

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1229

AN ACT

AMENDING TITLE 15, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 15-344.01; RELATING TO SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 3, article 3, Arizona Revised Statutes,
3 is amended by adding section 15-344.01, to read:

4 15-344.01. Diabetes management: policies and procedures:
5 administration of glucagon to diabetic pupils:
6 civil immunity: definition

7 A. THE SCHOOL DISTRICT GOVERNING BOARD AND THE CHARTER SCHOOL
8 GOVERNING BODY MAY ADOPT POLICIES AND PROCEDURES FOR PUPILS WHO HAVE BEEN
9 DIAGNOSED WITH DIABETES BY A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO
10 TITLE 32, CHAPTER 13, 14, 17 OR 25 OR A NURSE PRACTITIONER WHO IS LICENSED
11 PURSUANT TO TITLE 32, CHAPTER 15 TO MANAGE THEIR DIABETES IN THE CLASSROOM,
12 ON SCHOOL GROUNDS AND AT SCHOOL SPONSORED ACTIVITIES AS AUTHORIZED BY THEIR
13 PRIMARY HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13,
14 14, 17 OR 25 OR A NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32,
15 CHAPTER 15. IF A SCHOOL DISTRICT OR CHARTER SCHOOL FOLLOWS THE POLICIES AND
16 PROCEDURES ADOPTED PURSUANT TO THIS SECTION, THE EMPLOYEES OF THE SCHOOL
17 DISTRICT OR CHARTER SCHOOL AND MEMBERS OF THE SCHOOL DISTRICT GOVERNING BOARD
18 OR CHARTER SCHOOL GOVERNING BODY ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT
19 TO THE ACTIONS TAKEN TO ADOPT POLICIES AND PROCEDURES PURSUANT TO THIS
20 SECTION AND ALL DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH
21 COMPLIANCE WITH POLICIES AND PROCEDURES ADOPTED PURSUANT TO THIS SECTION.

22 B. IF A SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING
23 BODY ADOPTS POLICIES AND PROCEDURES PURSUANT TO SUBSECTION A, THE POLICIES
24 AND PROCEDURES SHALL INCLUDE THE FOLLOWING COMPONENTS:

25 1. THE PARENT OR GUARDIAN SHALL ANNUALLY SUBMIT A DIABETES MEDICAL
26 MANAGEMENT PLAN TO THE PUPIL'S SCHOOL THAT AUTHORIZES THE PUPIL TO CARRY
27 APPROPRIATE MEDICATIONS AND MONITORING EQUIPMENT AND THAT ACKNOWLEDGES THAT
28 THE PUPIL IS CAPABLE OF SELF-ADMINISTRATION OF THOSE MEDICATIONS AND
29 EQUIPMENT. THE DIABETES MEDICAL MANAGEMENT PLAN PROVIDED BY THE PARENT OR
30 GUARDIAN SHALL BE SIGNED BY A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO
31 TITLE 32, CHAPTER 13, 14, 17 OR 25 OR BY A NURSE PRACTITIONER WHO IS LICENSED
32 PURSUANT TO TITLE 32, CHAPTER 15 AND SHALL STATE THAT THE PUPIL IS CAPABLE OF
33 SELF-MONITORING BLOOD GLUCOSE AND SHALL LIST THE MEDICATIONS, MONITORING
34 EQUIPMENT AND NUTRITIONAL NEEDS THAT ARE MEDICALLY APPROPRIATE FOR THE PUPIL
35 TO SELF-ADMINISTER AND THAT HAVE BEEN PRESCRIBED OR AUTHORIZED FOR THAT
36 PUPIL.

37 2. A REQUIREMENT THAT THE PUPIL BE ABLE TO PRACTICE PROPER SAFETY
38 PRECAUTIONS FOR THE HANDLING AND DISPOSAL OF THE EQUIPMENT AND MEDICATIONS
39 THAT THE PUPIL IS AUTHORIZED TO USE PURSUANT TO THIS SUBSECTION. THE PUPIL'S
40 DIABETES MEDICAL MANAGEMENT PLAN SHALL SPECIFY A METHOD TO DISPOSE OF
41 EQUIPMENT AND MEDICATIONS IN A MANNER AGREED ON BY THE PARENT OR GUARDIAN AND
42 THE SCHOOL.

