



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4154

Introduced 1/21/2004, by Elizabeth Coulson - Tom Cross -
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SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 805/8.28 new
225 ILCS 65/5-15
225 ILCS 95/5

from Ch. 111, par. 4605

Creates the Care of Students with Diabetes Act and amends the Nursing and Advanced Practice Nursing Act and the Physician Assistant Practice Act of 1987. Requires the State Board of Education, in consultation with the Department of Public Health, to adopt guidelines that must meet or exceed those set by the American Diabetes Association for the management of children with diabetes in the school or day care setting for the training of school employees. Requires school districts and governing bodies of charter and private elementary and secondary schools to ensure that training is provided to at least 3 school employees at each school attended by a student with diabetes. Requires a medical management plan for each student who seeks care for diabetes at school. Establishes standards for the care of students with diabetes. Establishes immunity from civil liability in connection with activities authorized under the Care of Students with Diabetes Act. Provides that neither the Nursing and Advanced Practice Nursing Act nor the Physician Assistant Practice Act of 1987 prohibits the activities authorized under the Care of Students with Diabetes Act. Amends the State Mandates Act to provide that no reimbursement by the State is required for the implementation of any mandate created by the Care of Students with Diabetes Act. Effective immediately.

LRB093 14689 DRJ 42024 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Care
5 of Students with Diabetes Act.

6 Section 5. Legislative findings. The General Assembly
7 finds as follows:

8 (1) Diabetes is a serious chronic disease that
9 interferes with the body's ability to produce or use
10 insulin, impairing the body's ability to metabolize food.
11 Diabetes must be managed 24 hours a day in order to (i)
12 avoid the potentially life-threatening short-term
13 consequences of blood sugar levels that are either too high
14 or too low and (ii) avoid or delay the serious long-term
15 complications of high blood sugar levels that include
16 blindness, amputation, heart disease, and kidney failure.

17 (2) In order to manage their disease, students with
18 diabetes must have access to the means to balance food,
19 medications, and physical activity levels while at school
20 and at school-related activities.

21 (3) The school nurse is the most appropriate person in
22 the school setting to provide care for a student with
23 diabetes. Many schools in Illinois, however, do not have a
24 full-time nurse. Moreover, even if a nurse is assigned to a
25 school on a full-time basis, the nurse will not always be
26 available during the school day, during extracurricular
27 activities, or on field trips.

28 (4) Because diabetes management is needed at all times,
29 additional school personnel need to be prepared to provide
30 diabetes care at school and all school-related activities
31 in order for students with diabetes to be medically safe
32 and have the same access to educational opportunities as

1 all other students in Illinois.

2 (5) Because of the significant number of students with
3 Type I diabetes and the increasing prevalence of Type II
4 diabetes, the effect of diabetes on a student's ability to
5 learn, and the risk for serious long-term and short-term
6 medical complications, the General Assembly deems it in the
7 public interest to enact this Act.

8 Section 10. Definitions. In this Act:

9 "Medical management plan" means a document that (i) is
10 developed by the parent or guardian of a student with diabetes
11 and the student's personal health care team, (ii) sets out the
12 health services needed by the student at school, and (iii) is
13 signed by the parent or guardian and the student's personal
14 health care team.

15 "School" means a primary or secondary public, charter, or
16 private school located in this State.

17 "School employee" means a person who is employed by a
18 public school district or private school, a person who is
19 employed by a local health department and assigned to a school,
20 or a person who contracts with a school or school district to
21 perform services in connection with the care of students with
22 diabetes.

23 "Student's personal health care team" means the health care
24 professionals with expertise in diabetes with whom the student
25 regularly consults for the management and treatment of his or
26 her diabetes.

27 "Trained diabetes care provider" means a school employee
28 who is trained in accordance with the guidelines adopted under
29 Section 15.

