

1 AN ACT relating to undesignated glucagon.

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

3 ➔Section 1. KRS 158.832 is amended to read as follows:

4 As used in KRS 158.830 to 158.838:

- 5 (1) "Anaphylaxis" means an allergic reaction resulting from sensitization following
6 prior contact with an antigen which can be a life-threatening emergency.
7 Anaphylaxis may be triggered by, among other agents, foods, drugs, injections,
8 insect stings, and physical activity;
- 9 (2) "Bronchodilator rescue inhaler" means medication used to relieve asthma
10 symptoms or respiratory distress along with devices and device components needed
11 to appropriately administer the medication, including but not limited to disposable
12 spacers;
- 13 (3) "Medications" means all medicines individually prescribed by a health care
14 practitioner for the student that pertain to his or her asthma or are used to treat
15 anaphylaxis, including but not limited to injectable epinephrine devices or
16 bronchodilator rescue inhalers;
- 17 (4) "Health care practitioner" means a physician or other health care provider who has
18 prescriptive authority;
- 19 (5) "Self-administration" means the student's use of his or her prescribed asthma or
20 anaphylaxis medications, pursuant to prescription or written direction from the
21 health care practitioner; ~~and~~
- 22 (6) "Seizure action plan" means a written, individualized health plan designed to
23 acknowledge and prepare for the health care needs of a student diagnosed with a
24 seizure disorder that is prepared by the student's treating physician; ***and***
- 25 **(7) "Undesignated glucagon" means glucagon, either as an injectable solution or as**
26 **a nasal powder, prescribed in the name of a school.**

27 ➔Section 2. KRS 158.838 is amended to read as follows:

- 1 (1) (a) ~~[Beginning July 15, 2014,]~~The board of each local public school district and
2 the governing body of each private and parochial school or school district
3 shall have at least one (1) school employee at each school who has met the
4 requirements of KRS 156.502 on duty during the entire school day to
5 administer or assist with the self-administration of the following medication:
- 6 1. Glucagon subcutaneously to students with diabetes who are
7 experiencing hypoglycemia or other conditions noted in the health care
8 practitioner's written statement under subsection (2)(a)2. of this section;
 - 9 2. Insulin subcutaneously, through the insulin delivery method used by the
10 student and at the times and under the conditions noted in the health care
11 practitioner's written statement under subsection (2)(a)2. of this section;
12 and
 - 13 3. A seizure rescue medication or medication prescribed to treat seizure
14 disorder symptoms approved by the United States Food and Drug
15 Administration and any successor agency.
- 16 (b) For those assigned the duties under paragraph (a) of this subsection, the
17 training provided under KRS 156.502 shall include instruction in
18 administering:
- 19 1. Insulin and glucagon, as well as recognition of the signs and symptoms
20 of hypoglycemia and hyperglycemia and the appropriate steps to be
21 taken to respond to these symptoms; and
 - 22 2. Seizure medications, as well as the recognition of the signs and
23 symptoms of seizures and the appropriate steps to be taken to respond to
24 these symptoms.
- 25 (c) Any training program or guidelines adopted by any state agency for training
26 of school personnel in the diabetes care tasks covered by this section shall be
27 fully consistent with training programs and guidelines developed by the

1 American Diabetes Association. Notwithstanding any state agency
2 requirement or other law to the contrary, for purposes of this training a local
3 school district shall be permitted to use any adequate and appropriate training
4 program or guidelines for training of school personnel in the diabetes care
5 tasks covered under this section.

6 (d) Any training program or guidelines adopted by any state agency for training
7 of school personnel in the health care needs of students diagnosed with a
8 seizure disorder shall be fully consistent with best practice guidelines from
9 medical professionals with expertise in seizure treatment.

10 (2) (a) Prior to administering any of the medications listed under subsection (1)(a) of
11 this section to a student, the student's parent or guardian shall:

12 1. Provide the school with a written authorization to administer the
13 medication at school;

14 2. Provide a written statement from the student's health care practitioner,
15 which shall contain the following information:

16 a. Student's name;

17 b. The name and purpose of the medication;

18 c. The prescribed dosage;

19 d. The route of administration;

20 e. The frequency that the medication may be administered; and

21 f. The circumstances under which the medication may be
22 administered; and

23 3. Provide the prescribed medication to the school in its unopened, sealed
24 package with the label affixed by the dispensing pharmacy intact.

25 (b) In addition to the statements required in paragraph (a) of this subsection, the
26 parent or guardian of each student diagnosed with a seizure disorder shall
27 collaborate with school personnel to implement the seizure action plan. The

1 Kentucky Board of Education shall promulgate administrative regulations
2 establishing procedures for the implementation of seizure action plans.

3 (3) (a) The statements and seizure action plan required in subsection (2) of this
4 section shall be kept on file in the office of the school nurse or school
5 administrator.

6 (b) Any school personnel or volunteers responsible for the supervision or care of
7 a student diagnosed with a seizure disorder shall be given notice of the seizure
8 action plan, the identity of the school employee or employees trained in
9 accordance with subsection (1)~~(a)~~ of this section, and the method by which
10 the trained school employee or employees may be contacted in the event of an
11 emergency.

