



Senate Education Committee

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BILL SUMMARY
Senate Bill 391, Printer's No. 393
Prime Sponsor: Orië

A. SYNOPSIS:

Senate Bill 391 would amend the Public School Code of 1949 to include provisions related to the care of students with diabetes, the training of school employees regarding diabetes care, and the ability of students to self-administer diabetes medication and monitoring devices. The bill would not create, establish or expand civil liability on the part of any school entity or school employee.

B. BILL ANALYSIS:

S.B. 391 would amend the Public School Code to require the Department of Health (DOH), in coordination with the Department of Education, the American Diabetes Association, educators and health professionals, to create training materials to instruct school employees in diabetes treatment and make these materials available on DOH's website. The materials must instruct a school entity on its obligations under Pennsylvania regulations and under the federal Rehabilitation Act of 1973.

The bill would require chief school administrators to identify at least one school employee, other than the school nurse, in each school building attended by a student with diabetes, to complete the required training or substantially identical training provided by a licensed health care provider.

The bill would allow a school employee who is not a licensed health care provider to be designated in a student's service agreement (an agreement required under the Rehabilitation Act of 1973 outlining the services and accommodations that must be made available to a disabled child) to administer diabetes medication, use monitoring equipment and provide other diabetes care. The school entity may require the employee to complete training and may include this training in its continuing education plan. For a school employee who is not a licensed health care provider to administer medication by injection or infusion, the employee must first be trained by a school nurse or other qualified health care professional.

The bill would require the parent or guardian of a student with diabetes who desires the student to receive diabetes care in school to provide the school entity with written authorization, as well as instructions from the student's health care provider. All diabetes care provided must be consistent with the school entity's school health program and the student's service agreement. The bill would allow the student's service agreement to require the school entity to provide the student's school bus driver with an information sheet

identifying the student as having diabetes, identifying potential emergencies, and providing emergency contact information.

Under S.B. 391, each school entity must require the parent or guardian of a student with diabetes who desires the student to possess and self-administer diabetes medication and monitoring equipment in school to provide the following:

1. A written statement from the student's health care provider listing the name of the drug, how it is to be administered, the reason the drug is needed, any potential serious reactions and any necessary emergency response, whether the student is competent to self-administer the medication or monitoring equipment and whether the student is able to practice proper safety precautions for the handling and disposal of the medication and monitoring equipment;

2. A written request from the parent or guardian that the school entity comply with the direction of the student's health care provider, including a statement relieving the school entity or any school employee of any responsibility for the medication or monitoring equipment or for ensuring that it is used;

3. A demonstration of competency by the student satisfying the school nurse that the student is capable of self-administering the medication or monitoring equipment; and

4. The student's written acknowledgement that he has received instruction from his health care provider on proper safety precautions for the handling and disposal of the medication and monitoring equipment, that the student will not allow other students to have access to the medication and monitoring equipment, and that the student understands appropriate safeguards.

The bill would allow a school entity to revoke or restrict a student's privilege to possess or self-administer diabetes medication or monitoring equipment due to noncompliance with school rules or provisions of the student's service agreement or due to the student's demonstrated unwillingness or inability to safeguard the medication or monitoring equipment from access by other students. Where the school entity does so, the school entity must ensure that the medication or monitoring equipment is appropriately stored in a readily accessible place in the student's school building and must notify appropriate school employees where the medication or equipment is stored and how it can be accessed.

S.B. 391 states that its provisions do not create, establish or expand any civil liability on the part of any school entity or school employee.

The bill would require nonpublic schools to comply with the bill's provisions regarding training of school employees and provision of diabetes-related care to students. For students with diabetes attending nonpublic schools, a written education plan outlining the services required to meet the student's academic needs may take the place of a service agreement unless a service agreement is otherwise required under law or regulation. The bill provides that no nonpublic school employee or nonpublic school will be liable for civil damages as a result of activities authorized under the bill, although an employee may be liable for willful misconduct.

The bill would take effect 60 days after enactment.

C. SUMMARY OF RELEVANT EXISTING LAW:

The School Code currently does not specifically address diabetes care for school students.