

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 must not be prohibited from enrolling in a public school; requiring school nurses or, in certain circumstances, local health officers or the designees of local health officers, to prescribe training programs for employees of public and private schools who volunteer to serve as 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 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, unlicensed assistive personnel and other school personnel, the board of trustees of a school district, the governing body of a charter school, the governing body of a private school, local health officers and the designees of local health officers under certain circumstances; providing an exemption for unlicensed assistive personnel from state licensing requirements for practicing nursing in this State; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

This bill makes various changes relating to pupils with diabetes at a public school or private school. Because charter schools are defined as public schools under existing law, the provisions of this bill that apply to public schools also apply to charter schools. (NRS 385.007)

Section 8 of this bill provides that the board of trustees of a school district, the governing body of a charter school or a principal of a public school shall not: (1) prohibit any pupil with diabetes from enrolling in any public school in which the pupil would otherwise be able to 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 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 unlicensed assistive personnel if the school nurse or principal of the school, as applicable, approves a request to provide certain assistance to a pupil with diabetes pursuant to **section 10** of this bill. The training program must include certain instruction and be provided by a school nurse, 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 school nurse or the principal, as applicable, to provide a written notice to all employees of the public school seeking volunteers to serve as unlicensed assistive personnel. The notice must provide that serving as unlicensed assistive personnel is voluntary and that employees who 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 employees must complete to become 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 unlicensed assistive personnel may perform in assisting a pupil with diabetes.

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 authorizes the State Board of Education to adopt necessary regulations to carry out the provisions of **sections 3-17** of this bill.

Section 17 provides that a school nurse, unlicensed assistive personnel, other school personnel, the board of trustees of a school district, the governing body of a charter school, local health officers and the designees of local health officers are not subject to civil liability, and a school nurse, 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.



Sections 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 unlicensed assistive personnel who provide assistance to a pupil with diabetes in the care and management of the diabetes in accordance with the provisions of sections 3-17 or 19-32. Section 34 of this bill provides that any regulation adopted by the State Board of Nursing which conflicts with the provisions of this bill is void and prohibits the State Board of Nursing from adopting any regulation which conflicts with any provision of this bill or any regulation adopted pursuant to this bill.

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, ~~and~~ which is approved by the pupil's parent or guardian. ~~The~~ *Except as otherwise provided in sections 3 to 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, "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 5 to 7.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *"Individualized health plan" means the plan developed pursuant to section 11.5 of this act for a pupil with diabetes.*

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

Sec. 7. *"Provider of health care" means a person who is authorized by law to prescribe medication for the treatment of diabetes.*

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

Sec. 8. 1. *The board of trustees of a school district, the governing body of a charter school or a principal of a public school shall not:*

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

(b) Except as otherwise provided in section 10 of this act, require the parent or legal guardian of a pupil with diabetes 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 an activity sponsored by a public school or on a school bus.

2. *The provisions of this section apply regardless of whether a public school has a school nurse or unlicensed assistive personnel.*

Sec. 9. 1. *If a school nurse or, if a public school does not have a school nurse, the principal of a public school approves a*



1 *request pursuant to section 10 of this act, the school nurse or, if a*
2 *public school does not have a school nurse, the local health officer*
3 *or the local health officer's designee, shall prescribe a training*
4 *program for employees of a public school who volunteer and are*
5 *determined by the school nurse, local health officer or local health*
6 *officer's designee, as applicable, to be competent to become*
7 *unlicensed assistive personnel for pupils.*

8 2. *A training program prescribed pursuant to subsection 1*
9 *must provide instruction by the school nurse, the local health*
10 *officer or the local health officer's designee, as applicable, in*
11 *accordance with nationally recognized standards and best*
12 *practices for diabetes care, in:*

13 (a) *Recognizing the symptoms of hypoglycemia and*
14 *hyperglycemia;*

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

17 (c) *Recognizing situations that require emergency medical*
18 *assistance to be provided to a pupil; and*

19 (d) *The following, based on the individualized health plan of*
20 *the pupil:*

21 (1) *Understanding the appropriate treatment for the pupil if*
22 *the pupil's blood glucose level is not within the target range*
23 *identified in the individualized health plan;*

