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**SUBSTITUTE SENATE BILL 6641**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators McAuliffe and Thibaudeau)

READ FIRST TIME 02/07/2002.

1 AN ACT Relating to accommodating children with diabetes in schools;  
2 amending RCW 18.71.030; adding a new section to chapter 28A.210 RCW;  
3 and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210  
6 RCW to read as follows:

7 (1) The legislature finds that diabetes imposes significant health  
8 risks to students enrolled in the state's public and private schools  
9 and that providing for the medical needs of students with diabetes is  
10 crucial to ensure both the safety of students with diabetes and their  
11 ability to obtain the education guaranteed to all citizens of this  
12 state.

13 (2) The definitions in this subsection apply throughout this  
14 section, unless the context clearly requires otherwise.

15 (a) "Public or private school" means any primary or secondary  
16 public or private school located in the state of Washington.

17 (b) "School diabetes attendant" refers to a school employee trained  
18 in accordance with subsection (5) of this section.

1 (c) "Student with diabetes" means a student enrolled in a public or  
2 private school within the state who has been diagnosed by a health care  
3 provider as having either type I or type II diabetes.

4 (3) Upon the written request of the parent or guardian and written  
5 orders by a health care provider, a student with diabetes shall be  
6 permitted to perform blood glucose tests, administer insulin through  
7 the insulin delivery system the student uses, treat hypoglycemia and  
8 hyperglycemia, and otherwise attend to the care and management of his  
9 or her diabetes at any time and at the school or school grounds, on  
10 school buses, and at any school-related activity, and to possess on his  
11 or her person at all times all necessary supplies and equipment to  
12 perform these monitoring and treatment functions.

13 (4)(a) Upon the written request of the parent or guardian and  
14 written orders by a health care provider, school diabetes attendants  
15 shall be permitted to perform functions including, but not limited to,  
16 (i) assisting students with diabetes to test their blood sugar levels  
17 or for the presence of ketones; (ii) testing the blood sugar levels or  
18 the presence of ketones for a student with diabetes; (iii) treating or  
19 preventing hypoglycemia through the use of glucose, appropriate food or  
20 beverages, or glucagon; (iv) treating and preventing hyperglycemia by  
21 assisting students with diabetes to take insulin or by administering  
22 insulin; and (v) recording the result of blood sugar tests and tests  
23 for ketones, and recording the treatment provided.

24 (b) A school diabetes attendant is encouraged to be on-site and  
25 available to provide care to each student with diabetes during regular  
26 school hours, during school-sponsored before-school and after-school  
27 care programs, during field trips and extracurricular activities, and  
28 on buses when the bus driver has not completed the necessary training.

29 (5)(a) The Washington state nursing commission shall develop  
30 guidelines for the training of school diabetes attendants and may  
31 provide to the superintendent of public instruction a list of  
32 organizations that could provide adequate training by August 31, 2002.  
33 School diabetes attendants shall be trained to do the following, based  
34 on the student's individual needs and the attendant's level of contact  
35 with the student:

36 (i) To recognize hypoglycemia and hyperglycemia;

37 (ii) To assist students with diabetes in performing or to perform  
38 for the student tests designed to determine the student's blood sugar  
39 level and to determine whether ketones are present;

1 (iii) To treat mild or moderate cases of hypoglycemia through the  
2 use of glucose or by providing appropriate food or beverages;

3 (iv) To treat severe cases of hypoglycemia by administering  
4 glucagon and/or other steps ordered by the child's health care provider  
5 in the child's individual health care plan;

6 (v) To treat and prevent hyperglycemia by assisting students or  
7 administering insulin in accordance with the orders provided by the  
8 student's health care provider; and

9 (vi) To record information relating to the blood sugar and ketone  
10 levels of the student with diabetes and the treatments provided in the  
11 patient's physician's order or health care plan.

12 (b) Each public school district and private school may provide  
13 training in the recognition and treatment of hypoglycemia to all bus  
14 drivers responsible for the transportation of a student with diabetes  
15 if a school diabetes attendant is not present.

16 (c) The superintendent of public instruction may work in  
17 cooperation with private organizations that have an expertise in  
18 diabetes to provide the training in (a) of this subsection. The  
19 training shall take place before the commencement of each school year  
20 at every school attended by one or more students with diabetes, or as  
21 needed when a student with diabetes is newly enrolled at a school or a  
22 student is newly diagnosed with diabetes.

