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LRB095 03968 NHT 33891 a

1 AMENDMENT TO HOUSE BILL 146

2 AMENDMENT NO. _____. Amend House Bill 146 by replacing
3 everything after the enacting clause with the following:

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 the following:

8 (1) Diabetes is a serious chronic disease that impairs
9 the body's ability to use food for energy. In people with
10 diabetes, either the pancreas does not make insulin (Type
11 1) or their body cannot use insulin properly (Type 2).
12 Without insulin, the body's main energy source, glucose,
13 cannot be used to fuel the body, so glucose builds up in
14 the blood, which can, over many years, cause damage to the
15 eyes, kidneys, nerves, heart, and small blood vessels.

16 (2) Diabetes must be managed 24 hours a day in order to

1 (i) avoid the potentially life-threatening, short-term
2 consequences of blood sugar levels that are too low and
3 (ii) prevent or delay the serious complications of blood
4 sugar levels that are too high for too long, which include
5 blindness, amputation, heart disease, and kidney failure.

6 (3) Despite the rights and protections afforded by the
7 Rehabilitation Act of 1973, the Individuals with
8 Disabilities Education Improvement Act of 2004, and the
9 Americans with Disabilities Act of 1990, children with
10 diabetes still face discrimination in school and
11 elsewhere.

12 (4) The rights and protections afforded by these
13 federal laws are not implemented or enforced consistently
14 in schools and school districts throughout Illinois.

15 (5) A school nurse is the most appropriate person in a
16 school setting to provide care for a student with diabetes;
17 however, a school nurse may not always be available when
18 needed and many schools do not have a full-time nurse.

19 (6) Additional school employees must be trained to
20 assist students with diabetes care. By collaborating with
21 parents, schools and school districts can employ a team
22 approach to the care of students with diabetes.

23 (7) Because consistent diabetes care can significantly
24 reduce the risks of serious short-term and long-term
25 consequences and can increase a student's learning
26 opportunities, the General Assembly deems it in the public

1 interest to enact this Act.

2 Section 10. Definitions. In this Act:

3 "Diabetes medical management plan" means a document that is
4 completed by the parent or guardian of a student with diabetes,
5 that sets out the services needed by the student at school and
6 at school-sponsored activities, and that is signed by the
7 parent or guardian.

8 "School" means any primary or secondary public, charter, or
9 private school located in this State.

10 "Principal" means the senior administrative executive of a
11 school and includes the principal's designee or designees.

12 "School employee" means a person who is employed by a
13 public school district or private school, a person who is
14 employed by a local health department and assigned to a school,
15 or a person who contracts with a school or school district to
16 perform services in connection with the care of students with
17 diabetes.

18 "School nurse" means a school employee who is a registered
19 nurse and who holds a valid Illinois nursing license.

20 "Volunteer aide" means a school employee who has
21 volunteered to be trained in diabetes care and assist students
22 with diabetes care.

23 Section 15. Diabetes medical management plan.

24 (a) A diabetes medical management plan must be submitted

1 for any student with diabetes who seeks assistance with
2 diabetes care in the school setting by the student's parent or
3 guardian.

4 (b) A diabetes medical management plan must be submitted to
5 the school at the following time:

6 (1) before or at the beginning of the school year;

7 (2) upon enrollment of a student with diabetes, if the
8 student enrolls in the school after the beginning of the
9 school year;

10 (3) as soon as practicable following a student's
11 diagnosis; or

12 (4) when a student's care needs change during the
13 school year.

14 (c) A school nurse and a volunteer aide shall provide
15 diabetes care for a student only after a student's parent or
16 guardian (i) requests assistance and (ii) signs and submits a
17 diabetes medical management plan to the school.

18 Section 20. Volunteer aides.

19 (a) Upon receipt of a student's completed and signed
20 diabetes medical management plan, a school principal shall do
21 all of the following:

22 (1) Seek school employees who are not health care
23 professionals to serve as volunteer aides.

24 (2) Assign volunteer aides to perform the tasks
25 necessary to assist a student with diabetes in accordance

1 with his or her diabetes medical management plan and in
2 compliance with any guidelines provided during training
3 under Section 25 of this Act.

4 (3) Ensure the school has (i) at least one volunteer
5 aide if a full-time school nurse is assigned to the school
6 and (ii) at least 3 volunteer aides if a full-time school
7 nurse is not assigned to the school.