24 (2) *Understanding instructions set forth in the*
25 *individualized health plan concerning necessary medications;*

26 (3) *Performing blood glucose and ketone tests and*
27 *recording the results of those tests;*

28 (4) *Administering insulin, glucagon or other medication*
29 *and recording the results of the administration; and*

30 (5) *Understanding the relationship between the*
31 *recommended diet of the pupil set forth in the individualized*
32 *health plan and actions which may be taken if the recommended*
33 *diet is not followed.*

34 **Sec. 10.** 1. *A parent or legal guardian of a pupil with*
35 *diabetes may submit to the school nurse of the public school in*
36 *which the pupil is enrolled or, if the public school does not have a*
37 *school nurse, to the principal of the public school a request that*
38 *the public school assist the pupil with the care and management of*
39 *the diabetes while the pupil is on the grounds of the public school,*
40 *participating in an activity sponsored by the public school or on a*
41 *school bus.*

42 2. *Upon receipt of a request submitted pursuant to subsection*
43 *1, the school nurse or, if the public school does not have a school*
44 *nurse, the principal of the public school may provide written*
45 *notice to employees of the public school seeking volunteers to*



1 *serve as unlicensed assistive personnel at the public school. The*
2 *written notice must include, without limitation:*

3 *(a) A description of the duties of unlicensed assistive*
4 *personnel;*

5 *(b) A statement that serving as unlicensed assistive personnel*
6 *is voluntary and that employees who are not otherwise required to*
7 *provide care to pupils with diabetes and who choose not to*
8 *volunteer will not be subject to any retaliatory or disciplinary*
9 *action;*

10 *(c) A description of the training program prescribed pursuant*
11 *to section 9 of this act that employees must complete to become*
12 *unlicensed assistive personnel; and*

13 *(d) A statement that employees who serve as unlicensed*
14 *assistive personnel are entitled to the immunity set forth in section*
15 *17 of this act.*

16 *3. Employees who volunteer pursuant to subsection 2 must*
17 *participate in and complete the training program prescribed*
18 *pursuant to section 9 of this act to become unlicensed assistive*
19 *personnel.*

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

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

25 *(b) Notify the parent or legal guardian of the pupil of the*
26 *approval and the requirements of sections 11.5 and 12 of this act;*
27 *and*

28 *(c) Require the parent or legal guardian of the pupil to provide*
29 *to the school nurse or the principal, as applicable, any orders of*
30 *the pupil's provider of health care and any supplies that the school*
31 *nurse or principal determines are necessary.*

32 *5. If the public school does not have unlicensed assistive*
33 *personnel, the school nurse or the principal, as applicable, may*
34 *notify the parent or legal guardian of the pupil that the school*
35 *does not have unlicensed assistive personnel available at that time.*

36 **Sec. 11.** (Deleted by amendment.)

37 **Sec. 11.5.** *If a school nurse or, if the public school does not*
38 *have a school nurse, the principal of a public school approves a*
39 *request pursuant to section 10 of this act, the school nurse or, if*
40 *the public school does not have a school nurse, the local health*
41 *officer or the local health officer's designee shall develop an*
42 *individualized health plan for the pupil in coordination with the*
43 *pupil's parent or legal guardian. The individualized health plan*
44 *must be consistent with the diabetes treatment prescribed by the*



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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 10 of this act, shall submit to the 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 or the governing body of the charter school and provided by the school, a signed statement of the parent or legal guardian authorizing:*

1. The school nurse or unlicensed assistive personnel to provide assistance to the pupil to care for and manage the diabetes in accordance with the 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

2. The 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 public 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 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 individualized health plan of a pupil with diabetes pursuant to section 11.5 of this act, shall:*

1. Notify each employee of the public 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 to an activity sponsored by a public 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 the presence of the school nurse or 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 individualized health plan of the pupil.

4. Ensure the provisions by the school nurse or unlicensed assistive personnel of the services set forth in the individualized health plan of the pupil to care for and manage the diabetes.



