

**Amendment No. 292**

Senate Amendment to Senate Bill No. 320 (BDR 34-831)

**Proposed by:** Senate Committee on Education

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

HAC/TMC



Date: 4/19/2013

S.B. No. 320—Revises provisions governing medical care in schools.  
(BDR 34-831)



## SENATE BILL NO. 320—SENATORS HARDY AND DENIS

MARCH 18, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing medical care in schools.  
(BDR 34-831)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; providing that a pupil with diabetes ~~shall~~ ***must*** not be prohibited from ~~attending~~ ***enrolling in*** a public school; requiring ~~the State Board of Education~~ ***school nurses or, in certain circumstances, local health officers or the designees of local health officers,*** to prescribe ~~a~~ training ~~program~~ ***programs*** for employees of public and private schools who volunteer to serve as ~~diabetes care aides~~ ***unlicensed assistive personnel***; authorizing public and private schools to provide assistance to pupils with diabetes in the care and management of the disease under certain circumstances; authorizing the parent or legal guardian of a pupil with diabetes to request such assistance; prescribing the duties of ~~a diabetes care aide~~ ***unlicensed assistive personnel***; providing for the authorization of a pupil with diabetes to self-administer medication and otherwise care for and manage the diabetes under certain circumstances; providing immunity from civil liability for school nurses, ~~diabetes care aides~~ ***unlicensed assistive personnel*** and other school personnel, the board of trustees of a school district, ~~and~~ the governing body of a private school, ***local health officers and the designees of local health officers*** under certain circumstances; providing an exemption for ~~diabetes care aides~~ ***unlicensed assistive personnel*** from state licensing requirements for practicing nursing in this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 8** of this bill provides that the board of trustees of a school district or a principal of a public school shall not: (1) prohibit any pupil with diabetes from ~~attending~~ ***enrolling in*** any public school ***in*** which the pupil would otherwise be able to ~~attend~~ ***enroll*** if the pupil did not have diabetes; or (2) require the parent or guardian of a pupil to provide any service or assistance to the pupil to care for or manage the diabetes while the pupil is on the grounds of a public school, participating in certain activities or on a school bus.

Section 9 of this bill requires ~~the State Board of Education, in consultation with the State Board of Health, the American Diabetes Association and other similar organizations,~~ each school nurse or, if a public school does not have a school nurse, the local health officer or the local health officer's designee, to prescribe a training program for employees of public schools who volunteer to serve as ~~diabetes care aides,~~ unlicensed assistive personnel. The training program must include certain instruction and be provided by a school nurse ~~for other health care professional who has knowledge and experience in the care, management and treatment of diabetes,~~ the local health officer or the local health officer's designee, as applicable.

Section 10 of this bill establishes a procedure pursuant to which the parent or legal guardian of a pupil with diabetes in a public school may request that the public school provide assistance with the care and management of the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. Section 10 authorizes the ~~principal of each public school,~~ school nurse or the principal, as applicable, to provide a written notice to all employees of the public school seeking volunteers to serve as ~~diabetes care aides,~~ unlicensed assistive personnel. The notice must provide that serving as ~~a diabetes care aide,~~ unlicensed assistive personnel is voluntary and that ~~an employee,~~ employees who ~~chooses,~~ choose not to volunteer will not be subject to any retaliatory or disciplinary action, and must include a description of the training program prescribed pursuant to section 9 that ~~the employee,~~ employees must complete to become ~~a diabetes care aide.~~ Section 11 of this bill establishes a procedure ~~pursuant to which the parent or legal guardian of a pupil with diabetes in such a public school may request that the school provide such assistance, and sets forth the steps that the principal of the school may take upon receiving such a request,~~ unlicensed assistive personnel. Section 11.5 of this bill provides for the development of an individualized health plan for a pupil with diabetes by the school nurse or the local health officer or his or her designee, as applicable, upon the approval of a request submitted pursuant to section 10. Section 12 of this bill describes the written authorization that the parent or legal guardian must submit to the school nurse or the principal of the school, as applicable, upon receiving approval of such a request, and section 13 of this bill sets forth the duties of the school nurse or principal, as applicable, upon receiving such an authorization.

Section 14 of this bill sets forth the specific acts that ~~a diabetes care aide is authorized to~~ unlicensed assistive personnel may perform in assisting a pupil with diabetes, ~~in accordance with the diabetes management plan of the pupil developed by the physician of the pupil.~~

Section 15 of this bill provides a procedure pursuant to which a pupil with diabetes may be authorized to self-administer medication for the treatment of the diabetes and otherwise care for and manage the diabetes while on the grounds of a public school, at an activity sponsored by a public school or on a school bus.

Section 16 of this bill requires the State Board of Education, in cooperation with the State Board of Nursing, to adopt necessary regulations to carry out the provisions of sections 3-17 of this bill.

