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3 SENATE HEALTH COMMITTEE SUBSTITUTE FOR SB57  
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8 SYNOPSIS: Under existing law, the practice of nursing  
9 includes the administration of medications.  
10 Existing rules of the State Board of Nursing  
11 authorize a school nurse to delegate certain tasks  
12 to assistive personnel in a school setting.

13 This bill would require each local board of  
14 education to ensure that each student in the school  
15 system with an identified diabetic medical  
16 condition receives appropriate care as specified in  
17 the student's Individual Health Plan.

18 This bill would provide for the delegation  
19 of specific medical procedures to non-medically  
20 trained school personnel for students enrolled in  
21 public schools based on the recommendations  
22 contained in a student's Individual Health Plan for  
23 students with diabetes.

24 This bill would require guidelines for the  
25 required training of non-medically trained school  
26 personnel in the administration of specific medical

1 procedures for diabetes care to be developed by the  
2 State Department of Education in consultation with  
3 the Alabama Board of Nursing.

4 This bill would limit the liability of  
5 public schools and non-medically trained school  
6 personnel providing diabetic care under this act,  
7 and further to provide immunity from civil lawsuit  
8 for physicians, certified registered nurse  
9 practitioners, and physician assistants acting  
10 pursuant to the act.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT  
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16 Relating to health; to provide for the delegation of  
17 specific medical procedures related to diabetes to certain  
18 school personnel for students in public schools based on a  
19 student's Individual Health Plan; to provide for the training  
20 of certain school personnel relating to the diabetic needs of  
21 students, pursuant to guidelines developed by the State  
22 Department of Education in consultation with the Alabama Board  
23 of Nursing; to limit the liability of public schools and  
24 certain school personnel under this act; and further to  
25 provide immunity from civil lawsuit for physicians, certified

1 registered nurse practitioners, and physician assistants  
2 acting pursuant to this act.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known as the Alabama  
5 Safe at Schools Act.

6 Section 2. For purposes of this act, the following  
7 words have the following meanings:

8 (1) DELEGATION. The act of authorizing a competent  
9 individual to perform selected nursing activities supportive  
10 to registered nurses or licensed practical nurses in selected  
11 school situations as provided under this act, while retaining  
12 the accountability for the outcome if the delegation is to an  
13 unlicensed individual.

14 (2) INDIVIDUAL HEALTH PLAN. A document that outlines  
15 health care to be provided to a student in the school setting,  
16 developed by the school nurse in conjunction with the  
17 student's parents or guardians and may contain the orders from  
18 the physician, certified registered nurse practitioner  
19 operating under a valid collaborative agreement, or physician  
20 assistant operating with a valid supervisory agreement.

21 (3) SCHOOL. Any primary or secondary public school  
22 located in the state.

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

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

4                   Section 3. (a) No later than the beginning of the  
5 2015-2016 school year, the State Department of Education, in  
6 consultation with the Alabama Board of Nursing, shall develop  
7 guidelines for the training of school employees in the care  
8 needed for students with diabetic medical needs according to  
9 the student's Individual Health Plan, the medical  
10 authorizations of which are limited to permitting the  
11 administration of injectable medications specific to his or  
12 her diabetes. No other delegation of injectable medications  
13 shall be allowed under this act. These guidelines shall be  
14 developed in consideration of the recommendations of the  
15 American Academy of Pediatrics, the National Diabetes  
16 Education Program, and any other appropriate published medical  
17 guidelines. Each local board of education shall ensure that  
18 diabetes training programs are provided for all school nurses  
19 and unlicensed medication assistants at schools under its  
20 jurisdiction.

21                   (b) Each local school system shall ensure that the  
22 training outlined in subsection (a) is provided to unlicensed  
23 medication assistants. In consultation with the local school  
24 superintendent and in consideration of a student's Individual  
25 Health Plan related to his or her diabetic condition, the lead  
26 nurse of the school system may recommend the placement of a

1 school nurse based on the overall health needs of that  
2 student.

