

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.

~

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 not be prohibited from attending a public school; requiring the State Board of Education to prescribe a training program for employees of public and private schools who volunteer to serve as diabetes care aides; 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; 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 and other school personnel, the board of trustees of a school district and the governing body of a private school under certain circumstances; providing an exemption for diabetes care aides from state licensing requirements for practicing nursing in this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 **Section 8** of this bill provides that the board of trustees of a school district or a
- 2 principal of a public school shall not: (1) prohibit any pupil with diabetes from
- 3 attending any public school which the pupil would otherwise be able to attend if the
- 4 pupil did not have diabetes; or (2) require the parent or guardian of a pupil to
- 5 provide any service or assistance to the pupil to care for or manage the diabetes



\* S B 3 2 0 \*

6 while the pupil is on the grounds of a public school, participating in certain  
7 activities or on a school bus.

8 **Section 9** of this bill requires the State Board of Education, in consultation with  
9 the State Board of Health, the American Diabetes Association and other similar  
10 organizations, to prescribe a training program for employees of public schools who  
11 volunteer to serve as diabetes care aides. The training program must include certain  
12 instruction and be provided by a school nurse or other health care professional who  
13 has knowledge and experience in the care, management and treatment of diabetes.

14 **Section 10** of this bill authorizes the principal of each public school to provide  
15 a written notice to all employees of the public school seeking volunteers to serve as  
16 diabetes care aides. The notice must provide that serving as a diabetes care aide is  
17 voluntary and that an employee who chooses not to volunteer will not be subject to  
18 any retaliatory or disciplinary action, and must include a description of the training  
19 program prescribed pursuant to **section 9** that the employee must complete to  
20 become a diabetes care aide. **Section 11** of this bill establishes a procedure pursuant  
21 to which the parent or legal guardian of a pupil with diabetes in such a public  
22 school may request that the school provide such assistance, and sets forth the steps  
23 that the principal of the school may take upon receiving such a request. **Section 12**  
24 of this bill describes the written authorization that the parent or legal guardian must  
25 submit to the principal of the school upon receiving approval of such a request, and  
26 **section 13** of this bill sets forth the duties of the principal upon receiving such an  
27 authorization.

28 **Section 14** of this bill sets forth the specific acts that a diabetes care aide is  
29 authorized to perform in assisting a pupil with diabetes in accordance with the  
30 diabetes management plan of the pupil developed by the physician of the pupil.

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

35 **Section 16** of this bill requires the State Board of Education to adopt necessary  
36 regulations to carry out the provisions of **sections 3-17** of this bill.

37 **Section 17** provides that a school nurse, diabetes care aide, other school  
38 personnel and the board of trustees of a school district are not subject to civil  
39 liability, and a school nurse, diabetes care aide and other school personnel are not  
40 subject to any disciplinary action, for certain acts performed by any person in  
41 carrying out any duty or authorized activity set forth in this bill.

42 **Section 24** of this bill provides that the training program for an employee of a  
43 public school who volunteers to serve as a diabetes care aide which is prescribed by  
44 the State Board of Education pursuant to **section 9** applies to private schools.  
45 **Sections 19-23 and 25-32** of this bill set forth provisions similar to **sections 3-17**  
46 which apply to private schools.

47 Existing law requires a person who practices or offers to practice nursing in this  
48 State to be licensed by the State Board of Nursing. (NRS 632.315) Existing law  
49 also provides certain exemptions from that requirement. (NRS 632.340) **Section 33**  
50 of this bill revises those exemptions to include a diabetes care aide who provides  
51 assistance to a pupil with diabetes in the care and management of the diabetes in  
52 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:

1       **Section 1.** NRS 391.208 is hereby amended to read as follows:  
2       391.208 A school nurse shall, for each school at which he or  
3 she is responsible for providing nursing services:

4       1. Ensure that each pupil enrolled in the school has been  
5 immunized in accordance with, is exempt from or has otherwise  
6 complied with, the requirements set forth in NRS 392.435 to  
7 392.446, inclusive.