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Sec. 14. *Unlicensed assistive personnel, in assisting a pupil with diabetes in accordance with the 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 individualized health plan;

4. Administer insulin, glucagon or other medication to the pupil in accordance with the 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. 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 school nurse of the public school or, if the public school does not have a school nurse, 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 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 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 public school, participating in an activity sponsored by a public school or on a school bus; and

(b) 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 public school, participating in an activity sponsored by a public school or on a school bus.

3. Upon receipt of a written request submitted pursuant to subsection 1, 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



1 *manage the diabetes while the pupil is on the grounds of a public*
2 *school, participating in an activity sponsored by a public school or*
3 *on a school bus. The written authorization must be maintained in*
4 *the files of the public school and must include, without limitation:*

5 *(a) The name and purpose of the medication which the pupil is*
6 *authorized to self-administer;*

7 *(b) The prescribed dosage and the duration of the prescription;*

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

11 *(d) The name and telephone number of the pupil's provider of*
12 *health care and the name and telephone number of the person to*
13 *contact in case of a medical emergency concerning the pupil.*

14 *4. The written authorization provided pursuant to subsection*
15 *3 is valid for 1 school year but may be revoked at any time at the*
16 *discretion of the school nurse or the principal of the school, as*
17 *applicable, upon notification of the parent or legal guardian of the*
18 *pupil. If a parent or legal guardian submits a new written request*
19 *that complies with subsection 2, the school nurse or the principal*
20 *of the school, as applicable, shall, except as otherwise provided in*
21 *this subsection, renew and, if necessary, revise the written*
22 *authorization.*

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

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

31 **Sec. 16.** *The State Board may adopt such regulations as it*
32 *determines necessary to carry out the provisions of sections 3 to*
33 *17, inclusive, of this act.*

34 **Sec. 17.** *School nurses, unlicensed assistive personnel and*
35 *other school personnel, the board of trustees of a school district,*
36 *the governing body of a charter school, local health officers and*
37 *designees of local health officers are not subject to civil liability,*
38 *and school nurses, unlicensed assistive personnel and other school*
39 *personnel and local health officers and designees of local health*
40 *officers are not subject to any disciplinary action, for any act*
41 *performed by any person in carrying out any duty or authorized*
42 *activity set forth in sections 3 to 17, inclusive, of this act, or any*
43 *regulation adopted pursuant thereto, if the act is performed in*
44 *such a manner as an ordinarily prudent person would reasonably*
45 *perform the act under similar circumstances.*



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

4 **Sec. 19.** *As used in sections 19 to 32, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 21 to 23.5, inclusive, of this act have the meanings*
7 *ascribed to them in those sections.*

8 **Sec. 20.** (Deleted by amendment.)

9 **Sec. 21.** *“Individualized health plan” means the plan*
10 *developed pursuant to section 26.5 of this act for a pupil with*
11 *diabetes.*

12 **Sec. 22.** *“Medication” means any medicine prescribed by a*
13 *provider of health care for the treatment of diabetes, including,*
14 *without limitation, insulin and glucagon.*

15 **Sec. 23.** *“Provider of health care” means a person who is*
16 *authorized by law to prescribe medication for the treatment of*
17 *diabetes.*

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

22 **Sec. 24. 1.** *If a school nurse or, if a private school does not*
23 *have a school nurse, the principal or other person in charge of the*
24 *private school approves a request pursuant to section 25 of this*
25 *act, the school nurse or, if a private school does not have a school*
26 *nurse, the local health officer or the local health officer’s designee*
27 *shall prescribe a training program for employees of a private*
28 *school who volunteer and are determined by the school nurse,*
29 *local health officer or local health officer’s designee, as*
30 *applicable, to be competent to become unlicensed assistive*
31 *personnel for pupils.*

32 **2.** *A training program prescribed pursuant to subsection 1*
33 *must provide instruction by the school nurse, the local health*
34 *officer or the local health officer’s designee, as applicable, in*
35 *accordance with nationally recognized standards and best*
36 *practices for diabetes care, in:*

37 **(a)** *Recognizing the symptoms of hypoglycemia and*
38 *hyperglycemia;*

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

41 **(c)** *Recognizing situations that require emergency medical*
42 *assistance to be provided to a pupil; and*