3 (c) School employees shall not be required to serve  
4 as unlicensed medication assistants, nor be subject to any  
5 penalty or disciplinary action for refusing to serve as an  
6 unlicensed medication assistant. It shall be unlawful to  
7 consider a school employee's decision to serve or not to serve  
8 as an unlicensed medication assistant in any employment  
9 decision, including, but not limited to, termination,  
10 non-renewal of contract, reduction-in-force, or transfer.  
11 Furthermore, no school administrator or supervisor shall  
12 threaten, harass, or otherwise coerce a school employee into  
13 serving as an unlicensed medication assistant.

14 (d) The medical authorization allowed under this act  
15 shall be limited to permitting the use of injectable  
16 medications specific to diabetes.

17 Section 4. The parent or guardian of each student  
18 with an identified diabetic medical condition who seeks care  
19 while at school shall submit the order from a physician,  
20 certified registered nurse practitioner operating under a  
21 valid collaborative agreement, or physician assistant  
22 operating under a valid supervisory agreement according to the  
23 timeline established by the local education agency to be  
24 considered in the development of the student's Individual  
25 Health Plan.

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

5           (b) The school nurse or a trained unlicensed  
6 medication assistant, to the extent required by the student's  
7 Individual Health Plan, shall be on site and available to  
8 provide care to each student with diabetes during regular  
9 school hours and school-sponsored before school and after  
10 school care programs, during field trips, extended off-site  
11 excursions, extracurricular activities in which the student is  
12 a direct participant, and on buses when the bus driver is not  
13 a trained unlicensed medication assistant.

14           Section 6. Notwithstanding any other provision of  
15 law, a licensed health care professional may provide training  
16 and supervise school employees becoming unlicensed medication  
17 assistants who may also be providing care and performing tasks  
18 pursuant to this act in the activities set forth in Section 5.

19           Section 7. A student with diabetes in public school  
20 may attend the school the student would otherwise attend if  
21 the student did not have diabetes, and the diabetes care  
22 specified in Section 5 shall be provided at the school. A  
23 school system may not restrict a student who has diabetes from  
24 attending any school on the basis that the student has  
25 diabetes, that the school does not have a full-time school  
26 nurse, or that the school does not have trained unlicensed

1 medication assistants. A student with diabetes may participate  
2 in extracurricular and co-curricular activities to the same  
3 extent as a student without diabetes. In addition, a school  
4 shall not require or pressure parents or guardians to provide  
5 care for a student with diabetes at school or at  
6 school-sponsored activities in which the student is a direct  
7 participant as set forth in Section 5. However, if the parent  
8 or guardian of a student with diabetes does not supply the  
9 medication, the order from a physician, certified registered  
10 nurse practitioner operating under a valid collaborative  
11 agreement, or physician assistant operating under a valid  
12 supervisory agreement, supplies, or a signed parental and  
13 prescriber authorization, the parent or guardian shall be  
14 responsible for providing diabetic medical care to the student  
15 at school or at school-sponsored activities in which the  
16 student is a direct participant.

17 Section 8. Notwithstanding any other provision of  
18 this act, a student with a medical condition, other than or in  
19 addition to diabetes, requiring supervision or other  
20 specialized services may be assigned to a school in accordance  
21 with the student's Individual Health Plan.

22 Section 9. A school employee shall be immune from  
23 suit and not liable for any civil damages as a result of his  
24 or her acts or omissions in the supervision or rendering of  
25 services, care, or assistance to a student under this act, nor  
26 shall he or she be liable for any civil damages as a result of

1 any act, or failure to act, to provide or arrange for further  
2 treatment, care, or assistance.

3 Section 10. A physician has no supervisory authority  
4 over the school's execution of the Individual Health Plan, and  
5 therefore shall be immune from civil liability for any orders,  
6 acts or omissions directly related to this act, including any  
7 vicarious liability for the acts and omissions of school  
8 employees and officials in carrying out the Individual Health  
9 Plan.

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

13 Section 12. This act shall become effective July 1,  
14 2014, following its passage and approval by the Governor, or  
15 its otherwise becoming law.