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

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

14       (a) A parent or guardian of the pupil;

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

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

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

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

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

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

37       (b) The parents or guardian of that pupil.

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

41       **Sec. 3.** *As used in sections 3 to 17, inclusive, of this act,*  
42 *unless the context otherwise requires, the words and terms defined*



1 *in sections 4 to 7, inclusive, of this act have the meanings ascribed*  
2 *to them in those sections.*

3 **Sec. 4.** *“Diabetes care aide” means an employee of a public*  
4 *school who has received training pursuant to section 9 of this act*  
5 *to provide assistance to a pupil with diabetes.*

6 **Sec. 5.** *“Diabetes management plan” means the plan*  
7 *developed by the physician of a pupil with diabetes which sets*  
8 *forth the services the pupil requires to care for and manage the*  
9 *diabetes and which is signed by the physician and the parent or*  
10 *legal guardian of the pupil.*

11 **Sec. 6.** *“Medication” means any medicine prescribed by a*  
12 *physician for the treatment of diabetes, including, without*  
13 *limitation, insulin and glucagon.*

14 **Sec. 7.** *“Physician” means a person who is licensed to*  
15 *practice medicine pursuant to chapter 630 of NRS or osteopathic*  
16 *medicine pursuant to chapter 633 of NRS.*

17 **Sec. 8.** 1. *The board of trustees of a school district or a*  
18 *principal of a public school shall not:*

19 (a) *Prohibit any pupil with diabetes from attending any public*  
20 *school which the pupil would otherwise be able to attend if the*  
21 *pupil did not have diabetes.*

22 (b) *Require the parent or legal guardian of a pupil with*  
23 *diabetes to provide any service or assistance to the pupil to care for*  
24 *or manage the diabetes while the pupil is on the grounds of a*  
25 *public school, participating in an activity sponsored by a public*  
26 *school or on a school bus.*

27 2. *The provisions of this section apply regardless of whether a*  
28 *public school has a school nurse or a diabetes care aide.*

29 **Sec. 9.** 1. *The State Board of Education, in consultation*  
30 *with the State Board of Health, the American Diabetes Association*  
31 *and any similar organizations the State Board of Education*  
32 *determines appropriate, shall prescribe a training program for an*  
33 *employee of a public school to become a diabetes care aide.*

34 2. *The training program must provide instruction in:*

35 (a) *Recognizing the symptoms of hypoglycemia and*  
36 *hyperglycemia;*

37 (b) *The appropriate treatment for a pupil who exhibits the*  
38 *symptoms of hypoglycemia or hyperglycemia;*

39 (c) *Understanding the appropriate treatment for a pupil whose*  
40 *blood glucose level is not within the target range identified in the*  
41 *diabetes management plan of the pupil;*

42 (d) *Understanding instructions set forth in the diabetes*  
43 *management plan of a pupil concerning necessary medications;*

44 (e) *Performing blood glucose and ketone tests and recording*  
45 *the results of those tests;*



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

(g) Understanding how to use an insulin pump;

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

(i) Understanding the relationship between the recommended diet of a pupil set forth in the diabetes management 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 may provide written notice to each employee of the public school seeking volunteers to serve as diabetes care aides at the public school. The written notice must include, without limitation:

(a) A description of the duties of a diabetes care aide;

(b) A statement that serving as a diabetes care aide is voluntary and that an employee who chooses 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 must complete to become a diabetes care aide; and

(d) A statement that an employee who serves as a diabetes care aide is entitled to the immunity set forth in section 17 of this act;

2. An employee who volunteers pursuant to subsection 1 must participate in and complete the training program prescribed pursuant to section 9 of this act to become a diabetes care aide.

**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.



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

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

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

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

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

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

20       **Sec. 12.** The parent or legal guardian of a pupil with  
21 diabetes, upon receiving approval of a request pursuant to section  
22 11 of this act, shall submit to the principal of the school:

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

24       2. On a form approved by the board of trustees of the school  
25 district and provided by the school, a signed statement of the  
26 parent or legal guardian authorizing;

27       (a) Each school nurse and diabetes care aide to provide  
28 assistance to the pupil to care for and manage the diabetes in  
29 accordance with the diabetes management plan of the pupil while  
30 the pupil is on the grounds of a public school, participating in an  
31 activity sponsored by a public school or on a school bus; and

32       (b) The principal of the public school to provide notice that the  
33 pupil has diabetes to each employee of the school who has primary  
34 responsibility for supervising the pupil and each driver of a school  
35 bus who transports the pupil to and from the public school or an  
36 activity sponsored by a public school.

