

ACT #2014-437

1 SB57  
2 159771-7  
3 By Senators Waggoner and Bussman  
4 RFD: Health  
5 First Read: 14-JAN-14  
6 PFD: 12/18/2013



1 SB57

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4 ENROLLED, An Act,

5 Relating to health; to provide for the delegation of  
6 specific medical procedures related to diabetes to certain  
7 school personnel for students in public schools based on a  
8 student's Individual Health Plan; to provide for the training  
9 of certain school personnel relating to the diabetic needs of  
10 students, pursuant to guidelines developed by the State  
11 Department of Education in consultation with the Alabama Board  
12 of Nursing; to limit the liability of public schools and  
13 certain school personnel under this act; and further to  
14 provide immunity from civil lawsuit for physicians, certified  
15 registered nurse practitioners, and physician assistants  
16 acting pursuant to this act.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall be known as the Alabama  
19 Safe at Schools Act.

20 Section 2. For purposes of this act, the following  
21 words have the following meanings:

22 (1) DELEGATION. The act of authorizing a competent  
23 individual to perform selected nursing activities supportive  
24 to registered nurses or licensed practical nurses in selected  
25 school situations as provided under this act, while retaining

1 the accountability for the outcome if the delegation is to an  
2 unlicensed individual.

3 (2) INDIVIDUAL HEALTH PLAN. A document that outlines  
4 health care to be provided to a student in the school setting,  
5 developed by the school nurse in conjunction with the  
6 student's parents or guardians and may contain the orders from  
7 the physician, certified registered nurse practitioner  
8 operating under a valid collaborative agreement, or physician  
9 assistant operating with a valid supervisory agreement.

10 (3) SCHOOL. Any primary or secondary public school  
11 located in the state.

12 (4) SCHOOL EMPLOYEE. Any person employed by a public  
13 school system located in the state.

14 (5) UNLICENSED MEDICATION ASSISTANT. A school  
15 employee who is trained in accordance with this act, but who  
16 is not required to be a health care professional.

17 Section 3. (a) No later than the beginning of the  
18 2015-2016 school year, the State Department of Education, in  
19 consultation with the Alabama Board of Nursing, shall develop  
20 guidelines for the training of school employees in the care  
21 needed for students with diabetic medical needs according to  
22 the student's Individual Health Plan, the medical  
23 authorizations of which are limited to permitting the  
24 administration of injectable medications specific to his or  
25 her diabetes. No other delegation of injectable medications

1 shall be allowed under this act. These guidelines shall be  
2 developed in consideration of the recommendations of the  
3 American Academy of Pediatrics, the National Diabetes  
4 Education Program, and any other appropriate published medical  
5 guidelines. Each local board of education shall ensure that  
6 diabetes training programs are provided for all school nurses  
7 and unlicensed medication assistants at schools under its  
8 jurisdiction.

9 (b) Each local school system shall ensure that the  
10 training outlined in subsection (a) is provided to unlicensed  
11 medication assistants. In consultation with the local school  
12 superintendent and in consideration of a student's Individual  
13 Health Plan related to his or her diabetic condition, the lead  
14 nurse of the school system may recommend the placement of a  
15 school nurse based on the overall health needs of that  
16 student.

17 (c) School employees shall not be required to serve  
18 as unlicensed medication assistants, nor be subject to any  
19 penalty or disciplinary action for refusing to serve as an  
20 unlicensed medication assistant. It shall be unlawful to  
21 consider a school employee's decision to serve or not to serve  
22 as an unlicensed medication assistant in any employment  
23 decision, including, but not limited to, termination,  
24 non-renewal of contract, reduction-in-force, or transfer.  
25 Furthermore, no school administrator or supervisor shall

1 threaten, harass, or otherwise coerce a school employee into  
2 serving as an unlicensed medication assistant.

3 (d) The medical authorization allowed under this act  
4 shall be limited to permitting the use of injectable  
5 medications specific to diabetes.

6 Section 4. The parent or guardian of each student  
7 with an identified diabetic medical condition who seeks care  
8 while at school shall submit the order from a physician,  
9 certified registered nurse practitioner operating under a  
10 valid collaborative agreement, or physician assistant  
11 operating under a valid supervisory agreement according to the  
12 timeline established by the local education agency to be  
13 considered in the development of the student's Individual  
14 Health Plan.

15 Section 5. (a) The local board of education shall  
16 ensure that each student in the school or system with a  
17 diabetic condition receives appropriate care as specified in  
18 his or her Individual Health Plan.