43 **(d)** *The following, based on the individualized health plan of*
44 *the pupil:*



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1 (1) *Understanding the appropriate treatment for the pupil if*
2 *the pupil's blood glucose level is not within the target range*
3 *identified in the individualized health plan;*

4 (2) *Understanding instructions set forth in the*
5 *individualized health plan concerning necessary medications;*

6 (3) *Performing blood glucose and ketone tests and*
7 *recording the results of those tests;*

8 (4) *Administering insulin, glucagon or other medication*
9 *and recording the results of the administration; and*

10 (5) *Understanding the relationship between the*
11 *recommended diet of the pupil set forth in the individualized*
12 *health plan and actions which may be taken if the recommended*
13 *diet is not followed.*

14 **Sec. 25. 1.** *A parent or legal guardian of a pupil with*
15 *diabetes may submit to the school nurse of the private school in*
16 *which the pupil is enrolled or, if the private school does not have a*
17 *school nurse, to the principal or other person in charge of the*
18 *private school a request that the private school assist the pupil*
19 *with the care and management of the diabetes while the pupil is on*
20 *the grounds of the private school, participating in an activity*
21 *sponsored by the private school or on a school bus.*

22 2. *Upon receipt of a request submitted pursuant to subsection*
23 *1, the school nurse or, if the private school does not have a school*
24 *nurse, the principal or other person in charge of the private*
25 *school may provide written notice to employees of the private*
26 *school seeking volunteers to serve as unlicensed assistive*
27 *personnel at the private school. The written notice must include,*
28 *without limitation:*

29 (a) *A description of the duties of unlicensed assistive*
30 *personnel;*

31 (b) *A statement that serving as unlicensed assistive personnel*
32 *is voluntary and that employees who are not otherwise required to*
33 *provide care to pupils with diabetes and who choose not to*
34 *volunteer will not be subject to any retaliatory or disciplinary*
35 *action;*

36 (c) *A description of the training program prescribed pursuant*
37 *to section 24 of this act that employees must complete to become*
38 *unlicensed assistive personnel; and*

39 (d) *A statement that employees who serve as unlicensed*
40 *assistive personnel are entitled to the immunity set forth in section*
41 *32 of this act.*

42 3. *Employees who volunteer pursuant to subsection 2 must*
43 *participate in and complete the training program prescribed*
44 *pursuant to section 24 of this act to become unlicensed assistive*
45 *personnel.*



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

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

7 (b) *Notify the parent or legal guardian of the pupil of the*
8 *approval and the requirements of sections 26.5 and 27 of this act;*
9 *and*

10 (c) *Require the parent or legal guardian of the pupil to provide*
11 *to the school nurse, principal or other person in charge of the*
12 *private school, as applicable, any orders of the pupil's provider of*
13 *health care and any supplies that the school nurse, principal or*
14 *other person in charge of the private school determines are*
15 *necessary.*

16 5. *If the private school does not have unlicensed assistive*
17 *personnel, the school nurse, principal or other person in charge of*
18 *the private school, as applicable, may notify the parent or legal*
19 *guardian of the pupil that the school does not have unlicensed*
20 *assistive personnel available at that time.*

21 Sec. 26. (Deleted by amendment.)

22 Sec. 26.5. *If a school nurse, a principal or other person in*
23 *charge of a private school approves a request pursuant to section*
24 *25 of this act, the school nurse or, if the private school does not*
25 *have a school nurse, the local health officer or the local health*
26 *officer's designee shall develop an individualized health plan for*
27 *the pupil in coordination with the pupil's parent or legal guardian.*
28 *The individualized health plan must be consistent with the*
29 *diabetes treatment prescribed by the pupil's provider of health*
30 *care and set forth the services the pupil requires to care for and*
31 *manage the diabetes.*

32 Sec. 27. *The parent or legal guardian of a pupil with*
33 *diabetes, upon receiving approval of a request pursuant to section*
34 *25 of this act, shall submit to the school nurse or, if the private*
35 *school does not have a school nurse, the principal or other person*
36 *in charge of the private school, on a form approved by the*
37 *governing body of the private school and provided by the school, a*
38 *signed statement of the parent or legal guardian authorizing:*