37       **Sec. 13.** The principal of a school, upon receiving the  
38 authorization and the diabetes management plan of a pupil with  
39 diabetes pursuant to section 12 of this act, shall:

40       1. Notify each employee of the public school who has primary  
41 responsibility for supervising the pupil and each driver of a school  
42 bus who transports the pupil to and from the public school or to  
43 an activity sponsored by a public school that the pupil has  
44 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 school nurse or a diabetes care aide is available 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 plan of the pupil.*

4. *Ensure that the school nurse or a diabetes care aide provides the services set forth in the diabetes management plan of the pupil to care for and manage the diabetes.*

**Sec. 14.** *A diabetes care aide, in assisting a pupil with diabetes in accordance with the diabetes management 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 plan;*

4. *Administer insulin, glucagon or other medication to the pupil in accordance with the diabetes management 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. 15.** 1. *The parent or legal guardian of a pupil with diabetes who is enrolled in a public school may submit a written request to the principal of the public 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 public school, participating in an activity sponsored by a public 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 indicating that the pupil has diabetes and is able to self-administer the medication and*



1 *otherwise care for and manage the diabetes while the pupil is on*  
2 *the grounds of a public school, participating in an activity*  
3 *sponsored by a public school or on a school bus;*

4 *(b) The diabetes management plan of the pupil; and*

5 *(c) A signed statement of the parent or legal guardian*  
6 *indicating that the parent or legal guardian grants permission for*  
7 *the pupil to self-administer the medication or otherwise care for*  
8 *and manage the diabetes while the pupil is on the grounds of a*  
9 *public school, participating in an activity sponsored by a public*  
10 *school or on a school bus.*

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

19 *(a) The diabetes management plan of the pupil;*

20 *(b) The name and purpose of the medication which the pupil is*  
21 *authorized to self-administer;*

22 *(c) The prescribed dosage and the duration of the prescription;*

23 *(d) The times at which and circumstances under which the*  
24 *medication is required or recommended to be self-administered;*

25 *(e) The side effects that may occur from the administration of*  
26 *the medication; and*

27 *(f) The name and telephone number of the physician of the*  
28 *pupil and the name and telephone number of the person to contact*  
29 *in case of a medical emergency concerning the pupil.*

30 *4. The written authorization provided pursuant to subsection*  
31 *3 is valid for 1 school year but may be revoked at any time at the*  
32 *discretion of the principal. If a parent or legal guardian submits a*  
33 *new written request that complies with subsection 2, the principal*  
34 *of the public school shall, except as otherwise provided in this*  
35 *subsection, renew and, if necessary, revise the written*  
36 *authorization.*

37 *5. The principal of the school shall provide the pupil with a*  
38 *private area where the pupil may attend to the management and*  
39 *care of the diabetes upon application by the parent or legal*  
40 *guardian of the pupil.*

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





1     **Sec. 16.** *The State Board shall adopt such regulations as it*  
2 *determines necessary to carry out the provisions of sections 3 to*  
3 *17, inclusive, of this act.*

4     **Sec. 17.** *School nurses, diabetes care aides and other school*  
5 *personnel and the board of trustees of a school district are not*  
6 *subject to civil liability, and school nurses, diabetes care aides and*  
7 *other school personnel are not subject to any disciplinary action,*  
8 *for any act performed by any person in carrying out any duty or*  
9 *authorized activity set forth in sections 3 to 17, inclusive, of this*  
10 *act, or any regulation adopted pursuant thereto, if the act is*  
11 *performed in such a manner as an ordinarily prudent person*  
12 *would reasonably perform the act under similar circumstances.*

