



Sen. Heather Steans

Filed: 4/19/2010

09600HB6065sam001

LRB096 20790 NHT 40261 a

1 AMENDMENT TO HOUSE BILL 6065

2 AMENDMENT NO. _____. Amend House Bill 6065 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 in which the
9 pancreas does not make insulin (Type 1) or the body cannot
10 use insulin properly (Type 2).

11 (2) Diabetes must be managed 24 hours a day to avoid
12 the potentially life-threatening, short-term consequences
13 of low blood sugar and prevent or delay the serious
14 complications caused by blood sugar levels that are too
15 high for too long, such as atherosclerosis, coronary artery
16 disease, peripheral vascular disease, hypertension,

1 blindness, kidney failure, amputation, and stroke.

2 (3) Federal law affords people with diabetes specific
3 rights and protections. These laws include Section 504 of
4 the Rehabilitation Act of 1973, the Individuals with
5 Disabilities Education Improvement Act of 2004, and the
6 Americans with Disabilities Act of 1990, and the ADA
7 Amendments Act of 2008.

8 (4) Federal laws enforced consistently in schools
9 provide students with diabetes equal educational
10 opportunities and a healthy and safe environment.

11 (5) A school nurse is the most appropriate person in a
12 school setting to provide for all students' healthcare
13 needs; however, a school nurse may not be available when
14 needed, and many schools do not have a full-time nurse.

15 (6) Many students are capable of checking their blood
16 glucose levels, calculating a carbohydrate-to-insulin
17 ratio, and administering insulin independently. Allowing
18 capable students to manage diabetes independently in
19 school is consistent with the recommendations of pediatric
20 endocrinologists and certified diabetes educators and
21 other specialists.

22 (7) Because appropriate and consistent diabetes care
23 decreases the risks of serious short-term and long-term
24 complications, increases a student's learning
25 opportunities, and promotes individual and public health
26 benefits, the General Assembly deems it in the public

1 interest to enact this Act.

2 Section 10. Definitions. As used in this Act:

3 "Delegated care aide" means a school employee who has
4 agreed to receive training in diabetes care and to assist
5 students in implementing their diabetes care plan and has
6 entered into an agreement with a parent or guardian and the
7 school district or private school.

8 "Diabetes care plan" means a document that specifies the
9 diabetes-related services needed by a student at school and at
10 school-sponsored activities and identifies the appropriate
11 staff to provide and supervise these services.

12 "Health care provider" means a physician licensed to
13 practice medicine in all of its branches, advanced practice
14 nurse who has a written agreement with a collaborating
15 physician who authorizes the provision of diabetes care, or a
16 physician assistant who has a written supervision agreement
17 with a supervising physician who authorizes the provision of
18 diabetes care.

19 "Principal" means the principal of the school.

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

22 "School employee" means a person who is employed by a
23 public school district or private school, a person who is
24 employed by a local health department and assigned to a school,
25 or a person who contracts with a school or school district to

1 perform services in connection with a student's diabetes care
2 plan. This definition must not be interpreted as requiring a
3 school district or private school to hire additional personnel
4 for the sole purpose of serving as a designated care aide.

5 Section 15. Diabetes care plan.

6 (a) A diabetes care plan shall serve as the basis of a
7 student's Section 504 plan (29 U.S.C. Sec. 794) and shall be
8 signed by a student's parent or guardian and submitted to the
9 school for any student with diabetes who seeks assistance with
10 diabetes care in the school setting, unless the student has
11 been managing his or her diabetes care in the school setting
12 before the effective date of this Act, in which case the
13 student's parent or guardian may sign and submit a diabetes
14 care plan under this Act. It is the responsibility of the
15 student's parent or guardian to share the health care
16 provider's instructions concerning the student's diabetes
17 management during the school day. The diabetes care plan shall
18 include the treating health care provider's instructions
19 concerning the student's diabetes management during the school
20 day, including a copy of the signed prescription and the
21 methods of insulin administration.

22 (b) The services and accommodations specified in a diabetes
23 care plan shall be reasonable, reflect the current standard of
24 diabetes care, include appropriate safeguards to ensure that
25 syringes and lancets are disposed of properly, and include

1 requirements for diet, glucose testing, insulin
2 administration, and treatment for hypoglycemia, hyperglycemia,
3 and emergency situations.

4 (c) A diabetes care plan shall include a uniform record of
5 glucometer readings and insulin administered by the school
6 nurse or delegated care aide during the school day using a
7 standardized format provided by the State Board of Education.

