

BILL: House Bill 771
TITLE: Public and Nonpublic Schools - Student Diabetes Management Program
POSITION: OPPOSE
DATE: March 14, 2016
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 771, which would limit the scope of school health services provided by school nurses by mandating that school systems train non-nursing staff, including teachers, to administer medication to students with diabetes.

This legislation would create a new school health services program to train school employees as volunteer providers of diabetes care to students during the school day and while attending school-sponsored activities. Student diabetes management programs would be required in each school, and the bill intends for the health care to be provided as needed by trained volunteers not operating under the license and oversight of the school nurse. MABE, and the local boards we represent, are deeply concerned with the inherent risks in training and relying on non-medical staff to administer medication, and scope of the fiscal impact and legal liabilities arising from this proposal.

School system health professionals, our school health coordinators and school nurses, have raised serious objections to House Bill 771. Major areas of concern include the immense and ongoing responsibilities for recruiting volunteers; maintaining the level of skills, training, practice and supervision required to ensure the competency of these volunteers; and the complex factors that impact diabetes management such as nutritional information, glucose monitoring and analysis, and mastery of insulin pump technology.

To be clear, school health professionals including registered nurses (RNs), licensed practical nurses (LPNs) and certified medical technicians (CMTs) are committed to providing care for students with diabetes. Students with diabetes receive health care based upon the orders from doctors who have prescribed medication and a treatment plan based on the student's self-management abilities. Registered nurses then interpret and clarify and questions regarding these orders, and either administer medication or delegate that task to LPNs or CMTs who have received significant training and who are working under the authority of the RN's license. MABE's opposition to House Bill 771 is based on our support for this high standard of care.

Similar legislation was introduced in 2015 (Senate Bill 672) but not enacted. During the interim, the Department of Health and Mental Hygiene (DHMH) and Maryland State Department of Education (MSDE) held meetings and a day-long symposium on the law and state and local policies and procedures regarding meeting the health and educational needs of students with diabetes. Following these meetings, work is now underway to update the Maryland State School Health Services Guideline, "Management of Students with Diabetes Mellitus in Schools," last updated in 2006.

In addition, MABE and other stakeholders are promoting awareness about the appropriate role of the student's health plan administered by the school nurse, and the student's 504 Plan (referring to Section 504 of the Rehabilitation Act). The 504 Plan may include elements of the health plan but is intended to protect students with disabilities, including diabetes, from discrimination and ensure that educationally appropriate accommodations and resources are provided.

MABE strongly believes that the ongoing work by doctors, school nurses, DHMH and MSDE staff, and parents and advocates has confirmed the need to continuously improve the manner in which health services are provided to students with diabetes. At the same time, this work in no way demonstrates the need to diminish the professional role of school nurses, or LPNs or CMTs working under the school nurse's license, by recruiting volunteers from among other staff members to administer medication.

Therefore, MABE continues to oppose legislation which would bypass the school nurse's license and professional oversight responsibility, and require school systems to recruit and train non-medical staff to administer oral and injectable medicine to students with diabetes.

For these reasons, MABE requests an unfavorable report on House Bill 771.