



Sen. Jeffrey M. Schoenberg

**Filed: 5/12/2004**

09300HB4154sam002

SDS093 00106 NOH 40057 a

1 AMENDMENT TO HOUSE BILL 4154

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4154 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 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 school-sponsored activities.

21 (3) A certificated school nurse is the most appropriate  
22 person in the school setting to coordinate health care  
23 services for a student with diabetes.

24 (4) Because of the significant number of students with

1 Type 1 diabetes and the increasing prevalence of Type 2  
2 diabetes, the effect on a student's ability to learn, and  
3 the risk for serious long-term and short-term medical  
4 complications, the General Assembly deems it in the public  
5 interest to enact this Act.

6 Section 10. Definitions. In this Act:

7 "Diabetes medical management plan" means a document that  
8 (i) is developed by the parent or guardian of a student with  
9 diabetes, (ii) is a treatment and care plan for the student's  
10 specific medical needs by the student's treating physician  
11 licensed to practice medicine in all its branches, advanced  
12 practice nurse who has a collaborative agreement with a  
13 collaborating physician that authorizes development of a  
14 diabetes medical management plan, or physician assistant who  
15 has been delegated authority to develop a diabetes medical  
16 management plan, (iii) sets out the services needed by the  
17 student at school and school-sponsored activities, (iv) is  
18 signed by the parent or guardian, and (v) is signed by the  
19 physician or advanced practice nurse authorized to develop the  
20 diabetes medical management plan.

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

23 "School employee" means a person who is employed by a  
24 public school district or private school, a person who is  
25 employed by a local health department and assigned to a school,  
26 or a person who contracts with a school or school district to  
27 perform services in connection with the care of students with  
28 diabetes.

29 "Health care provider with expertise in diabetes" means a  
30 physician, an advanced practice nurse, a registered  
31 professional nurse with continuing education in  
32 diabetes-related areas, a certificated school nurse, or a  
33 licensed dietitian nutritionist.

1           Section 15. School policies; diabetes medical management  
2 plan; self-care; training.

3           (a) Each school board and each governing body of a private  
4 or charter school must adopt and implement a policy that:

5                 (1) Informs the parent or guardian of a student with  
6 diabetes of the parent or guardian's obligation to submit a  
7 diabetes medical management plan.

8                 (2) Requires the parent or guardian of a student with  
9 diabetes who seeks diabetes care while at school and  
10 school-sponsored activities to submit a diabetes medical  
11 management plan to the school prior to the beginning of  
12 each school year or upon enrollment of a student with  
13 diabetes or diagnosis of a student's diabetes or change in  
14 the student's condition if the enrollment, diagnosis, or  
15 change occurs during the school year.

16                 (3) Permits a student with diabetes, upon written  
17 request of the parent or guardian, in accordance with the  
18 student's submitted diabetes medical management plan, to  
19 test his or her blood glucose level, administer insulin,  
20 treat hypoglycemia and hyperglycemia, and otherwise  
21 provide diabetes self-care.

22                 (4) Allows a student to possess on his or her person at  
23 all times the supplies and equipment necessary to perform  
24 diabetes self-care at any time, in any area of the school  
25 or school grounds, including, but not limited to, the  
26 classroom, in accordance with the student's diabetes  
27 medical management plan.

28                 (5) Informs the parent or guardian and the student with  
29 diabetes of their right to request self-care.

30                 (6) Requires, at least once every 2 years or upon the  
31 identification of a student with diabetes, the in-service  
32 training of school employees by a health care provider with  
33 expertise in diabetes regarding the care of students with

1 diabetes.

2 (b) Each school board and each governing body of a private  
3 or charter school shall develop a policy in accordance with  
4 subsection (a) no later than July 1, 2005.

5 Section 20. Guidelines and procedures. The Department of  
6 Human Services, in consultation with the State Board of  
7 Education and other appropriate representatives of entities  
8 including, but not limited to, the Illinois Society for  
9 Advanced Practice Nursing, the Illinois State Medical Society,  
10 the American Diabetes Association, and the Illinois  
11 Association of School Nurses shall develop all guidelines and  
12 procedures necessary for the implementation of this Act.  
13 Guidelines for training may include, but need not be limited  
14 to, accepted training standards, emergency procedures, and  
15 identification of school personnel to be trained.

16 Section 25. Civil immunity. A physician, a nurse, school  
17 employees, a public charter school or public school district,  
18 or a governing body of a private school is not liable for civil  
19 or other damages as a result of conduct other than willful or  
20 wanton misconduct related to the care of a student with  
21 diabetes under this Act.

22 Section 30. Federal law. Nothing in this Act shall limit  
23 any rights available under federal law.

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."