8 (d) A diabetes care plan shall include procedures regarding
9 when a delegated care aide shall consult with the parent or
10 guardian, school nurse, where available, or health care
11 provider to confirm that an insulin dosage is appropriate.

12 (e) A diabetes care plan shall be submitted to the school
13 at the beginning of the school year; upon enrollment, as soon
14 as practical following a student's diagnosis; or when a
15 student's care needs change during the school year. Parents
16 shall be responsible for informing the school in a timely
17 manner of any changes to the diabetes care plan and their
18 emergency contact numbers.

19 Section 20. Delegated care aides.

20 (a) Delegated care aides shall perform the duties necessary
21 to assist a student with diabetes in accordance with his or her
22 diabetes care plan and in compliance with any guidelines
23 provided during training under Section 25 of this Act.

24 (b) In accordance with the diabetes care plan or when an
25 unexpected snack or meal requires a dose of insulin not

1 anticipated by a student's diabetes care plan, the delegated
2 care aide shall consult with the parent or guardian, school
3 nurse, where available, or health care provider to confirm that
4 the insulin dosage is appropriate given the number of
5 carbohydrates to be taken and the student's blood glucose level
6 as determined by a glucometer reading.

7 (c) The principal shall facilitate compliance with the
8 provisions of a diabetes care plan.

9 (d) Delegated care aides are authorized to provide
10 assistance by a student's parents or guardian and the school
11 district or private school.

12 Section 25. Training for school employees and delegated
13 care aides.

14 (a) In schools that have a student with diabetes, all
15 school employees shall receive training in the basics of
16 diabetes care, how to identify when a student with diabetes
17 needs immediate or emergency medical attention, and whom to
18 contact in the case of an emergency during a regular in-service
19 training as provided for by Section 10-22.39 of the School
20 Code.

21 (b) Delegated care aides shall be trained to perform the
22 tasks necessary to assist a student with diabetes in accordance
23 with his or her diabetes care plan, including training to do
24 the following:

- 25 (1) check blood glucose and record results;

1 (2) recognize and respond to the symptoms of
2 hypoglycemia according to the diabetes care plan;

3 (3) recognize and respond to the symptoms of
4 hyperglycemia according to the diabetes care plan;

5 (4) estimate the number of carbohydrates in a snack or
6 lunch;

7 (5) administer insulin according to the student's
8 diabetes care plan and keep a record of the amount
9 administered; and

10 (6) respond in an emergency, including how to
11 administer glucagon and call 911.

12 (c) The school district shall coordinate staff training.

13 (d) Initial training shall be provided by a licensed
14 healthcare provider with expertise in diabetes or a certified
15 diabetic educator and individualized by a student's parent or
16 guardian. Training must be consistent with the guidelines
17 provided by the U.S. Department of Health and Human Services in
18 the guide for school personnel entitled "Helping the Student
19 with Diabetes Succeed". The training shall be updated when the
20 diabetes care plan is changed and at least annually.

21 (e) School nurses, where available, or health care
22 providers may provide technical assistance or consultation or
23 both to delegated care aides.

24 (f) An information sheet shall be provided to any school
25 employee who transports a student for school-sponsored
26 activities. It shall identify the student with diabetes,

1 identify potential emergencies that may occur as a result of
2 the student's diabetes and the appropriate responses to such
3 emergencies, and provide emergency contact information.

4 Section 30. Self-management. Provided that the student is
5 authorized according to his or her diabetes care plan, a
6 student shall be permitted to do the following:

7 (1) check blood glucose when and wherever needed;

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

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

22 Section 35. Restricting access to school prohibited. A
23 school district shall not restrict the assignment of a student
24 with diabetes to a particular school on the basis that the

1 school does not have a full-time school nurse, nor shall a
2 school deny a student access to any school or school-related
3 activities on the basis that a student has diabetes.

4 Section 40. Protections against retaliation. A school
5 employee shall not be subject to any penalty, sanction,
6 reprimand, discharge, demotion, denial of a promotion,
7 withdrawal of benefits, or other disciplinary action for
8 choosing not to agree to serve as a delegated care aide.

9 Section 45. Civil immunity.

10 (a) A school or a school employee is not liable for civil
11 or other damages as a result of conduct, other than willful or
12 wanton misconduct, related to the care of a student with
13 diabetes.

14 (b) A school employee shall not be subject to any
15 disciplinary proceeding resulting from an action taken in
16 compliance with this Act, unless the action constitutes willful
17 or wanton misconduct.

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

20 Section 95. The State Mandates Act is amended by adding
21 Section 8.34 as follows:

1 (30 ILCS 805/8.34 new)

2 Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 96th General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".