

1 State of Arkansas
2 88th General Assembly
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4

As Engrossed: H3/3/11 S3/28/11

A Bill

HOUSE BILL 1447

5 By: Representative D. Hutchinson
6 By: Senator Salmon
7

For An Act To Be Entitled

9 AN ACT TO PROTECT THE HEALTH AND SAFETY OF PUBLIC
10 SCHOOL STUDENTS WHO SUFFER FROM DIABETES BY PROVIDING
11 FOR CERTAIN SCHOOL PERSONNEL TO BE TRAINED IN THE
12 ADMINISTRATION OF GLUCAGON; AND FOR OTHER PURPOSES.
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Subtitle

15 TO PROTECT THE HEALTH AND SAFETY OF
16 PUBLIC SCHOOL STUDENTS WHO SUFFER FROM
17 DIABETES BY PROVIDING FOR CERTAIN SCHOOL
18 PERSONNEL TO BE TRAINED IN THE
19 ADMINISTRATION OF GLUCAGON.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 17-87-103(10) and (11), concerning nursing
26 exceptions, is amended to read as follows:

27 (10) The prescription and administration of drugs, medicines, or
28 therapeutic devices in the presence of and under the supervision of an
29 advanced practice nurse holding a certificate of prescriptive authority, a
30 licensed physician, or licensed dentist by a registered nurse who is enrolled
31 as a student in an advanced pharmacology course, provided the prescription or
32 administration of drugs or medicines, or both, is confined to the educational
33 requirements of the course and under the direct supervision of a qualified
34 instructor; ~~or~~

35 (11)(A) The administration of Glucagon to a student who is
36 suffering from Type I diabetes by trained volunteer school personnel



1 designated as care providers in a plan developed under Section 504 of the
2 Rehabilitation Act of 1973, as it existed on July 1, 2011, who have been
3 trained by a licensed nurse employed by a school district or other healthcare
4 professional to administer Glucagon to a child with Type I diabetes in an
5 emergency situation.

6 (B)(i) A licensed nurse employed by a school district or
7 other healthcare professional shall annually train volunteer school personnel
8 designated as care providers in a plan developed under Section 504 of the
9 Rehabilitation Act of 1973, as it existed on July 1, 2011, to administer
10 Glucagon to a student with Type I diabetes.

11 (ii) The parent or guardian of a student with Type I
12 diabetes shall sign an authorization to allow the administration of Glucagon
13 to the student by volunteer school personnel designated as care providers.

14 (iii) The school district shall maintain a copy of
15 the plan developed under Section 504 of the Rehabilitation Act of 1973, as it
16 existed on July 1, 2011, a list of volunteer school personnel who are
17 designated as care providers and trained to administer Glucagon, and a copy
18 of the parent's or guardian's signed authorization.

19 (C) A school district, school district employee, or an agent of
20 a school district, including a healthcare professional who trained volunteer
21 school personnel designated as care providers, shall not be liable for any
22 damages resulting from the his or her actions or inactions under this
23 section.

24 (D) The Board of Nursing and the State Board of Education shall
25 promulgate rules necessary to administer subdivision (11) of this section

26 (12)(A) Health maintenance activities by a designated care aide
27 for a:

28 (i) Competent adult at the direction of the adult;

29 or

30 (ii) Minor child or incompetent adult at the
31 direction of a caretaker.

32 (B) As used in this section:

33 (i) "Caretaker" means a person who is:

34 (a) Directly and personally involved in
35 providing care for a minor child or incompetent adult; and

36 (b) The parent, foster parent, family member,

1 friend, or legal guardian of the minor child or incompetent adult receiving
2 care under subdivision (12)(B)(i)(a) of this section;

3 (ii) "Competent adult" means an individual who:

4 (a) Is eighteen (18) years of age or older;

5 and

6 (b) Has the capability and capacity to make an
7 informed decision; and

8 (iii) "Health maintenance activities" means

9 activities that:

10 (a) Enable a minor child or adult to live in
11 his or her home; and

12 (b) Are beyond activities of daily living
13 that:

14 (1) The minor child or adult is unable
15 to perform for himself or herself; and

16 (2) The attending physician, advanced
17 practice nurse, or registered nurse determines can be safely performed in the
18 minor child's or adult's home by a designated care aide under the direction
19 of a competent adult or caretaker.

20 (C) As used in this section, "home" does not include:

21 (i) A nursing home;

22 (ii) An assisted living facility;

23 (iii) A residential care facility;

24 (iv) An intermediate care facility; or

25 (v) A hospice care facility.

26 (D) The board, with the input of the Home Health Care
27 Service Agency Advisory Council, the Arkansas Health Care Association, and
28 the Arkansas Residential Assisted Living Association, shall promulgate rules
29 specifying which health maintenance activities are not exempted under this
30 subdivision ~~(11)~~(12) and the minimal qualifications required of the
31 designated care aide.

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33 *SECTION 2. Arkansas Code § 6-18-1005(a)(6)(B), concerning the student
34 services program, is amended to read as follows:*

35 *(B)(i) Invasive medical procedures required by students
36 and provided at the school shall be performed by trained, licensed personnel*

1 *who are licensed to perform the task subject to § 17-87-102(6)(D) or other*
2 *professional licensure statutes, unless permitted under § 17-87-103(10) and*
3 *(11).*

4 *(ii) The regular classroom teacher shall not perform*
5 *these tasks, except that public school employees may volunteer to be trained*
6 *and administer Glucagon to a student with Type I diabetes in an emergency*
7 *situation permitted under § 17-87-103(11); and*

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9 */s/D. Hutchinson*

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12 **APPROVED: 04/05/2011**