Section 17 provides that a school nurse, ~~diabetes care aide,~~ unlicensed assistive personnel, other school personnel, ~~and~~ the board of trustees of a school district, local health officers and the designees of local health officers are not subject to civil liability, and a school nurse, ~~diabetes care aide,~~ unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for certain acts performed by any person in carrying out any duty or authorized activity set forth in this bill.

~~Section 24 of this bill provides that the training program for an employee of a public school who volunteers to serve as a diabetes care aide which is prescribed by the State Board of Education pursuant to section 9 applies to private schools.~~ Sections ~~19-22 and 25-27~~ 19-32 of this bill set forth provisions similar to sections 3-17 which apply to private schools.

Existing law requires a person who practices or offers to practice nursing in this State to be licensed by the State Board of Nursing. (NRS 632.315) Existing law also provides certain exemptions from that requirement. (NRS 632.340) Section 33 of this bill revises those exemptions to include ~~a diabetes care aide,~~ unlicensed assistive personnel who

65 ~~[provided]~~ **provide** assistance to a pupil with diabetes in the care and management of the  
66 diabetes in accordance with the provisions of **sections 3-17 or 19-32**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 391.208 is hereby amended to read as follows:

391.208 A school nurse shall, for each school at which he or she is responsible for providing nursing services:

1. Ensure that each pupil enrolled in the school has been immunized in accordance with, is exempt from or has otherwise complied with, the requirements set forth in NRS 392.435 to 392.446, inclusive.

2. Assess and evaluate the general health and physical development of the pupils enrolled in the school to identify those pupils who have physical or mental conditions that impede their ability to learn.

3. Report the results of an evaluation conducted pursuant to subsection 2 to:

(a) A parent or guardian of the pupil;

(b) Each administrator and teacher directly involved with the education of the pupil; and

(c) Other professional personnel within the school district who need the information to assist the pupil with the pupil's health or education.

4. Design and carry out a plan of nursing care for a pupil with special needs which incorporates any individualized health plan and any plan specified by the pupil's physician or provider of health care, as defined in NRS 629.031, ~~including, without limitation, the diabetes management plan of the pupil, and~~ which is approved by the pupil's parent or guardian. ~~He~~ Except as otherwise provided in sections 3 to ~~16~~ 17, inclusive, of this act, the nursing services provided pursuant to a plan of nursing care must be performed in compliance with chapter 632 of NRS. As used in this subsection, ~~"diabetes management"~~ "individualized health plan" has the meaning ascribed to it in section 5 of this act.

5. When appropriate, refer a pupil and the pupil's parent or guardian to other sources in the community to obtain services necessary for the health of the pupil.

6. Interpret medical and nursing information that relates to a pupil's individual educational plan or individualized accommodation plan and make recommendations to:

(a) Professional personnel directly involved with that pupil; and

(b) The parents or guardian of that pupil.

**Sec. 2.** Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

**Sec. 3.** As used in sections 3 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~14~~ 5 to ~~17~~ 7.5, inclusive, of this act have the meanings ascribed to them in those sections.

**Sec. 4.** ~~"Diabetes care aide" means an employee of a public school who has received training pursuant to section 9 of this act to provide assistance to a pupil with diabetes.~~ (Deleted by amendment.)

**Sec. 5.** ~~"Diabetes management"~~ "Individualized health plan" means the plan developed ~~by the physician or~~ pursuant to section 11.5 of this act for a pupil with diabetes, ~~which sets forth the services the pupil requires to care for and manage the diabetes and which is signed by the physician and the parent or legal guardian of the pupil.~~

1       Sec. 6. "Medication" means any medicine prescribed by a ~~physician~~  
2 provider of health care for the treatment of diabetes, including, without  
3 limitation, insulin and glucagon.

4       Sec. 7. ~~["Physician"]~~ "Provider of health care" means a person who is  
5 ~~licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic~~  
6 ~~medicine pursuant to chapter 633 of NRS;~~ authorized by law to prescribe  
7 medication for the treatment of diabetes.

8       Sec. 7.5. "Unlicensed assistive personnel" means the employees of a public  
9 school who have received training pursuant to section 9 of this act to provide  
10 assistance to a pupil with diabetes.

11       Sec. 8. 1. The board of trustees of a school district or a principal of a  
12 public school shall not:

13       (a) Prohibit any pupil with diabetes from ~~attending~~ enrolling in any public  
14 school in which the pupil would otherwise be able to ~~attend~~ enroll if the pupil  
15 did not have diabetes.

16       (b) Require the parent or legal guardian of a pupil with diabetes to provide  
17 any service or assistance to the pupil to care for or manage the diabetes while the  
18 pupil is on the grounds of a public school, participating in an activity sponsored  
19 by a public school or on a school bus.