30 Section 15. Training of diabetes care providers.

31 (a) The State Board of Education, in consultation with the
32 Department of Public Health, shall adopt guidelines that must
33 meet or exceed those set by the American Diabetes Association
34 for the management of children with diabetes in the school or

1 day care setting for the training of school employees. In
2 developing the guidelines, the Board shall solicit
3 recommendations from at least the following: the American
4 Diabetes Association; the American Association of Diabetes
5 Educators; the Illinois State Medical Society; the Illinois
6 Chapter of the American Academy of Pediatrics; the Illinois
7 Nurses Association; and the Illinois Association of School
8 Nurses. The training guidelines shall provide for instruction
9 in the following:

10 (1) Recognizing and treating hypoglycemia and
11 hyperglycemia.

12 (2) Understanding the appropriate actions to take when
13 a student's blood glucose levels are outside the target
14 ranges indicated by the student's medical management plan.

15 (3) Understanding physician instructions concerning
16 diabetes medication drug dosage, frequency, and manner of
17 administration.

18 (4) Performing finger-stick blood glucose checking and
19 ketone checking, and recording the results.

20 (5) Administering glucagon and insulin, and recording
21 the results.

22 (6) Understanding recommended schedules and food
23 intake for meals and snacks, the effect of physical
24 activity on blood glucose levels, and actions to be
25 implemented in the case of schedule disruption.

26 A trained diabetes care provider need not be a licensed or
27 certified health care professional.

28 (b) The Board shall adopt the training guidelines no later
29 than January 1, 2005.

30 (c) Every public school district, and every governing body
31 of a charter or private school, shall ensure that the training
32 described in subsection (a) is provided, at a minimum, to 3
33 school employees at each school that is attended by a student
34 with diabetes. If a school has a school nurse, the nurse shall
35 be one of the employees to whom the training is provided.

36 (d) The training described in subsection (a) shall be

1 provided annually by a health care professional with expertise
2 in diabetes and shall take place (i) before the commencement of
3 each school year or (ii) as needed when a student with diabetes
4 is newly enrolled at a school or a student is newly diagnosed
5 with diabetes.

6 (e) Every public school district, and every governing body
7 of a charter or private school, shall provide training in the
8 following to all bus drivers responsible for the transportation
9 of a student with diabetes:

10 (1) The recognition of hypoglycemia and hyperglycemia.

11 (2) Actions to take in response to emergency
12 situations.

13 Section 20. Medical management plan. The parent or guardian
14 of each student with diabetes who seeks diabetes care while at
15 school must submit a medical management plan to the school
16 prior to the beginning of each school year. School personnel,
17 as designated by the public school district or by the governing
18 body of a charter or private school, must review the plan
19 before the beginning of each school year or upon the enrollment
20 of the student or the diagnosis of the student's diabetes.

21 Section 25. Required care.

22 (a) In accordance with the request of a parent or guardian
23 of a student with diabetes and the student's medical management
24 plan, trained diabetes care providers shall perform functions
25 that include, but need not be limited to, the following:

26 (1) Responding to blood glucose levels that are outside
27 the student's target range.

28 (2) Administering glucagon.

29 (3) Administering insulin, or assisting a student in
30 administering insulin, through the insulin delivery system
31 that the student uses.

32 (4) Providing oral diabetes medications.

33 (5) Checking and recording blood glucose levels and
34 ketone levels, or assisting a student in such checking and

1 recording.

2 (6) Following instructions regarding meals, snacks,
3 and physical activity.

4 (b) The school nurse assigned to a particular school shall
5 coordinate the provision of diabetes care at that school in
6 accordance with the student's medical management plan and shall
7 serve as the lead trained diabetes care provider at that
8 school.

9 (c) At each school attended by a student with diabetes, at
10 least one of the school's trained diabetes care providers must
11 be on site and available to provide care to each student with
12 diabetes as set forth in subsection (a). Such a person must be
13 on site and available:

14 (1) During regular school hours.

15 (2) During school sponsored, before school and after
16 school care programs.

17 (3) During field trips.

18 (4) During extracurricular activities.

19 (5) On buses when the bus driver has not completed the
20 necessary training.

21 (d) There must be trained diabetes care providers at each
22 school in which a student with diabetes is enrolled, and a
23 student's choice of schools may not be restricted in any way
24 because the student has diabetes.