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

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

20     **Sec. 20.** *"Diabetes care aide" means an employee of a*  
21 *private school who has received training pursuant to section 9 of*  
22 *this act to provide assistance to a pupil with diabetes.*

23     **Sec. 21.** *"Diabetes management plan" means the plan*  
24 *developed by the physician of a pupil with diabetes which sets*  
25 *forth the services the pupil requires to care for and manage the*  
26 *diabetes and which is signed by the physician and the parent or*  
27 *legal guardian of the pupil.*

28     **Sec. 22.** *"Medication" means any medicine prescribed by a*  
29 *physician for the treatment of diabetes, including, without*  
30 *limitation, insulin and glucagon.*

31     **Sec. 23.** *"Physician" means a person who is licensed to*  
32 *practice medicine pursuant to chapter 630 of NRS or osteopathic*  
33 *medicine pursuant to chapter 633 of NRS.*

34     **Sec. 24.** *The training program for an employee of a public*  
35 *school to become a diabetes care aide which is prescribed by the*  
36 *Board pursuant to section 9 of this act applies to private schools.*

37     **Sec. 25.** 1. *The principal or other person in charge of a*  
38 *private school may provide written notice to each employee of the*  
39 *private school seeking volunteers to serve as diabetes care aides at*  
40 *the private school. The written notice must include, without*  
41 *limitation:*

42     (a) *A description of the duties of a diabetes care aide;*

43     (b) *A statement that serving as a diabetes care aide is*  
44 *voluntary and that an employee who chooses not to volunteer will*  
45 *not be subject to any retaliatory or disciplinary action;*



1       (c) *A description of the training program prescribed pursuant*  
2 *to section 9 of this act that an employee must complete to become*  
3 *a diabetes care aide; and*

4       (d) *A statement that an employee who serves as a diabetes care*  
5 *aide is entitled to the immunity set forth in section 32 of this act;*

6       2. *An employee who volunteers pursuant to subsection 1 must*  
7 *participate in and complete the training program prescribed*  
8 *pursuant to section 9 of this act to become a diabetes care aide.*

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

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

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

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

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

32       (b) *Provide written notice to each employee of the private*  
33 *school pursuant to section 25 of this act seeking a volunteer to*  
34 *serve as a diabetes care aide at the school;*

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

37       (d) *Upon determining that the private school has a school*  
38 *nurse or a diabetes care aide to accommodate the request, approve*  
39 *the request and notify the parent or legal guardian of the pupil of*  
40 *the approval and the requirements of section 27 of this act.*

41       **Sec. 27.** *The parent or legal guardian of a pupil with*  
42 *diabetes, upon receiving approval of a request pursuant to section*  
43 *26 of this act, shall submit to the principal or other person in*  
44 *charge of the private school:*

45       1. *The diabetes management plan of the pupil; and*



2. 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 school nurse and diabetes care aide to provide assistance to the pupil to 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; and

(b) 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 principal or other person in charge of the private school, upon receiving the authorization and the diabetes management plan of a pupil with diabetes pursuant to section 27 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 school nurse or a diabetes care aide is available 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 plan of the pupil.

4. Ensure that the school nurse or a diabetes care aide provides the services set forth in the diabetes management plan of the pupil to care for and manage the diabetes.

**Sec. 29.** A diabetes care aide, in assisting a pupil with diabetes in accordance with the diabetes management 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 plan;



1     4. Administer insulin, glucagon or other medication to the  
2     pupil in accordance with the diabetes management plan;

3     5. Ensure that the pupil follows his or her recommended diet;  
4     and

5     6. Assist the pupil in performing any act described in this  
6     section.

7     **Sec. 30. 1.** The parent or legal guardian of a pupil with  
8     diabetes who is enrolled in a private school may submit a written  
9     request to the principal or other person in charge of the private  
10    school to allow the pupil to self-administer medication for the  
11    treatment of the diabetes and otherwise care for and manage  
12    the diabetes in accordance with the diabetes management plan of  
13    the pupil while the pupil is on the grounds of a private school,  
14    participating in an activity sponsored by a private school or on a  
15    school bus, which may include, without limitation:

16    (a) Performing blood glucose tests;

17    (b) Administering insulin, glucagon or other medication;

18    (c) Treating hypoglycemia and hyperglycemia; and

19    (d) Otherwise attending to the care and management of the  
20    diabetes.