20       2. The provisions of this section apply regardless of whether a public school  
21 has a school nurse or ~~a diabetes care aide~~ unlicensed assistive personnel.

22       Sec. 9. 1. ~~The State Board of Education, in consultation with the State~~  
23 ~~Board of Health, the American Diabetes Association and any similar~~  
24 ~~organizations the State Board of Education determines appropriate;~~ Each school  
25 nurse shall prescribe a training program for ~~an employee~~ employees of a public  
26 school who volunteer to become ~~a diabetes care aide~~ unlicensed assistive  
27 personnel for pupils. If a public school does not have a school nurse, the local  
28 health officer or the local health officer's designee shall prescribe the training  
29 program.

30       2. The training program must provide instruction by the school nurse, the  
31 local health officer or the local health officer's designee, as applicable, in  
32 accordance with nationally recognized standards and best practices for diabetes  
33 care, in:

34       (a) Recognizing the symptoms of hypoglycemia and hyperglycemia;

35       (b) The appropriate treatment for a pupil who exhibits the symptoms of  
36 hypoglycemia or hyperglycemia;

37       (c) Recognizing situations that require emergency medical assistance to be  
38 provided to a pupil; and

39       (d) The following, based on the individualized health plan of the pupil:

40       (1) Understanding the appropriate treatment for ~~for the pupil~~ ~~whom~~ if  
41 the pupil's blood glucose level is not within the target range identified in the  
42 ~~diabetes management~~ individualized health plan ; ~~for the pupil,~~

43 ~~(d)~~ (2) Understanding instructions set forth in the ~~diabetes management~~  
44 individualized health plan ~~for a pupil~~ concerning necessary medications;

45 ~~(e)~~ (3) Performing blood glucose and ketone tests and recording the results  
46 of those tests;

47 ~~(f)~~ (4) Administering insulin, glucagon or other medication ~~in accordance~~  
48 ~~with a diabetes management plan~~ and recording the results of the  
49 administration; and

50 ~~(g)~~ Understanding how to use an insulin pump;

51 ~~(h)~~ Recognizing situations that require emergency medical assistance to be  
52 provided to a pupil; and

~~(6) (5) Understanding the relationship between the recommended diet of the pupil set forth in the diabetes management individualized health plan of the pupil and the effect of physical activity upon blood glucose levels, and actions which may be taken if the recommended diet is not followed.~~

~~3. A school nurse or other health care professional who has knowledge and experience in the care, management and treatment of diabetes shall provide instruction in the training program.~~

~~4. The training program must be provided whenever a diabetes care aide is authorized by the principal to provide assistance to a pupil with diabetes care and management at the school.~~

Sec. 10. 1. ~~The principal of each public school~~ A parent or legal guardian of a pupil with diabetes may submit to the school nurse of the public school in which the pupil is enrolled or, if the public school does not have a school nurse, to the principal of the public school a request that the public school assist the pupil with the care and management of the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

2. Upon receipt of a request submitted pursuant to subsection 1, the school nurse or, if the public school does not have a school nurse, the principal of the public school may provide written notice to each employee employees of the public school seeking volunteers to serve as diabetes care aides unlicensed assistive personnel at the public school. The written notice must include, without limitation:

(a) A description of the duties of diabetes care aides unlicensed assistive personnel;

(b) A statement that serving as diabetes care aide unlicensed assistive personnel is voluntary and that an employee employees who chooses choose not to volunteer will not be subject to any retaliatory or disciplinary action;

(c) A description of the training program prescribed pursuant to section 9 of this act that an employee employees must complete to become diabetes care aides unlicensed assistive personnel; and

(d) A statement that an employee employees who serves serve as diabetes care aide is unlicensed assistive personnel are entitled to the immunity set forth in section 17 of this act.

~~2. An employee~~

3. Employees who volunteers volunteer pursuant to subsection 1 2 must participate in and complete the training program prescribed pursuant to section 9 of this act to become diabetes care aide unlicensed assistive personnel.

4. If the public school has unlicensed assistive personnel, the school nurse or the principal, as applicable, may:

(a) Authorize the unlicensed assistive personnel to provide assistance to the pupil whose parent or legal guardian submitted the request; and

(b) Notify the parent or legal guardian of the pupil of the approval and the requirements of sections 11.5 and 12 of this act.

5. If the public school does not have unlicensed assistive personnel, the school nurse or the principal, as applicable, may notify the parent or legal guardian of the pupil that the request cannot be accommodated at that time.

