

MANAGING DIABETES CARE

Under RC 3313.7112(B), districts are required to ensure each enrolled student with diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating physician. This care includes any of the following:

- Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;
- responding to blood glucose levels that are outside of the student's target range;
- administering glucagon and other emergency treatments as prescribed in the case of severe hypoglycemia;
- administering insulin or assisting the student in self-administering insulin through the insulin-delivery system the student uses;
- providing oral diabetes medications;
- understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the student's physician's order;
- following the physician's instructions for meals, snacks and physical activity;
- administering diabetes medication as long as statutory requirements are met.

Diabetes medications may be administered by a school nurse or, in the absence of a school nurse, a school employee trained in diabetes care in accordance with state law. When administering diabetes medication, a school nurse or trained employee also must comply with the requirements found in current law ([RC 3313.713](#)) on administering drugs in schools. Medication that is to be administered under HB 264 provisions may be kept in an easily assessable location.

Notification and Training Requirements

HB 264 creates a new notification requirement for districts. Within 14 days of receiving an order signed by a student with diabetes' treating physician, the board must inform the student's parent, guardian or other person having care or charge of the student that the child may be entitled to a 504 plan regarding the student's diabetes. In addition, the bill specifies that a student's rights and the obligations of a district under the federal Individuals with Disabilities Education Act (Section 504) or Americans with Disabilities Act are not diminished by the bill's provisions. The Ohio Department of Education (ODE) must develop a 504 plan informational sheet to be used for the newly required notification.

The Ohio Department of Education (ODE) guidelines for training must address the following:

- recognizing the symptoms of hypoglycemia and hyperglycemia;
- the appropriate treatment for a student who exhibits the symptoms of hypoglycemia and hyperglycemia;

- recognizing situations that require providing emergency medical assistance to a student;
- understanding the appropriate treatment for a student, based on his or her physician's order, if the student's blood glucose level is not within the target range indicated by the order;
- understanding the instructions in a student's physician's order concerning necessary medications;
- performing blood glucose and ketone tests in accordance with a student's physician's order and recording the results of those tests;
- administering insulin, glucagon or other medication in accordance with a student's physician's order and recording the results of the administration;
- understanding the relationship between the diet recommended in a student's physician's order and actions that may be taken if the recommended diet is not followed.

Under RC 3313.7112 (E), each board may provide training that complies with the ODE-developed guidelines to a school employee at a school attended by a student with diabetes. If provided, this training must take place before the beginning of each school year, or as needed, no later than 14 days after receiving an order signed by the student with diabetes' treating physician. The training must be coordinated by a school nurse, or if the school does not employ a school nurse, a licensed health care professional with expertise in diabetes who is approved by the school to provide the training.

On completion of this training, the board, in a manner it establishes, must determine whether each employee trained is competent to provide diabetes care. The school nurse, or approved licensed health care professional with expertise in diabetes care, is required to promptly provide all necessary follow-up training and supervision to employees who receive training under this section.

The principal or other authorized official of the school a student with diabetes attends may give notice to each employee containing:

- a statement that the school is required to provide diabetes care to a student with diabetes and is seeing employees who are willing to be trained to provide that care;
- a description of the tasks to be performed;
- a statement that participation is voluntary and the school district will not take action against an employee who does not agree to provide diabetes care;
- a statement that training will be provided by a licensed health care professional to an employee who agrees to provide care;
- a statement that a trained employee is immune from liability as provided for in RC 3313.7112(J);
- the name of the individual who should be contacted if an employee is interested in providing diabetes care.

The board cannot subject an employee to a penalty or disciplinary action under school or district policies for refusing to volunteer to be trained in diabetes care, and must not discourage employees from agreeing to provide diabetes care under this section. A school employee is not subject to disciplinary action under school or district policies for providing care or performing duties specified in the bill.

In addition to the more comprehensive training on diabetes care, the board may provide training that addresses emergencies. A district may provide training to a school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day on recognizing hypoglycemia and hyperglycemia, and actions to take in emergency situations involving these conditions.

Students

HB 264 addresses some specific rights for students with diabetes. The first is that a student with diabetes must be permitted to attend the school the student would otherwise attend if he or she did not have diabetes. Diabetes care, as outlined in the treating physician's orders and meeting the provisions of RC 3313.7112(B), must be provided at the school in accordance with statutory requirements. The district cannot restrict a student with diabetes from attending a particular school because that school does not have a full-time school nurse or an employee trained in diabetes care. In addition, the school cannot require or pressure a parent, guardian or other person having care or charge of a student to provide diabetes care for their student at school or school-related activities.

Under RC 3313.7112(H), upon written request of the student's parent, guardian or other person having care or charge of the student, a student with diabetes must be permitted to attend to the self-care and management of his or her diabetes during regular school hours and school-sponsored activities if the student's treating physician determines the student is capable of performing the diabetes care tasks. The care must be in accordance with the student's physician's orders and the student must be permitted to perform diabetes care tasks in any area of the school or school grounds (including in a classroom) and at any school-related activity. The student also must be allowed to possess, at all times, the necessary supplies and equipment to perform the tasks. Students must be provided access to a private area for performing diabetes care tasks if requested by the student, parent, guardian or other person having care or charge of the student. If a student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the board may revoke the student's permission to attend to the care and management of his or her diabetes under the provision.

Liability and Reporting

In addition to these requirements, RC 3313.7112(J) provides that a school, school district, board member or district employee is not liable for damages in a civil action for injury, death or loss to

person or property allegedly arising from providing care or performing duties required by the bill, unless the act or omission constitutes willful or wanton misconduct. A school nurse or other licensed health professional also is immune from disciplinary action by the Ohio Board of Nursing or any other regulatory board if the care provided or duties performed are consistent with applicable professional standards.

HB 264 requires that by December 31, the board must annually report to ODE both the number of students with diabetes enrolled in the district and the number of errors associated with administering diabetes medication during the previous school year. By March 31 of each year, ODE must issue a report to be made available on its website that summarizes district information for the previous school year.

Adopted: March 11, 2016