19 (b) The school nurse or a trained unlicensed  
20 medication assistant, to the extent required by the student's  
21 Individual Health Plan, shall be on site and available to  
22 provide care to each student with diabetes during regular  
23 school hours and school-sponsored before school and after  
24 school care programs, during field trips, extended off-site  
25 excursions, extracurricular activities in which the student is

1 a direct participant, and on buses when the bus driver is not  
2 a trained unlicensed medication assistant.

3 Section 6. Notwithstanding any other provision of  
4 law, a licensed health care professional may provide training  
5 and supervise school employees becoming unlicensed medication  
6 assistants who may also be providing care and performing tasks  
7 pursuant to this act in the activities set forth in Section 5.

8 Section 7. A student with diabetes in public school  
9 may attend the school the student would otherwise attend if  
10 the student did not have diabetes, and the diabetes care  
11 specified in Section 5 shall be provided at the school. A  
12 school system may not restrict a student who has diabetes from  
13 attending any school on the basis that the student has  
14 diabetes, that the school does not have a full-time school  
15 nurse, or that the school does not have trained unlicensed  
16 medication assistants. A student with diabetes may participate  
17 in extracurricular and co-curricular activities to the same  
18 extent as a student without diabetes. In addition, a school  
19 shall not require or pressure parents or guardians to provide  
20 care for a student with diabetes at school or at  
21 school-sponsored activities in which the student is a direct  
22 participant as set forth in Section 5. However, if the parent  
23 or guardian of a student with diabetes does not supply the  
24 medication, the order from a physician, certified registered  
25 nurse practitioner operating under a valid collaborative

1 agreement, or physician assistant operating under a valid  
2 supervisory agreement, supplies, or a signed parental and  
3 prescriber authorization, the parent or guardian shall be  
4 responsible for providing diabetic medical care to the student  
5 at school or at school-sponsored activities in which the  
6 student is a direct participant.

7 Section 8. Notwithstanding any other provision of  
8 this act, a student with a medical condition, other than or in  
9 addition to diabetes, requiring supervision or other  
10 specialized services may be assigned to a school in accordance  
11 with the student's Individual Health Plan.

12 Section 9. A school employee shall be immune from  
13 suit and not liable for any civil damages as a result of his  
14 or her acts or omissions in the supervision or rendering of  
15 services, care, or assistance to a student under this act, nor  
16 shall he or she be liable for any civil damages as a result of  
17 any act, or failure to act, to provide or arrange for further  
18 treatment, care, or assistance.

19 Section 10. A physician has no supervisory authority  
20 over the school's execution of the Individual Health Plan, and  
21 therefore shall be immune from civil liability for any orders,  
22 acts or omissions directly related to this act, including any  
23 vicarious liability for the acts and omissions of school  
24 employees and officials in carrying out the Individual Health  
25 Plan.

1                   Section 11. A private school may provide training  
2                   and diabetes care for its students in accordance with the  
3                   provisions set forth in this act.

4                   Section 12. This act shall become effective July 1,  
5                   2014, following its passage and approval by the Governor, or  
6                   its otherwise becoming law.



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*Kay Ivey*

President and Presiding Officer of the Senate

*[Signature]*

Speaker of the House of Representatives

SB57

Senate 18-MAR-14

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

House of Representatives  
Passed: 03-APR-14

By: Senator Waggoner

**APPROVED** April 10, 2014

**TIME** 1:10 P.m.

*Robert Bentley*

**GOVERNOR**

Alabama Secretary Of State

Act Num.....: 2014-437  
Bill Num....: S-57

Recv'd 04/10/14 03:23pmSLF

DATE: 3 18 20 14

RD 1 RFD

**REPORT OF STANDING COMMITTEE**  
 This bill having been referred by the House to its standing committee on Health was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub. This 20<sup>th</sup> day of March, 2014.

Jeff Woodard, Chairperson

DATE: 3 20 20 14

RF RD 2 CAL

DATE: 20

RE-REFERRED RE-COMMITTED Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 31.  
 YEARS 33 NAYS 0  
**JEFF WOODARD,**  
 VICTIM

FURTHER HOUSE ACTION (OVER)

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 57.  
 years 29 nays 0 abstain 0  
**PATRICK HARRIS,**  
 Secretary

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.  
**PATRICK HARRIS,**  
 Secretary

**CONFERENCE COMMITTEE**  
 Senate Conferees \_\_\_\_\_

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SPONSORS

ACCESSION