Sec. 11. 1. ~~The principal of a public school may authorize a school nurse or diabetes care aide to provide assistance to pupils with diabetes in the care and management of the disease if the parent or legal guardian of a pupil with diabetes requests that the public school in which the pupil is enrolled assist the pupil with the care and management of the diabetes while the pupil is on the grounds of a~~

~~public school, participating in an activity sponsored by a public school or on a school bus.~~

~~2. Upon receiving such a request, the principal may determine whether the school has a school nurse or a diabetes care aide to accommodate the request.~~

~~3. If the principal determines that the school has a school nurse or diabetes care aide to accommodate the request, the principal may approve the request and notify the parent or legal guardian of the pupil of the approval and the requirements of section 12 of this act.~~

~~4. If the principal determines that the school does not have a school nurse or a diabetes care aide to accommodate the request, the principal may:~~

~~(a) Notify the parent or legal guardian of the pupil that the request cannot be accommodated at that time;~~

~~(b) Provide written notice to each employee of the public school pursuant to section 10 of this act seeking a volunteer to serve as a diabetes care aide at the school;~~

~~(c) To the extent practicable, expedite the training provided to any such volunteer pursuant to section 9 of this act; and~~

~~(d) Upon determining that the school has a school nurse or a diabetes care aide, approve the request and notify the parent or legal guardian of the pupil of the approval and the requirements of section 12 of this act.~~ (Deleted by amendment.)

Sec. 11.5. If a school nurse or principal of a public school approves a request pursuant to section 10 of this act, the school nurse or, if the public school does not have a school nurse, the local health officer or the local health officer's designee shall develop an individualized health plan for the pupil in coordination with the pupil's parent or legal guardian. The individualized health plan must be consistent with the diabetes treatment prescribed by the pupil's provider of health care and set forth the services the pupil requires to care for and manage diabetes.

Sec. 12. The parent or legal guardian of a pupil with diabetes, upon receiving approval of a request pursuant to section ~~11~~ 10 of this act, shall submit to the ~~principal of the school~~:

~~1. The diabetes management plan of the pupil; and~~

~~2. On school nurse or, if the public school does not have a school nurse, the principal of the public school, on a form approved by the board of trustees of the school district and provided by the school, a signed statement of the parent or legal guardian authorizing:~~

~~(a) Each~~

~~1. The school nurse and ~~diabetes care aide~~ unlicensed assistive personnel to provide assistance to the pupil to care for and manage the diabetes in accordance with the ~~diabetes management~~ individualized health plan of the pupil while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and~~

~~(b) 2. The ~~principal of the public~~ school nurse or, if the public school does not have a school nurse, the principal to provide notice that the pupil has diabetes to each employee of the school who has primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the public school or an activity sponsored by a public school.~~

Sec. 13. The ~~principal of a school~~ school nurse or, if the public school does not have a school nurse, the principal of the public school, upon receiving the authorization pursuant to section 12 of this act and the development of the ~~diabetes management~~ individualized health plan of a pupil with diabetes pursuant to section ~~12~~ 11.5 of this act, shall:



1       1. Notify each employee of the public school who has primary responsibility  
2 for supervising the pupil and each driver of a school bus who transports the pupil  
3 to and from the public school or to an activity sponsored by a public school that  
4 the pupil has diabetes.

5       2. Ensure that training is provided to each employee who has primary  
6 responsibility for supervising the pupil and each driver of a school bus in  
7 recognizing the symptoms of hypoglycemia and hyperglycemia and the proper  
8 treatment of a pupil who is hypoglycemic or hyperglycemic.

9       3. Ensure ~~that the presence of~~ the school nurse or ~~a diabetes care aide is~~  
10 ~~available~~ unlicensed assistive personnel during regular school hours and during  
11 all school sponsored activities to assist the pupil with the care and management  
12 of the diabetes in accordance with the ~~diabetes management~~ individualized  
13 health plan of the pupil.

14       4. Ensure ~~that the provisions by~~ the school nurse or ~~a diabetes care aide~~  
15 ~~provides~~ unlicensed assistive personnel of the services set forth in the ~~diabetes~~  
16 ~~management~~ individualized health plan of the pupil to care for and manage the  
17 diabetes.

18       Sec. 14. ~~A diabetes care aide.~~ Unlicensed assistive personnel, in assisting  
19 a pupil with diabetes in accordance with the ~~diabetes management~~  
20 individualized health plan of the pupil, may:

- 21       1. Test the blood glucose level of the pupil and record the result;  
22       2. Test the ketone level of the pupil and record the result;  
23       3. Treat a pupil whose blood glucose levels are not within the target range  
24 set forth in the ~~diabetes management~~ individualized health plan;  
25       4. Administer insulin, glucagon or other medication to the pupil in  
26 accordance with the ~~diabetes management~~ individualized health plan; and  
27       5. Ensure that the pupil follows his or her recommended diet; and  
28       6. Assist the pupil in performing any act described in this section.