23 (6) To be eligible to be a school diabetes attendant an employee  
24 not licensed under chapter 18.79 RCW shall file, without coercion by  
25 the employer, a voluntary written, current, and unexpired letter of  
26 intent stating the employee's willingness to be a school diabetes  
27 attendant. If a public school employee who is not licensed under  
28 chapter 18.79 RCW chooses not to file a letter under this section, the  
29 employee shall not be subject to any employer reprisal or disciplinary  
30 action for refusing to file a letter.

31 (7) Any public school district, public school district employee,  
32 agent, or volunteer, private school, or private school employee, agent,  
33 or volunteer who, acting in good faith, provides assistance or services  
34 under this section is not liable for any civil damages.

35 **Sec. 2.** RCW 18.71.030 and 1996 c 178 s 4 are each amended to read  
36 as follows:

1        Nothing in this chapter shall be construed to apply to or interfere  
2 in any way with the practice of religion or any kind of treatment by  
3 prayer; nor shall anything in this chapter be construed to prohibit:

4        (1) The furnishing of medical assistance in cases of emergency  
5 requiring immediate attention;

6        (2) The domestic administration of family remedies;

7        (3) The administration of oral medication of any nature to students  
8 by public school district employees or private elementary or secondary  
9 school employees as provided for in chapter 28A.210 RCW;

10       (4) The practice of dentistry, osteopathic medicine and surgery,  
11 nursing, chiropractic, podiatric medicine and surgery, optometry,  
12 naturopathy, or any other healing art licensed under the methods or  
13 means permitted by such license;

14       (5) The practice of medicine in this state by any commissioned  
15 medical officer serving in the armed forces of the United States or  
16 public health service or any medical officer on duty with the United  
17 States veterans administration while such medical officer is engaged in  
18 the performance of the duties prescribed for him or her by the laws and  
19 regulations of the United States;

20       (6) The practice of medicine by any practitioner licensed by  
21 another state or territory in which he or she resides, provided that  
22 such practitioner shall not open an office or appoint a place of  
23 meeting patients or receiving calls within this state;

24       (7) The practice of medicine by a person who is a regular student  
25 in a school of medicine approved and accredited by the commission,  
26 however, the performance of such services be only pursuant to a regular  
27 course of instruction or assignments from his or her instructor, or  
28 that such services are performed only under the supervision and control  
29 of a person licensed pursuant to this chapter;

30       (8) The practice of medicine by a person serving a period of  
31 postgraduate medical training in a program of clinical medical training  
32 sponsored by a college or university in this state or by a hospital  
33 accredited in this state, however, the performance of such services  
34 shall be only pursuant to his or her duties as a trainee;

35       (9) The practice of medicine by a person who is regularly enrolled  
36 in a physician assistant program approved by the commission, however,  
37 the performance of such services shall be only pursuant to a regular  
38 course of instruction in said program and such services are performed

1 only under the supervision and control of a person licensed pursuant to  
2 this chapter;

3 (10) The practice of medicine by a licensed physician assistant  
4 which practice is performed under the supervision and control of a  
5 physician licensed pursuant to this chapter;

6 (11) The practice of medicine, in any part of this state which  
7 shares a common border with Canada and which is surrounded on three  
8 sides by water, by a physician licensed to practice medicine and  
9 surgery in Canada or any province or territory thereof;

10 (12) The administration of nondental anesthesia by a dentist who  
11 has completed a residency in anesthesiology at a school of medicine  
12 approved by the commission, however, a dentist allowed to administer  
13 nondental anesthesia shall do so only under authorization of the  
14 patient's attending surgeon, obstetrician, or psychiatrist, and the  
15 commission has jurisdiction to discipline a dentist practicing under  
16 this exemption and enjoin or suspend such dentist from the practice of  
17 nondental anesthesia according to this chapter and chapter 18.130 RCW;

18 (13) Emergency lifesaving service rendered by a physician's trained  
19 emergency medical service intermediate life support technician and  
20 paramedic, as defined in RCW 18.71.200, if the emergency lifesaving  
21 service is rendered under the responsible supervision and control of a  
22 licensed physician;

23 (14) The provision of clean, intermittent bladder catheterization  
24 for students by public school district employees or private school  
25 employees as provided for in RCW 18.79.290 and 28A.210.280;

26 (15) The administration of or assistance in the administration of  
27 glucagon or insulin to students with diabetes by public school district  
28 employees or private school employees as provided for in the education  
29 equity for students with diabetes act or in section 1 of this act;

30 (16) The testing or assistance in the testing of students with  
31 diabetes for blood sugars and ketones by public school district  
32 employees or private school employees as provided for in the education  
33 equity for students with diabetes act.

34 NEW SECTION. Sec. 3. This act takes effect July 1, 2002.

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