

ASSEMBLY BILL

No. 942

Introduced by Assembly Members Leno and Firebaugh

February 20, 2003

An act to add Section 49423.1 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 942, as introduced, Leno. Education: pupil health: diabetes.

(1) Existing law provides that each pupil who is required to take, during the regular schoolday, medication prescribed for him or her by a physician, may be assisted by the school nurse or other designated school personnel if the school district receives a written statement from the physician detailing the method, amount and time schedules by which the medication is to be taken and a written statement from the parent or guardian of the pupil indicating the desire that the school district assist the pupil in the matters set forth in the physician's statement.

This bill would specifically make those provisions applicable to pupils with diabetes, and would provide for other designated school personnel, as defined, to administer emergency assistance to pupils with diabetes in the absence of a credentialed school nurse or other licensed nurse, in accordance with guidelines for training the personnel established by the State Department of Health Services' Diabetes Control Program, thereby imposing a state-mandated local program. The bill would permit certain pupils to test their blood glucose level and provide diabetes self-care in any area of the school or during any school-related activity upon the request of the pupil's parent or guardian and with physician authorization.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49423.1 is added to the Education Code,
2 to read:
3 49423.1. (a) Notwithstanding Chapter 6 (commencing with
4 Section 2700) of Division 2 of the Business and Professions Code,
5 Section 49423 shall apply to pupils with diabetes.
6 (b) (1) In the absence of a credentialed school nurse or other
7 licensed nurse onsite the school, other designated school personnel
8 shall administer emergency assistance to pupils with diabetes in
9 accordance with guidelines established pursuant to subdivision (c)
10 and the instructions set forth by the physician of the pupil.
11 (2) "Designated school personnel," for the purposes of this
12 section, means _____.
13 (c) The State Department of Health Services' Diabetes Control
14 Program, working in cooperation with the Board of Registered
15 Nursing, the State Department of Education, the American
16 Diabetes Association, the California School Nurses Organization,
17 the California Medical Association, and the American Academy
18 of Pediatrics, shall develop guidelines for the training of
19 designated school personnel in providing emergency assistance to
20 pupils with diabetes. These guidelines shall include, but need not
21 be limited to, basic emergency response, administration of
22 glucagon and other emergency response procedures specific to
23 diabetes including recognition and treatment of hypoglycemia,
24 hyperglycemia, adverse reaction, or overdose. The guidelines



1 shall ensure that designated school personnel are competent to
2 provide assistance in accordance with the training. Training by a
3 credentialed school nurse or an other licensed nurse according to
4 these guidelines shall be deemed adequate training of designated
5 school personnel.

6 (d) In the case of a pupil who is able to self-test and monitor his
7 or her blood glucose level or self-administer insulin, upon written
8 request of the parent or guardian, and with authorization of the
9 physician of the pupil, a pupil with diabetes shall be permitted to
10 test his or her blood glucose level and to otherwise provide
11 diabetes self-care in the classroom, in any area of the school or
12 school grounds, during any school-related activity, and, upon
13 specific request by a parent or guardian, a private location.

14 SEC. 2. Notwithstanding Section 17610 of the Government
15 Code, if the Commission on State Mandates determines that this
16 act contains costs mandated by the state, reimbursement to local
17 agencies and school districts for those costs shall be made pursuant
18 to Part 7 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the claim for
20 reimbursement does not exceed one million dollars (\$1,000,000),
21 reimbursement shall be made from the State Mandates Claims
22 Fund.