29       Sec. 15. 1. The parent or legal guardian of a pupil with diabetes who is  
30 enrolled in a public school may submit a written request to the ~~principal~~ school  
31 nurse of the public school or, if the public school does not have a school nurse,  
32 the principal of the public school to allow the pupil to self-administer medication  
33 for the treatment of the diabetes and otherwise care for and manage the diabetes  
34 ~~in accordance with the diabetes management plan of the pupil~~ while the pupil is  
35 on the grounds of a public school, participating in an activity sponsored by a  
36 public school or on a school bus, which may include, without limitation:

- 37       (a) Performing blood glucose tests;  
38       (b) Administering insulin, glucagon or other medication;  
39       (c) Treating hypoglycemia and hyperglycemia; and  
40       (d) Otherwise attending to the care and management of the diabetes.  
41       2. A written request made pursuant to subsection 1 must include:  
42       (a) A signed statement of ~~a physician~~ the pupil's provider of health care  
43 indicating that the pupil has diabetes and is able to self-administer the medication  
44 and otherwise care for and manage the diabetes while the pupil is on the grounds  
45 of a public school, participating in an activity sponsored by a public school or on  
46 a school bus; and  
47       (b) ~~The diabetes management plan of the pupil; and~~  
48 ~~(c)~~ A signed statement of the parent or legal guardian indicating that the  
49 parent or legal guardian grants permission for the pupil to self-administer the  
50 medication or otherwise care for and manage the diabetes while the pupil is on  
51 the grounds of a public school, participating in an activity sponsored by a public  
52 school or on a school bus.



3. Upon receipt of a written request submitted pursuant to subsection 1, the ~~principal of the~~ school nurse or the principal of the school, as applicable, shall provide written authorization for the pupil to carry and self-administer medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. The written authorization must be maintained in the files of the public school and must include, without limitation:

- (a) ~~The diabetes management plan of the pupil;~~
- ~~(b)~~ The name and purpose of the medication which the pupil is authorized to self-administer;
- ~~(c)~~ (b) The prescribed dosage and the duration of the prescription;
- ~~(d)~~ (c) The times at which and circumstances under which the medication is required or recommended to be self-administered;
- ~~(e)~~ (d) The side effects that may occur from the administration of the medication; and
- ~~(f)~~ (e) The name and telephone number of the ~~physician of the pupil~~ pupil's provider of health care and the name and telephone number of the person to contact in case of a medical emergency concerning the pupil.

4. The written authorization provided pursuant to subsection 3 is valid for 1 school year but may be revoked at any time at the discretion of the ~~principal,~~ school nurse or the principal of the school, as applicable, upon notification of the parent or legal guardian of the pupil. If a parent or legal guardian submits a new written request that complies with subsection 2, the ~~principal of the public~~ school nurse or the principal of the school, as applicable, shall, except as otherwise provided in this subsection, renew and, if necessary, revise the written authorization.

5. The school nurse or, if the school does not have a school nurse, the principal of the school shall provide the pupil with a private area where the pupil may attend to the management and care of the diabetes upon application by the parent or legal guardian of the pupil.

6. As used in this section, "self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 16. The State Board, in cooperation with the State Board of Nursing, shall adopt such regulations as it determines necessary to carry out the provisions of sections 3 to 17, inclusive, of this act.

Sec. 17. School nurses, ~~diabetes care aides,~~ unlicensed assistive personnel and other school personnel, ~~and~~ the board of trustees of a school district, local health officers and designees of local health officers are not subject to civil liability, and school nurses, ~~diabetes care aides,~~ unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for any act performed by any person in carrying out any duty or authorized activity set forth in sections 3 to 17, inclusive, of this act, or any regulation adopted pursuant thereto, if the act is performed in such a manner as an ordinarily prudent person would reasonably perform the act under similar circumstances.

Sec. 18. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 32, inclusive, of this act.

Sec. 19. As used in sections 19 to 32, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~20, 21 to 23,~~ 23.5, inclusive, of this act have the meanings ascribed to them in those sections.

1       Sec. 20. ~~“Diabetes care aide” means an employee of a private school who~~  
2 ~~has received training pursuant to section 9 of this act to provide assistance to a~~  
3 ~~pupil with diabetes.~~ (Deleted by amendment.)

4       Sec. 21. ~~“Diabetes management”~~ “Individualized health plan” means the  
5 plan developed by the physician off pursuant to section 26.5 of this act for a  
6 pupil with diabetes, which sets forth the services the pupil requires to care for  
7 and manage the diabetes and which is signed by the physician and the parent or  
8 legal guardian of the pupil.

9       Sec. 22. “Medication” means any medicine prescribed by a physician  
10 provider of health care for the treatment of diabetes, including, without  
11 limitation, insulin and glucagon.

12       Sec. 23. ~~“Physician”~~ “Provider of health care” means a person who is  
13 ~~licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic~~  
14 ~~medicine pursuant to chapter 633 of NRS,~~ authorized by law to prescribe  
15 medication for the treatment of diabetes.

16       Sec. 23.5. “Unlicensed assistive personnel” means the employees of a  
17 private school who have received training pursuant to section 24 of this act to  
18 provide assistance to a pupil with diabetes.

