

1 SB57
2 159771-7
3 By Senators Waggoner and Bussman
4 RFD: Health
5 First Read: 14-JAN-14
6 PFD: 12/18/2013

1 SB57

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4 ENROLLED, An Act,

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall be known as the Alabama
19 Safe at Schools Act.

20 Section 2. For purposes of this act, the following
21 words have the following meanings:

22 (1) DELEGATION. The act of authorizing a competent
23 individual to perform selected nursing activities supportive
24 to registered nurses or licensed practical nurses in selected
25 school situations as provided under this act, while retaining

1 the accountability for the outcome if the delegation is to an
2 unlicensed individual.

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

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

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

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

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

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

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

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

1 threaten, harass, or otherwise coerce a school employee into
2 serving as an unlicensed medication assistant.

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

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

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

19 (b) The school nurse or a trained unlicensed
20 medication assistant, to the extent required by the student's
21 Individual Health Plan, shall be on site and available to
22 provide care to each student with diabetes during regular
23 school hours and school-sponsored before school and after
24 school care programs, during field trips, extended off-site
25 excursions, extracurricular activities in which the student is

1 a direct participant, and on buses when the bus driver is not
2 a trained unlicensed medication assistant.

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

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

1 agreement, or physician assistant operating under a valid
2 supervisory agreement, supplies, or a signed parental and
3 prescriber authorization, the parent or guardian shall be
4 responsible for providing diabetic medical care to the student
5 at school or at school-sponsored activities in which the
6 student is a direct participant.

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

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

19 Section 10. A physician has no supervisory authority
20 over the school's execution of the Individual Health Plan, and
21 therefore shall be immune from civil liability for any orders,
22 acts or omissions directly related to this act, including any
23 vicarious liability for the acts and omissions of school
24 employees and officials in carrying out the Individual Health
25 Plan.

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

4 Section 12. This act shall become effective July 1,
5 2014, following its passage and approval by the Governor, or
6 its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB57

Senate 18-MAR-14

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 03-APR-14

By: Senator Waggoner