43 3. PROCEDURES THAT ENABLE A SCHOOL DISTRICT OR CHARTER SCHOOL TO
44 WITHDRAW A PUPIL'S AUTHORIZATION TO MONITOR BLOOD GLUCOSE AND SELF-ADMINISTER
45 DIABETES MEDICATION PURSUANT TO THIS SUBSECTION IF THE PUPIL DOES NOT

1 PRACTICE PROPER SAFETY PRECAUTIONS AS PROVIDED IN PARAGRAPH 2 OF THIS
2 SUBSECTION.

3 C. IN ADDITION TO THE POLICIES AND PROCEDURES ADOPTED PURSUANT TO
4 SUBSECTIONS A AND B, THE SCHOOL DISTRICT GOVERNING BOARD AND THE CHARTER
5 SCHOOL GOVERNING BODY MAY ADOPT POLICIES AND PROCEDURES TO DESIGNATE TWO OR
6 MORE SCHOOL EMPLOYEES TO SERVE AS VOLUNTARY DIABETES CARE ASSISTANTS. THE
7 PARENT OR GUARDIAN SHALL HAVE FINAL APPROVAL OF THE VOLUNTARY DIABETES CARE
8 ASSISTANTS WHO ARE ALLOWED TO ADMINISTER GLUCAGON IN AN EMERGENCY SITUATION
9 TO A PUPIL IF ALL OF THE FOLLOWING CONDITIONS EXIST:

10 1. A SCHOOL NURSE OR ANOTHER HEALTH PROFESSIONAL WHO IS LICENSED
11 PURSUANT TO TITLE 32, CHAPTER 13, 14, 17 OR 25 OR A NURSE PRACTITIONER WHO IS
12 LICENSED PURSUANT TO TITLE 32, CHAPTER 15 IS NOT IMMEDIATELY AVAILABLE TO
13 ATTEND TO THE PUPIL AT THE TIME OF THE EMERGENCY.

14 2. THE PARENT OR GUARDIAN OF THE PUPIL HAS PROVIDED TO THE SCHOOL AN
15 UNEXPIRED GLUCAGON KIT FOR THE SCHOOL YEAR THAT IS PRESCRIBED FOR THAT PUPIL
16 BY A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13,
17 14, 17 OR 25 OR BY A NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32,
18 CHAPTER 15.

19 3. THE VOLUNTEER DIABETES CARE ASSISTANT HAS PROVIDED TO THE SCHOOL A
20 WRITTEN STATEMENT SIGNED BY A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO
21 TITLE 32, CHAPTER 13, 14, 17 OR 25 THAT THE VOLUNTARY DIABETES CARE ASSISTANT
22 HAS RECEIVED PROPER TRAINING IN THE ADMINISTRATION OF GLUCAGON.

23 4. THE TRAINING PROVIDED BY A HEALTH PROFESSIONAL WHO IS LICENSED
24 PURSUANT TO TITLE 32, CHAPTER 13, 14, 17 OR 25 MUST INCLUDE ALL OF THE
25 FOLLOWING:

26 (a) AN OVERVIEW OF ALL TYPES OF DIABETES.

27 (b) THE SYMPTOMS AND TREATMENT OF HYPOGLYCEMIA.

28 (c) TECHNIQUES FOR RECOGNIZING THE SYMPTOMS THAT REQUIRE THE
29 ADMINISTRATION OF GLUCAGON.

30 (d) TECHNIQUES ON ADMINISTERING GLUCAGON.

31 D. A SCHOOL DISTRICT OR CHARTER SCHOOL EMPLOYEE SHALL NOT BE SUBJECT
32 TO ANY PENALTY OR DISCIPLINARY ACTION FOR REFUSING TO SERVE AS A VOLUNTARY
33 DIABETES CARE ASSISTANT PURSUANT TO THIS SECTION.

34 E. A SCHOOL DISTRICT, A CHARTER SCHOOL, EMPLOYEES OF A SCHOOL DISTRICT
35 OR A CHARTER SCHOOL AND VOLUNTEER HEALTH PROFESSIONALS WHO ARE LICENSED
36 PURSUANT TO TITLE 32, CHAPTER 13, 14, 17 OR 25 AND NURSE PRACTITIONERS WHO
37 ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 15 AND WHO TRAIN VOLUNTEER
38 DIABETES CARE ASSISTANTS PURSUANT TO SUBSECTION C ARE IMMUNE FROM CIVIL
39 LIABILITY FOR THE CONSEQUENCES OF THE GOOD FAITH ADOPTION AND IMPLEMENTATION
40 OF POLICIES AND PROCEDURES PURSUANT TO THIS SECTION.