require or pressure parents or guardians to provide
16 care for a student with diabetes at school or at
17 school-sponsored activities in which the student is a direct
18 participant as set forth in Section 5. However, if the parent
19 or guardian of a student with diabetes does not supply the
20 medication, the order from a physician, certified registered
21 nurse practitioner operating under a valid collaborative
22 agreement, or physician assistant operating under a valid
23 supervisory agreement, supplies, or a signed parental and
24 prescriber authorization, the parent or guardian shall be
25 responsible for providing diabetic medical care to the student
26 at school or at school-sponsored activities in which the
27 student is a direct participant.

1 Section 8. Notwithstanding any other provision of
2 this act, a student with a medical condition, other than or in
3 addition to diabetes, requiring supervision or other
4 specialized services may be assigned to a school in accordance
5 with the student's Individual Health Plan.

6 Section 9. A school employee shall be immune from
7 suit and not liable for any civil damages as a result of his
8 or her acts or omissions in the supervision or rendering of
9 services, care, or assistance to a student under this act, nor
10 shall he or she be liable for any civil damages as a result of
11 any act, or failure to act, to provide or arrange for further
12 treatment, care, or assistance.

13 Section 10. A physician has no supervisory authority
14 over the school's execution of the Individual Health Plan, and
15 therefore shall be immune from civil liability for any orders,
16 acts or omissions directly related to this act, including any
17 vicarious liability for the acts and omissions of school
18 employees and officials in carrying out the Individual Health
19 Plan.

20 Section 11. A private school may provide training
21 and diabetes care for its students in accordance with the
22 provisions set forth in this act.

23 Section 12. This act shall become effective July 1,
24 2014, following its passage and approval by the Governor, or
25 its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 15-JAN-14

Read for the second time and placed
on the calendar with 1 substitute
and..... 13-MAR-14

Read for the third time and passed
as amended..... 19-MAR-14

Yeas 98, Nays 0, Abstains 3

Jeff Woodard
Clerk