25 (e) The activities set fourth in subsection (a) do not
26 constitute the practice of nursing and are exempt from all
27 applicable statutory or regulatory provisions that restrict
28 the activities that may be delegated to a person who is not a
29 licensed health care professional.

30 Section 30. Independent monitoring and treatment. Upon the
31 written request of the student's parent or guardian and
32 authorization by the student's medical management plan, a
33 student with diabetes shall be permitted to do the following in
34 the classroom, in any area of the school or school grounds, and
35 at any school-related activity or event:

- 1 (1) Perform blood glucose checks.
- 2 (2) Administer insulin through the insulin delivery
3 system that the student uses.
- 4 (3) Treat hypoglycemia and hyperglycemia, and
5 otherwise attend to the care and management of his or her
6 diabetes.
- 7 (4) Possess on his or her person, at all times, the
8 supplies and equipment necessary to perform the monitoring
9 and treatment functions described in paragraphs (1)
10 through (3).

11 Section 35. Civil immunity. A physician, nurse, school
12 employee, public school district, or governing body of a
13 charter or private school is not liable for civil damages as a
14 result of the actions authorized by this Act when those actions
15 are taken in the same manner as a reasonably prudent person
16 would have acted under the same or similar circumstances.

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.28 as follows:

19 (30 ILCS 805/8.28 new)

20 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
21 of this Act, no reimbursement by the State is required for the
22 implementation of any mandate created by the Care of Students
23 with Diabetes Act.

24 Section 93. The Nursing and Advanced Practice Nursing Act
25 is amended by changing Section 5-15 as follows:

26 (225 ILCS 65/5-15)

27 (Section scheduled to be repealed on January 1, 2008)

28 Sec. 5-15. Policy; application of Act. For the protection
29 of life and the promotion of health, and the prevention of
30 illness and communicable diseases, any person practicing or
31 offering to practice professional and practical nursing in

1 Illinois shall submit evidence that he or she is qualified to
2 practice, and shall be licensed as provided under this Act. No
3 person shall practice or offer to practice professional or
4 practical nursing in Illinois or use any title, sign, card or
5 device to indicate that such a person is practicing
6 professional or practical nursing unless such person has been
7 licensed under the provisions of this Act.

8 This Act does not prohibit the following:

9 (a) The practice of nursing in Federal employment in
10 the discharge of the employee's duties by a person who is
11 employed by the United States government or any bureau,
12 division or agency thereof and is a legally qualified and
13 licensed nurse of another state or territory and not in
14 conflict with Sections 10-5, 10-30, and 10-45 of this Act.

15 (b) Nursing that is included in their program of study
16 by students enrolled in programs of nursing or in current
17 nurse practice update courses approved by the Department.

18 (c) The furnishing of nursing assistance in an
19 emergency.

20 (d) The practice of nursing by a nurse who holds an
21 active license in another state when providing services to
22 patients in Illinois during a bonafide emergency or in
23 immediate preparation for or during interstate transit.

24 (e) The incidental care of the sick by members of the
25 family, domestic servants or housekeepers, or care of the
26 sick where treatment is by prayer or spiritual means.

27 (f) Persons from being employed as nursing aides,
28 attendants, orderlies, and other auxiliary workers in
29 private homes, long term care facilities, nurseries,
30 hospitals or other institutions.

31 (g) The practice of practical nursing by one who has
32 applied in writing to the Department in form and substance
33 satisfactory to the Department, for a license as a licensed
34 practical nurse and who has complied with all the
35 provisions under Section 10-30, except the passing of an
36 examination to be eligible to receive such license, until:

1 the decision of the Department that the applicant has
2 failed to pass the next available examination authorized by
3 the Department or has failed, without an approved excuse,
4 to take the next available examination authorized by the
5 Department or until the withdrawal of the application, but
6 not to exceed 3 months. An applicant practicing practical
7 nursing under this Section who passes the examination,
8 however, may continue to practice under this Section until
9 such time as he or she receives his or her license to
10 practice or until the Department notifies him or her that
11 the license has been denied. No applicant for licensure
12 practicing under the provisions of this paragraph shall
13 practice practical nursing except under the direct
14 supervision of a registered professional nurse licensed
15 under this Act or a licensed physician, dentist or
16 podiatrist. In no instance shall any such applicant
17 practice or be employed in any supervisory capacity.