19       Sec. 24. ~~1. Each school nurse shall prescribe a training program~~  
20 ~~for an employee employees of a public private school who volunteer to become~~  
21 ~~a diabetes care aide which is prescribed by the Board pursuant to section 9 of~~  
22 ~~this act applies to private schools.~~ unlicensed assistive personnel for pupils. If a  
23 private school does not have a school nurse, the local health officer or the local  
24 health officer’s designee shall prescribe the training program.

25       2. The training program must provide instruction by the school nurse, the  
26 local health officer or the local health officer’s designee, as applicable, in  
27 accordance with nationally recognized standards and best practices for diabetes  
28 care, in:

29       (a) Recognizing the symptoms of hypoglycemia and hyperglycemia;

30       (b) The appropriate treatment for a pupil who exhibits the symptoms of  
31 hypoglycemia or hyperglycemia;

32       (c) Recognizing situations that require emergency medical assistance to be  
33 provided to a pupil; and

34       (d) The following, based on the individualized health plan of the pupil:

35       (1) Understanding the appropriate treatment for the pupil if the pupil’s  
36 blood glucose level is not within the target range identified in the individualized  
37 health plan;

38       (2) Understanding instructions set forth in the individualized health plan  
39 concerning necessary medications;

40       (3) Performing blood glucose and ketone tests and recording the results  
41 of those tests;

42       (4) Administering insulin, glucagon or other medication and recording  
43 the results of the administration; and

44       (5) Understanding the relationship between the recommended diet of the  
45 pupil set forth in the individualized health plan and actions which may be taken if  
46 the recommended diet is not followed.

47       Sec. 25. 1. A parent or legal guardian of a pupil with diabetes may  
48 submit to the school nurse of the private school in which the pupil is enrolled or,  
49 if the private school does not have a school nurse, to the principal or other person  
50 in charge of the private school a request that the private school assist the pupil  
51 with the care and management of the diabetes while the pupil is on the grounds  
52 of the private school, participating in an activity sponsored by the private school  
53 or on a school bus.

2. Upon receipt of a request submitted pursuant to subsection 1, the school nurse or, if the private school does not have a school nurse, the principal or other person in charge of ~~the~~ the private school may provide written notice to ~~each employee~~ employees of the private school seeking volunteers to serve as ~~diabetes care aides~~ unlicensed assistive personnel at the private school. The written notice must include, without limitation:

(a) A description of the duties of ~~diabetes care aides~~ unlicensed assistive personnel;

(b) A statement that serving as ~~diabetes care aides~~ unlicensed assistive personnel is voluntary and that ~~an employee~~ employees who ~~choose~~ choose not to volunteer will not be subject to any retaliatory or disciplinary action;

(c) A description of the training program prescribed pursuant to section ~~19~~ 24 of this act that ~~an employee~~ employees must complete to become ~~diabetes care aides~~ unlicensed assistive personnel; and

(d) A statement that ~~an employee~~ employees who ~~serve~~ serve as ~~diabetes care aides~~ unlicensed assistive personnel are entitled to the immunity set forth in section 32 of this act . ~~1~~

~~2. An employee~~

3. Employees who ~~volunteer~~ volunteer pursuant to subsection ~~1~~ 2 must participate in and complete the training program prescribed pursuant to section ~~19~~ 24 of this act to become ~~diabetes care aides~~ unlicensed assistive personnel.

4. If the private school has unlicensed assistive personnel, the school nurse, principal or other person in charge of the private school, as applicable, may:

(a) Authorize the unlicensed assistive personnel to provide assistance to the pupil whose parent or legal guardian submitted the request; and

(b) Notify the parent or legal guardian of the pupil of the approval and the requirements of sections 26.5 and 27 of this act.

5. If the private school does not have unlicensed assistive personnel, the school nurse, principal or other person in charge of the private school, as applicable, may notify the parent or legal guardian of the pupil that the request cannot be accommodated at that time.

Sec. 26. ~~1. The parent or legal guardian of a pupil with diabetes who wishes to request that the private school in which the pupil is enrolled assist the pupil with the care and management of the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus shall make the request by contacting the principal or other person in charge of the private school.~~

~~2. Upon receiving such a request, the principal or other person in charge of the private school may determine whether the school has a school nurse or a diabetes care aide to accommodate the request.~~

~~3. If the principal or other person in charge of the private school determines that the private school has a school nurse or a diabetes care aide to accommodate the request, the principal or other person in charge of the private school may approve the request and notify the parent or legal guardian of the pupil of the approval and the requirements of section 27 of this act.~~

~~4. If the principal or other person in charge of the private school determines that the private school does not have a school nurse or a diabetes care aide to accommodate the request, the principal or other person in charge of the private school may:~~

