

## CHAPTER 46

( SB 103 )

AN ACT relating to diabetes, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

- (1) *The caregiver of an individual who has diabetes may administer or assist with the self-administration of the medication listed under subsection (2) of this section if the caregiver:*
  - (a) *Has been trained to administer insulin and glucagon, recognize the signs and symptoms of hypoglycemia and hyperglycemia, and take appropriate steps to respond to these symptoms by:*
    1. *A physician who is licensed under the provisions of KRS Chapter 311;*
    2. *An advanced practice registered nurse, registered nurse, or licensed practical nurse who is licensed under the provisions of KRS Chapter 314; or*
    3. *Any other health care professional with diabetes treatment within his or her scope of practice; and*
  - (b) *Has the written authorization of the health care practitioner for an individual who has diabetes. The written authorization shall contain the following information:*
    1. *The individual's name;*
    2. *The name and purpose of the medication;*
    3. *The prescribed dosage;*
    4. *The route of administration;*
    5. *The frequency with which the medication may be administered; and*
    6. *The circumstances under which the medication may be administered.*
- (2) *A caregiver of an individual who has diabetes who meets the criteria under subsection (1) of this section may administer or assist with the self-administration of:*
  - (a) *Glucagon subcutaneously, to individuals with diabetes who are experiencing hypoglycemia or other conditions noted in the health care practitioner's written statement under subsection (1)(b) of this section; and*
  - (b) *Insulin subcutaneously, through the insulin delivery method used by the individual and at the times and under the conditions noted in the health care practitioner's written statement under subsection (1)(b) of this section.*
- (3) *The written authorization required under subsection (1)(b) of this section shall be kept on file by the authorizing health care practitioner.*
- (4) *The health care practitioner or the caregiver shall inform the individual who has diabetes or the individual's guardian that the health care practitioner, the caregiver, or his or her employer shall not incur any liability as a result of any injury sustained by the individual from any reaction to any medication listed under subsection (2) of this section to treat a hypoglycemic or hyperglycemic episode or its administration, unless the injury is the result of negligence or misconduct on behalf of the health care practitioner, the caregiver, or his or her employer. The individual or guardian of the individual shall sign a written statement acknowledging that the health care practitioner, the caregiver, or his or her employer shall incur no liability except as provided in this subsection, and the individual or guardian of the individual shall hold harmless the health care practitioner, the caregiver, or his or her employer against any claims made for any reaction to any medication listed under subsection (2) of this section to treat a hypoglycemic or hyperglycemic episode or its administration if the reaction is not due to negligence or misconduct on behalf of the health care practitioner, the caregiver, or his or her employer.*
- (5) *Notwithstanding any other provision of the law to the contrary:*

- (a) *The administration of the medications listed under subsection (2) of this section by an authorized caregiver shall not constitute the practice of nursing and shall be exempt from all applicable statutory and regulatory provisions that restrict the activities that may be delegated to or performed by a person who is not a licensed health care professional; and*
- (b) *A licensed health care professional may provide training to or supervise a caregiver in the administration of the medications listed under subsection (2) of this section.*

→Section 2. Whereas current law and policy can prevent the timely and effective provision of diabetes medications to citizens of the Commonwealth that suffer from this condition an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor April 7, 2014.**