18 (h) The practice of practical nursing by one who is a
19 licensed practical nurse under the laws of another U.S.
20 jurisdiction and has applied in writing to the Department,
21 in form and substance satisfactory to the Department, for a
22 license as a licensed practical nurse and who is qualified
23 to receive such license under Section 10-30, until (1) the
24 expiration of 6 months after the filing of such written
25 application, (2) the withdrawal of such application, or (3)
26 the denial of such application by the Department.

27 (i) The practice of professional nursing by one who has
28 applied in writing to the Department in form and substance
29 satisfactory to the Department for a license as a
30 registered professional nurse and has complied with all the
31 provisions under Section 10-30 except the passing of an
32 examination to be eligible to receive such license, until
33 the decision of the Department that the applicant has
34 failed to pass the next available examination authorized by
35 the Department or has failed, without an approved excuse,
36 to take the next available examination authorized by the

1 Department or until the withdrawal of the application, but
2 not to exceed 3 months. An applicant practicing
3 professional nursing under this Section who passes the
4 examination, however, may continue to practice under this
5 Section until such time as he or she receives his or her
6 license to practice or until the Department notifies him or
7 her that the license has been denied. No applicant for
8 licensure practicing under the provisions of this
9 paragraph shall practice professional nursing except under
10 the direct supervision of a registered professional nurse
11 licensed under this Act. In no instance shall any such
12 applicant practice or be employed in any supervisory
13 capacity.

14 (j) The practice of professional nursing by one who is
15 a registered professional nurse under the laws of another
16 state, territory of the United States or country and has
17 applied in writing to the Department, in form and substance
18 satisfactory to the Department, for a license as a
19 registered professional nurse and who is qualified to
20 receive such license under Section 10-30, until (1) the
21 expiration of 6 months after the filing of such written
22 application, (2) the withdrawal of such application, or (3)
23 the denial of such application by the Department.

24 (k) The practice of professional nursing that is
25 included in a program of study by one who is a registered
26 professional nurse under the laws of another state or
27 territory of the United States or foreign country,
28 territory or province and who is enrolled in a graduate
29 nursing education program or a program for the completion
30 of a baccalaureate nursing degree in this State, which
31 includes clinical supervision by faculty as determined by
32 the educational institution offering the program and the
33 health care organization where the practice of nursing
34 occurs. The educational institution will file with the
35 Department each academic term a list of the names and
36 origin of license of all professional nurses practicing

1 nursing as part of their programs under this provision.

2 (l) Any person licensed in this State under any other
3 Act from engaging in the practice for which she or he is
4 licensed.

5 (m) Delegation to authorized direct care staff trained
6 under Section 15.4 of the Mental Health and Developmental
7 Disabilities Administrative Act.

8 (n) The performance of activities authorized under the
9 Care of Students with Diabetes Act.

10 An applicant for license practicing under the exceptions
11 set forth in subparagraphs (g), (h), (i), and (j) of this
12 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.
13 Pend. respectively and no other.

14 (Source: P.A. 93-265, eff. 7-22-03.)

15 Section 95. The Physician Assistant Practice Act of 1987 is
16 amended by changing Section 5 as follows:

17 (225 ILCS 95/5) (from Ch. 111, par. 4605)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 5. This Act does not prohibit:

20 1. Any person licensed in this State under any other Act
21 from engaging in the practice for which he is licensed;

22 2. The practice as a physician assistant by a person who is
23 employed by the United States government or any bureau,
24 division or agency thereof while in the discharge of the
25 employee's official duties;

26 3. The practice as a physician assistant which is included
27 in their program of study by students enrolled in schools or in
28 refresher courses approved by the Department.

29 4. The performance of activities authorized under the Care
30 of Students with Diabetes Act.

31 (Source: P.A. 85-1209.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.