

## BILL ANALYSIS

Senate Research Center  
78R6388 ESH-D

S.B. 1662  
By: Duncan  
Health & Human Services  
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As Filed

### DIGEST AND PURPOSE

Currently, the school nurse may provide care for a student with diabetes. However, not all schools have a full-time nurse. As proposed, S.B. 1662 requires a student with diabetes to have a medical management plan for treatment at school. This bill also establishes that a school campus that has a student diagnosed with diabetes, must have three school employees trained in recognizing, treating, or calling for emergency assistance for diabetes related symptoms. Finally, this bill requires schools to allow students, with written permission of a parent or guardian, to perform various diabetes maintenance activities at school.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 38, Education Code, by adding Subchapter C, as follows:

#### SUBCHAPTER C. CARE OF STUDENTS WITH DIABETES

Sec. 38.101. DEFINITIONS. Defines “medical management plan,” “school,” “school employee,” and “trained diabetes care provider.”

Sec. 38.102. MEDICAL MANAGEMENT PLAN. (a) Requires a medical management plan to be developed for each student with diabetes who will seek care for the student’s diabetes while at school. Requires the plan to be developed by certain persons.

(b) Requires a medical management plan to meet certain conditions.

(c) Requires the parent or guardian of a student with diabetes who seeks care for the student’s diabetes while the student is at school to submit to the school a copy of the student’s medical management plan. Requires the plan to be submitted to and reviewed by the school according to certain requirements.

Sec. 38.103. TRAINED DIABETES CARE PROVIDER. (a) Requires the Texas Diabetes Council to develop, with the assistance of certain entities, guidelines for the training of school employees in the care of students with diabetes.

(b) Provides that a school employee is not required to be a health care professional to be designated as a trained diabetes care provider.

(c) Requires the school nurse to meet certain requirements if a school nurse is assigned to a campus.

(d) Requires training under this section to be provided annually by a health care professional with expertise in the care of persons with diabetes. Requires the training to be provided before the beginning of the school year or as soon as practicable following certain events.

(e) Requires the training to include instruction in certain subjects.

(f) Requires the board of trustees of a school district and the governing body of each private school or open-enrollment charter school to ensure that there are at least three trained diabetes care providers at each campus attended by one or more students with diabetes.

Sec. 38.104. TRAINING FOR SCHOOL BUS DRIVERS. Requires a school district, private school, or open-enrollment school to provide to each bus driver who is responsible for transporting a student with diabetes training in certain subjects.

Sec. 38.105. REQUIRED CARE OF STUDENTS WITH DIABETES. (a) Requires a trained diabetes care provider, at the request of certain persons and in compliance with the student's medical management plan, to take certain actions.

(b) Requires a school to ensure that at least one trained diabetes care provider is present and available to provide the required care to a student with diabetes at certain times.

(c) Prohibits a school district from restricting the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required trained diabetes care providers.

(d) Provides that a trained diabetes care provider who performs an activity described by Subsection (a) in compliance with the medical management plan of a student with diabetes is not considered to be engaging in certain practices and is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health care professional.

Sec. 38.106. INDEPENDENT MONITORING AND TREATMENT. Authorizes a school, on the written request of certain persons, and if permitted by the student's medical management plan, to permit the student to take certain actions.

Sec. 38.107. IMMUNITY FROM LIABILITY. (a) Provides that certain persons are immune from liability for civil damages resulting from an action taken in compliance with this subchapter if the person acted in the same manner as an ordinarily reasonable and prudent person would have acted under the same or similar circumstances.

(b) Provides that if certain persons are immune from liability under Subsection (a), the school that employs the person is also immune from liability.

SECTION 2. Makes application of Subchapter C, Chapter 38, Education Code, prospective to the beginning of the 2004-2005 school year.

SECTION 3. Effective date: September 1, 2003.