~~(a) Notify the parent or legal guardian of the pupil that the request cannot be accommodated at that time;~~

~~(b) Provide written notice to each employee of the private school pursuant to section 25 of this act seeking a volunteer to serve as a diabetes care aide at the school.~~

~~(c) To the extent practicable, expedite the training provided to any such volunteer pursuant to section 9 of this act; and~~

~~(d) Upon determining that the private school has a school nurse or a diabetes care aide to accommodate the request, approve the request and notify the parent or legal guardian of the pupil of the approval and the requirements of section 27 of this act. (Deleted by amendment.)~~

Sec. 26.5. If a school nurse, a principal or other person in charge of a private school approves a request pursuant to section 25 of this act, the school nurse or, if the private school does not have a school nurse, the local health officer or the local health officer's designee shall develop an individualized health plan for the pupil in coordination with the pupil's parent or legal guardian. The individualized health plan must be consistent with the diabetes treatment prescribed by the pupil's provider of health care and set forth the services the pupil requires to care for and manage the diabetes.

Sec. 27. The parent or legal guardian of a pupil with diabetes, upon receiving approval of a request pursuant to section ~~26~~ 25 of this act, shall submit to the school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school ~~+~~

~~1. The diabetes management plan of the pupil; and~~

~~2. On, on a form approved by the governing body of the private school and provided by the school, a signed statement of the parent or legal guardian authorizing:~~

~~+(a) Each~~

~~1. The school nurse and ~~diabetes care aide~~ unlicensed assistive personnel to provide assistance to the pupil to care for and manage the diabetes in accordance with the ~~diabetes management~~ individualized health plan of the pupil while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus; and~~

~~2. The school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school to provide notice that the pupil has diabetes to each employee of the school with primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the private school or an activity sponsored by a private school.~~

Sec. 28. The school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school, upon receiving the authorization pursuant to section 27 of this act and the ~~diabetes management~~ development of the individualized health plan of a pupil with diabetes pursuant to section ~~27~~ 26.5 of this act, shall:

1. Notify each employee who has primary responsibility for supervising the pupil ~~of the private school~~ and each driver of a school bus who transports the pupil to and from the private school or to an activity sponsored by a private school that the pupil has diabetes.

2. Ensure that training is provided to each employee who has primary responsibility for supervising the pupil and each driver of a school bus in recognizing the symptoms of hypoglycemia and hyperglycemia and the proper treatment of a pupil who is hypoglycemic or hyperglycemic.

3. Ensure ~~that~~ the presence of the school nurse or ~~a diabetes care aide is available~~ unlicensed assistive personnel during regular school hours and during all school sponsored activities to assist the pupil with the care and management

of the diabetes in accordance with the ~~{diabetes management}~~ individualized health plan of the pupil.

4. Ensure ~~{that the provision by the school nurse or a diabetes care aide provides}~~ unlicensed assistive personnel of the services set forth in the ~~{diabetes management}~~ individualized health plan of the pupil to care for and manage the diabetes.

Sec. 29. ~~{A diabetes care aide}~~ Unlicensed assistive personnel, in assisting a pupil with diabetes in accordance with the ~~{diabetes management}~~ individualized health plan of the pupil, may:

1. Test the blood glucose level of the pupil and record the result;
2. Test the ketone level of the pupil and record the result;
3. Treat a pupil whose blood glucose levels are not within the target range set forth in the ~~{diabetes management}~~ individualized health plan;
4. Administer insulin, glucagon or other medication to the pupil in accordance with the ~~{diabetes management}~~ individualized health plan;
5. Ensure that the pupil follows his or her recommended diet; and
6. Assist the pupil in performing any act described in this section.

Sec. 30. 1. The parent or legal guardian of a pupil with diabetes who is enrolled in a private school may submit a written request to the school nurse of the private school or, if the private school does not have a school nurse, the principal or other person in charge of the private school to allow the pupil to self-administer medication for the treatment of the diabetes and otherwise care for and manage the diabetes ~~in accordance with the diabetes management plan of the pupil~~ while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus, which may include, without limitation:

- (a) Performing blood glucose tests;
  - (b) Administering insulin, glucagon or other medication;
  - (c) Treating hypoglycemia and hyperglycemia; and
  - (d) Otherwise attending to the care and management of the diabetes.
2. A written request made pursuant to subsection 1 must include:
- (a) A signed statement of ~~{a physician}~~ the pupil's provider of health care indicating that the pupil has diabetes and is able to self-administer the medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus; and
  - (b) ~~{The diabetes management plan of the pupil; and~~  
~~{e)}~~ A signed statement of the parent or legal guardian indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication or otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus.
3. Upon receipt of a written request submitted pursuant to subsection 1, the school nurse, principal or other person in charge of the private school, as applicable, shall provide written authorization for the pupil to carry and self-administer medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus. The written authorization must be maintained in the files of the private school and must include, without limitation:
- (a) ~~{The diabetes management plan of the pupil}~~
  - ~~{b)}~~ The name and purpose of the medication which the pupil is authorized to self-administer;
  - ~~{c)}~~ (b) The prescribed dosage and the duration of the prescription;

~~(c)~~ (c) The times at which and circumstances under which the medication is required or recommended to be self-administered;

~~(d)~~ (d) The side effects that may occur from the administration of the medication; and

~~(e)~~ (e) The name and telephone number of the ~~physician of the pupil~~ pupil's provider of health care and the name and telephone number of the person to contact in case of a medical emergency concerning the pupil.