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



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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 private 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 development of the individualized health plan of a pupil with diabetes pursuant to section 26.5 of this act, shall:*

1. *Notify each employee who has primary responsibility for supervising the pupil 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 the presence of the school nurse or 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 individualized health plan of the pupil.*

4. *Ensure the provision by the school nurse or unlicensed assistive personnel of the services set forth in the individualized health plan of the pupil to care for and manage the diabetes.*

Sec. 29. *Unlicensed assistive personnel, in assisting a pupil with diabetes in accordance with the 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 individualized health plan;*

4. *Administer insulin, glucagon or other medication to the pupil in accordance with the 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.*



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

10 *(a) Performing blood glucose tests;*
11 *(b) Administering insulin, glucagon or other medication;*
12 *(c) Treating hypoglycemia and hyperglycemia; and*
13 *(d) Otherwise attending to the care and management of the*
14 *diabetes.*

15 2. *A written request made pursuant to subsection 1 must*
16 *include:*

17 *(a) A signed statement of the pupil's provider of health care*
18 *indicating that the pupil has diabetes and is able to self-administer*
19 *the medication and otherwise care for and manage the diabetes*
20 *while the pupil is on the grounds of a private school, participating*
21 *in an activity sponsored by a private school or on a school bus;*
22 *and*

23 *(b) A signed statement of the parent or legal guardian*
24 *indicating that the parent or legal guardian grants permission for*
25 *the pupil to self-administer the medication or otherwise care for*
26 *and manage the diabetes while the pupil is on the grounds of a*
27 *private school, participating in an activity sponsored by a private*
28 *school or on a school bus.*

29 3. *Upon receipt of a written request submitted pursuant to*
30 *subsection 1, the school nurse, principal or other person in charge*
31 *of the private school, as applicable, shall provide written*
32 *authorization for the pupil to carry and self-administer medication*
33 *and otherwise care for and manage the diabetes while the pupil is*
34 *on the grounds of a private school, participating in an activity*
35 *sponsored by a private school or on a school bus. The written*
36 *authorization must be maintained in the files of the private school*
37 *and must include, without limitation:*

38 *(a) The name and purpose of the medication which the pupil is*
39 *authorized to self-administer;*

40 *(b) The prescribed dosage and the duration of the prescription;*

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



1 (d) *The name and telephone number of the pupil's provider of*
2 *health care and the name and telephone number of the person to*
3 *contact in case of a medical emergency concerning the pupil.*

4 4. *The written authorization provided pursuant to subsection*
5 *3 is valid for 1 school year but may be revoked at any time at the*
6 *discretion of the school nurse, principal or other person in charge*
7 *of the private school, as applicable, upon notification of the parent*
8 *or legal guardian of the pupil. If a parent or legal guardian*
9 *submits a new written request that complies with subsection 2, the*
10 *school nurse, principal or other person in charge of the private*
11 *school, as applicable, shall, except as otherwise provided in this*
12 *subsection, renew and, if necessary, revise the written*
13 *authorization.*

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

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

22 **Sec. 31.** *1. The Board may adopt such regulations as it*
23 *determines necessary to carry out the provisions of sections 19 to*
24 *32, inclusive, of this act.*

25 2. *If the Board adopts regulations pursuant to this section,*
26 *the regulations must be substantially similar to the regulations*
27 *adopted by the Board pursuant to section 16 of this act.*

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

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

41 632.340 *The provisions of NRS 632.315 do not prohibit:*

42 1. *Gratuitous nursing by friends or by members of the family*
43 *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. *Unlicensed assistive personnel 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, "unlicensed assistive personnel" means employees of a public school or a private school who have received training pursuant to section 9 or 24 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



(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that 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.

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

Sec. 34. Any regulations adopted by the State Board of Nursing before July 1, 2013, which conflicts or is inconsistent with any provision of this act is void, unless the regulation is amended before January 1, 2014, to be consistent with the provisions of this act.

Sec. 35. This act becomes effective:

1. On July 1, 2013, for the purposes of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

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