12 (4) The school district or the governing body of each private and parochial school or
13 school district shall inform the parent or guardian of the student that the school and
14 its employees and agents shall not incur any liability as a result of any injury
15 sustained by the student from any reaction to any medication listed under
16 subsection (1)(a) of this section that a parent or guardian has authorized the school
17 district to administer to a student to treat a hypoglycemic or hyperglycemic episode
18 or a seizure or its administration, unless the injury is the result of negligence or
19 misconduct on behalf of the school or its employees. The parent or guardian of the
20 student shall sign a written statement acknowledging that the school shall incur no
21 liability except as provided in this subsection, and the parent or guardian shall hold
22 harmless the school and its employees against any claims made for any reaction to
23 any medication listed under subsection (1)(a) of this section that a parent or
24 guardian has authorized the school district to administer to a student to treat a
25 hypoglycemic or hyperglycemic episode or a seizure or its administration if the
26 reaction is not due to negligence or misconduct on behalf of the school or its
27 employees.

- 1 (5) The permission for the administration of any of the medications listed under
2 subsection (1)(a) of this section shall be effective for the school year in which it is
3 granted and shall be renewed each following school year upon fulfilling the
4 requirements of subsections (2) to (4) of this section.
- 5 (6) The school nurse or school administrator shall check the expiration date monthly
6 for each medication listed under subsection (1)(a) of this section that is in the
7 possession of the school. At least one (1) month prior to the expiration date of each
8 medication, the school nurse or school administrator shall inform the parent or
9 guardian of the expiration date.
- 10 (7) Upon the written request of the parent or guardian of the student and written
11 authorization by the student's health care practitioner, a student with diabetes shall
12 be permitted to perform blood glucose checks, administer insulin through the
13 insulin delivery system the student uses, treat hypoglycemia and hyperglycemia,
14 and otherwise attend to the care and management of his or her diabetes in the
15 school setting and at school-related activities. A student shall be permitted to
16 possess on his or her person at all times necessary supplies and equipment to
17 perform these monitoring and treatment functions. Upon request by the parent or
18 student, the student shall have access to a private area for performing diabetes care
19 tasks.
- 20 (8) (a) ~~[Beginning July 15, 2014,]~~A school district shall permit a student who has
21 diabetes or a seizure disorder to attend the same school the student would
22 attend if the student did not have diabetes or a seizure disorder. Such a student
23 may only be transferred to a different school based on health care needs if the
24 individualized education program team, the Section 504 team, or, if
25 appropriate, the student's health services team, makes the determination that
26 the student's health condition requires that the student's care be provided by a
27 licensed health care professional at a different school. For the purpose of this

1 determination, the teams shall include the parent or guardian. The parent or
2 guardian may invite the student's treating physician to the team meeting and
3 the team shall consider the physician's input, whether in person or in written
4 form, when making this determination. This determination shall be based on
5 individualized factors related to the student's health conditions. A school
6 district shall not prohibit a student who has diabetes or a seizure disorder from
7 attending any school on the sole basis that:

- 8 1. The student has diabetes or a seizure disorder;
- 9 2. The school does not have a full-time school nurse; or
- 10 3. The school does not have school employees who are trained in
11 accordance with KRS 156.502 and assigned to provide care under this
12 section.

13 (b) Parents or guardians of students who have diabetes or a seizure disorder shall
14 not be required or pressured by school personnel to provide care for a student
15 with diabetes or a seizure disorder during regular school hours or during
16 school-related activities in which the student is a participant. For the purposes
17 of this paragraph, a participant is not a student who merely observes the
18 activity.

19 (9) (a) A school may maintain a supply of glucagon in any secure location that is
20 immediately accessible to a school nurse or a school employee trained in
21 accordance with subsection (1) of this section. A health care practitioner
22 may prescribe undesignated glucagon in the name of the school to be
23 maintained for use when necessary. Any supply of undesignated glucagon
24 shall be maintained in accordance with the manufacturer's instructions.

25 (b) A school nurse or a school employee trained in accordance with subsection
26 (1) of this section may administer undesignated glucagon if he or she is
27 authorized to administer undesignated glucagon by a student's seizure

1 *action plan and if the student's prescribed glucagon is not available on-site*
 2 *or has expired. Immediately after the administration of the undesignated*
 3 *glucagon, a school shall provide notice of its use to the school nurse, unless*
 4 *the school nurse was the person who administered the undesignated*
 5 *glucagon, and to the student's parent or guardian or emergency contact, if*
 6 *known, and the student's health care practitioner.*

7 *(c) This subsection shall apply to the extent that the undesignated glucagon is*
 8 *donated to a school or a school has sufficient funding to purchase the*
 9 *undesignated glucagon.*

10 *(10)* The requirements of subsections (1) to ~~*(9)*~~~~*(8)*~~ of this section shall apply only to
 11 schools that have a student enrolled who:

12 (a) Has a seizure disorder and has a seizure rescue medication or medication
 13 prescribed to treat seizure disorder symptoms approved by the United States
 14 Food and Drug Administration and any successor agency prescribed by the
 15 student's health care provider; or

16 (b) Has diabetes mellitus and has any of the medications listed under subsection
 17 (1)(a) of this section prescribed by the student's health care provider.

18 ~~*(11)*~~~~*(10)*~~ Nothing in this section shall be construed to require a school employee to
 19 consent to administer medications listed under subsection (1)(a) of this section to a
 20 student if the employee does not otherwise consent to provide the health service
 21 under KRS 156.502.

22 ~~*(12)*~~~~*(11)*~~ Notwithstanding any other provision of the law to the contrary:

23 (a) The administration of the medications listed under subsection (1)(a) of this
 24 section by school employees shall not constitute the practice of nursing and
 25 shall be exempt from all applicable statutory and regulatory provisions that
 26 restrict the activities that may be delegated to or performed by a person who is
 27 not a licensed health care professional; and

1 (b) A licensed health care professional may provide training to or supervise
2 school employees in the administration of the medications listed under
3 subsection (1)(a) of this section.