4. The written authorization provided pursuant to subsection 3 is valid for 1 school year but may be revoked at any time at the discretion of the school nurse, principal or other person in charge of the private school ~~as applicable, upon notification of the parent or legal guardian of the pupil~~. If a parent or legal guardian submits a new written request that complies with subsection 2, the school nurse, principal or other person in charge of the private school ~~as applicable~~, shall, except as otherwise provided in this subsection, renew and, if necessary, revise the written authorization.

5. The school nurse, principal or other person in charge of the private school ~~as applicable~~, shall provide the pupil with a private area where the pupil may attend to the management and care of the diabetes upon application by the parent or legal guardian of the pupil.

6. As used in this section, "self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 31. 1. The Board in cooperation with the State Board of Nursing, shall adopt such regulations as it determines necessary to carry out the provisions of sections 19 to 32, inclusive, of this act.

2. The regulations must be substantially similar to the regulations adopted by the Board pursuant to section 16 of this act.

Sec. 32. School nurses, ~~diabetes care aides~~ unlicensed assistive personnel and other school personnel, ~~and~~ the governing body of a private school, local health officers and designees of local health officers are not subject to civil liability, and school nurses, ~~diabetes care aides~~ unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for any act performed by any person in carrying out any duty or authorized activity set forth in sections 19 to 32, inclusive, of this act, or any regulation adopted pursuant thereto, if the act is performed in such a manner as an ordinarily prudent person would reasonably perform the act under similar circumstances.

Sec. 33. NRS 632.340 is hereby amended to read as follows:

632.340 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person



1 does not represent or hold himself or herself out as a nurse licensed to practice in  
2 this State or as a nursing assistant who holds a certificate to practice in this State.

3 6. The practice of any legally qualified nurse of another state who is  
4 employed by the United States Government, or any bureau, division or agency  
5 thereof, while in the discharge of his or her official duties in this State, including,  
6 without limitation, providing medical care in a hospital in accordance with an  
7 agreement entered into pursuant to NRS 449.2455.

8 7. Nonmedical nursing for the care of the sick, with or without compensation,  
9 if done by the adherents of, or in connection with, the practice of the religious  
10 tenets of any well-recognized church or religious denomination, if that nursing does  
11 not amount to the practice of practical or professional nursing as defined in NRS  
12 632.017 and 632.018, respectively.

13 8. A personal assistant from performing services for a person with a disability  
14 pursuant to NRS 629.091.

15 9. ~~“A diabetes care aide”~~ “Unlicensed assistive personnel from assisting a  
16 pupil with diabetes in the care and management of the diabetes pursuant to the  
17 provisions of sections 3 to 17, inclusive, or sections 19 to 32, inclusive, of this act.  
18 As used in this subsection, “diabetes care aide” “unlicensed assistive  
19 personnel” means [an employee] employees of a public school or a private school  
20 who ~~has~~ have received training pursuant to section 9 or 24 of this act to provide  
21 assistance to a pupil with diabetes.

22 10. A natural person from providing supported living arrangement services if:

23 (a) That person has been issued a certificate pursuant to NRS 435.3305 to  
24 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to  
25 435.339, inclusive; or

26 (b) That person is employed or retained as an independent contractor by a  
27 partnership, firm, corporation or association, state or local government or agency  
28 thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339,  
29 inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339,  
30 inclusive.

31 ➤ As used in this subsection, “supported living arrangement services” has the  
32 meaning ascribed to it in NRS 435.3315.

33 **Sec. 34.** On or before January 1, 2014, the State Board of Education, in  
34 cooperation with the State Board of Nursing, shall ~~+~~

35 ~~1. Prescribe the program of training required pursuant to section 9 of this act;~~  
36 ~~and~~

37 ~~2. Adopt~~ adopt regulations pursuant to sections 16 and 31 of this act.

38 **Sec. 35.** This act becomes effective:

39 1. On July 1, 2013, for the purposes of ~~[prescribing the program of training~~  
40 ~~required pursuant to section 9 of this act and for]~~ adopting regulations and  
41 performing any preparatory administrative tasks necessary to carry out the  
42 provisions of this act; and

43 2. On January 1, 2014, for all other purposes.