8 (b) Volunteer aides shall serve under the supervision of
9 the principal.

10 (c) A school employee must not be subject to any penalty,
11 sanction, or other disciplinary action for refusing to serve as
12 a volunteer aide.

13 Section 25. Training for volunteer aides.

14 (a) If a school nurse is assigned to a school, the school
15 nurse shall coordinate the training of school employees who
16 choose to serve as volunteer aides. If a school nurse is not
17 assigned to a school, the principal shall coordinate the
18 training of volunteer aides.

19 (b) Training under this Section may be provided by the
20 following:

21 (1) a licensed health care provider with expertise in
22 diabetes;

23 (2) a school nurse, if he or she has recent and
24 verifiable training in current standards of diabetes care;

25 or

1 (3) the parent or guardian of a student with diabetes.

2 (c) Training must be provided before the beginning of the
3 school year or as soon as practicable following (i) the
4 enrollment of a student with diabetes, if no other student
5 previously enrolled at the school has been diagnosed with
6 diabetes, or (ii) a diagnosis of diabetes for a student
7 enrolled at the school, if no other student enrolled at the
8 school has been diagnosed with diabetes.

9 (d) Training must include all of the following:

10 (1) The details of a student's diabetes medical
11 management plan.

12 (2) How to test blood glucose and record results.

13 (3) How to recognize and respond to the symptoms of
14 hypoglycemia.

15 (4) How to recognize and respond to the symptoms of
16 hyperglycemia.

17 (5) What to do in an emergency, including how to
18 administer glucagon.

19 (6) How to dial an insulin pen, how to draw a syringe,
20 and how to administer insulin and keep a record of the
21 amount administered.

22 (7) How carbohydrates, physical activity, and other
23 factors affect blood glucose levels and how to respond when
24 blood glucose levels are outside the target ranges
25 specified in a student's diabetes medical management plan.

26 (e) Training must be provided annually and may be provided

1 as part of in-service training.

2 (f) The principal or school nurse, should one be assigned
3 full-time to a school, shall maintain a copy of the training
4 records.

5 Section 30. Independent monitoring and treatment. In
6 accordance with a student's diabetes medical management plan, a
7 student with diabetes must be permitted to do the following:

8 (1) perform blood glucose tests as needed;

9 (2) administer insulin with the insulin delivery
10 system used by the student;

11 (3) treat hypoglycemia and hyperglycemia and otherwise
12 attend to the care and management of his or her diabetes in
13 the classroom, in any area of the school or school grounds,
14 and at any school-related activity or event; and

15 (4) possess on his or her person, at all times, the
16 supplies and equipment necessary to monitor and treat
17 diabetes, including, but not limited to, glucometers,
18 lancets, test strips, insulin, syringes, insulin pens and
19 needle tips, insulin pumps, infusion sets, alcohol swabs, a
20 glucagon injection kit, glucose tablets, and food.

21 Section 35. Required information for certain school
22 employees. A school shall provide a one-page information sheet
23 to each employee providing transportation for a student with
24 diabetes or supervising a student with diabetes during a

1 school-sponsored activity. The information sheet shall do the
2 following:

3 (1) identify the student with diabetes;

4 (2) identify potential emergencies that may occur as a
5 result of the student's diabetes and the appropriate
6 responses to such emergencies; and

7 (3) provide emergency contact information for the
8 student's parent or guardian.

9 Section 40. Restricting access to school prohibited. A
10 school district may not restrict the assignment of a student
11 with diabetes to a particular school on the basis that the
12 school does not have a full-time school nurse or the required
13 volunteer aides, nor may a school deny access to a student on
14 the basis that a student has been diagnosed with diabetes.

15 Section 45. Civil immunity; prohibition against
16 discipline.

17 (a) A school or a school employee is not liable for civil
18 or other damages as a result of conduct, other than willful or
19 wanton misconduct, related to the care of a student with
20 diabetes.

21 (b) A school employee must not be subject to any
22 disciplinary proceeding resulting from an action taken in
23 compliance with this Act, unless the action constitutes willful
24 or wanton misconduct.

1 Section 50. Federal law. Nothing in this Act shall limit
2 any rights available under federal law.

3 Section 90. The State Mandates Act is amended by adding
4 Section 8.31 as follows:

5 (30 ILCS 805/8.31 new)

6 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
7 of this Act, no reimbursement by the State is required for the
8 implementation of any mandate created by the Care of Students
9 with Diabetes Act.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".