21    2. A written request made pursuant to subsection 1 must  
22    include:

23    (a) A signed statement of a physician indicating that the pupil  
24    has diabetes and is able to self-administer the medication and  
25    otherwise care for and manage the diabetes while the pupil is on  
26    the grounds of a private school, participating in an activity  
27    sponsored by a private school or on a school bus;

28    (b) The diabetes management plan of the pupil; and

29    (c) A signed statement of the parent or legal guardian  
30    indicating that the parent or legal guardian grants permission for  
31    the pupil to self-administer the medication or otherwise care for  
32    and manage the diabetes while the pupil is on the grounds of a  
33    private school, participating in an activity sponsored by a private  
34    school or on a school bus.

35    3. Upon receipt of a written request submitted pursuant to  
36    subsection 1, the principal or other person in charge of the private  
37    school shall provide written authorization for the pupil to carry  
38    and self-administer medication and otherwise care for and  
39    manage the diabetes while the pupil is on the grounds of a private  
40    school, participating in an activity sponsored by a private school  
41    or on a school bus. The written authorization must be maintained  
42    in the files of the private school and must include, without  
43    limitation:

44    (a) The diabetes management plan of the pupil;



1       (b) *The name and purpose of the medication which the pupil is*  
2 *authorized to self-administer;*

3       (c) *The prescribed dosage and the duration of the prescription;*

4       (d) *The times at which and circumstances under which the*  
5 *medication is required or recommended to be self-administered;*

6       (e) *The side effects that may occur from the administration of*  
7 *the medication; and*

8       (f) *The name and telephone number of the physician of the*  
9 *pupil and the name and telephone number of the person to contact*  
10 *in case of a medical emergency concerning the pupil.*

11       4. *The written authorization provided pursuant to subsection*  
12 *3 is valid for 1 school year but may be revoked at any time at the*  
13 *discretion of the principal or other person in charge of the private*  
14 *school. If a parent or legal guardian submits a new written request*  
15 *that complies with subsection 2, the principal or other person in*  
16 *charge of the private school shall, except as otherwise provided in*  
17 *this subsection, renew and, if necessary, revise the written*  
18 *authorization.*

19       5. *The principal or other person in charge of the private*  
20 *school shall provide the pupil with a private area where the pupil*  
21 *may attend to the management and care of the diabetes upon*  
22 *application by the parent or legal guardian of the pupil.*

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

26       **Sec. 31.** *1. The Board shall adopt such regulations as it*  
27 *determines necessary to carry out the provisions of sections 19 to*  
28 *32, inclusive, of this act.*

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

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

41       **Sec. 33.** *NRS 632.340 is hereby amended to read as follows:*  
42 *632.340 The provisions of NRS 632.315 do not prohibit:*

43       1. *Gratuitous nursing by friends or by members of the family*  
44 *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 does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

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

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

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

9. *A diabetes care aide from assisting a pupil with diabetes in the care and management of the diabetes pursuant to the provisions of sections 3 to 17, inclusive, or sections 19 to 32, inclusive, of this act. As used in this subsection, "diabetes care aide" means an employee of a public school or a private school who has received training pursuant to section 9 of this act to provide assistance to a pupil with diabetes.*

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

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



\* S B 3 2 0 \*

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

6 ➤ As used in this subsection, "supported living arrangement  
7 services" has the meaning ascribed to it in NRS 435.3315.

8 **Sec. 34.** On or before January 1, 2014, the State Board of  
9 Education shall:

10 1. Prescribe the program of training required pursuant to  
11 section 9 of this act; and

12 2. Adopt regulations pursuant to sections 16 and 31 of this act.

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

14 1. On July 1, 2013, for the purposes of prescribing the program  
15 of training required pursuant to section 9 of this act and for adopting  
16 regulations and performing any preparatory administrative tasks  
17 necessary to carry out the provisions of this act; and

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

