



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [H.B. 264 of the 130th G.A.](#)

**Date:** October 9, 2013

**Status:** As Introduced

**Sponsor:** Reps. Wachtmann and Barnes

**Local Impact Statement Procedure Required:** Yes

**Contents:** Establishes care for students with diabetes in schools

### State Fiscal Highlights

- The Ohio Department of Education (ODE) may incur an increase in administrative costs to adopt nationally recognized guidelines for the training of school employees in diabetes care for students. These costs are not likely to be significant.

### Local Fiscal Highlights

- Schools may incur administrative costs for training staff to administer care to diabetic students. Costs will depend on the number of staff trained, the frequency of the training, and the individual who provides the training. Schools that do not have a school nurse may need to hire an outside health care professional to provide the training.
- Schools may incur minimal administrative costs for providing training to certain bus drivers and school employees in the recognition of hypoglycemia and hyperglycemia and actions to take in response to both of these medical situations.
- Schools may need to provide a financial incentive to an employee trained in diabetes care or a school nurse to meet the bill's requirement for having a trained individual on site and available during regular school hours and for all school-sponsored activities, including school-sponsored programs taking place before and after school, field trips, and extracurricular activities.

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## Detailed Fiscal Analysis

The bill establishes requirements concerning diabetes care provided to students in public (traditional school districts, community schools, college-preparatory boarding schools, and STEM schools) and chartered nonpublic schools. Specifically, the bill requires that a school ensure that all diabetic students attending their respective buildings receive appropriate diabetes care in accordance with orders signed by the treating physicians. It also authorizes a school nurse, or in the absence of a school nurse, a school employee trained in diabetes care as prescribed by the bill, to administer diabetes medication. To assist schools in providing care to diabetic students, the bill requires the Ohio Department of Education (ODE) to adopt nationally recognized training guidelines for the training of school employees in care for diabetic students. Those provisions of the bill with potential fiscal effect are discussed below in more detail.

### **ODE guidelines for diabetes care in school**

The bill requires ODE, in consultation with the Department of Health, the American Diabetes Association, and the Ohio School Nurses Association, to adopt nationally recognized guidelines for the training of school employees in diabetes care for students. The guidelines must be adopted no later than 180 days after the bill's effective date and must address several topics, including: (1) recognizing the symptoms of hypoglycemia and hyperglycemia, (2) the appropriate treatment for a student exhibiting symptoms of hypoglycemia and hyperglycemia, (3) performing blood glucose and ketone tests in accordance with a physician's orders and recording the results of those tests, and (4) administering insulin, glucagon, or other medication in accordance with a physician's orders. Development of these guidelines may increase the administrative burden of ODE. However, there are a number of free resources available that may mitigate the costs associated with this requirement.<sup>1</sup>

### **Training in schools**

#### **Diabetes care**

In order to meet the bill's requirement that schools provide care to their diabetic students, the bill requires that schools make sure they have an adequate number of employees trained in diabetes care. The training is to take place prior to the beginning of the school year, or, as needed, within 14 days of the enrollment of a student with diabetes or within 14 days of being notified by a parent that a student has been

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<sup>1</sup> For example, the Texas Diabetes Council, with assistance from numerous organizations including the American Diabetes Association, developed a report titled, *Guidelines for Training School Employees Who Are Not Licensed Healthcare Professionals* in July 2005. The document's title page also states it is related to the "Care of Elementary and Secondary School Students with Diabetes."

diagnosed with diabetes. A school nurse or, if a school does not employ a nurse, a health care professional with expertise in diabetes must provide and coordinate the original and any necessary follow-up training.

A school that enrolls a student with diabetes is likely to incur additional administrative costs to provide this training to staff who choose to be trained. Costs are likely to be dependent on the number of individuals participating in the training, the frequency of the training, and whether the school already employs a school nurse. If a school has to hire an outside professional to provide the training, the school could incur a fee for doing so. There are a number of free training resources available that may help lower any costs of providing training.<sup>2</sup>

In the event there are fewer than the adequate number of employees trained in diabetes care, the bill requires the principal of the school to issue a written notice to staff containing certain specified information. Schools that need to solicit volunteers in this manner are likely to incur some additional, negligible administrative costs.

### **Emergency training**

Schools are also required to provide to bus drivers responsible for the transportation of a diabetic student, and to all school employees who have primary responsibility for supervising a child with diabetes during the school day, training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations involving hypoglycemia and hyperglycemia. It appears that this training will be separate from the training mentioned above as it will likely involve more participants than just employees voluntarily receiving diabetes care training. However, costs for this training are likely not to exceed minimal as, again, numerous online training materials exist that could be used by schools.<sup>3</sup>

### **Availability of trained staff**

To ensure that all diabetic students receive care in their schools, the bill requires that a school nurse, or at least one school employee trained in diabetes care, be on site and available during regular school hours and at all school-sponsored activities, including school-sponsored programs taking place before and after school, field trips, and extracurricular activities. This care by trained staff also extends to busing to and from school-sponsored activities. However, the bill specifies that a school nurse or trained employee need not be on the bus if the bus driver has completed diabetes care training. For after-school and off-school property activities, a school may need to

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<sup>2</sup> For example, the U.S. Department of Health, National Institutes of Health, and Centers for Disease Control and Prevention have issued a publication titled, *Helping the Student with Diabetes Succeed: A Guide for School Personnel*, which is available on the National Diabetes Education Program website. Also, the American Diabetes Association provides at no cost a training curriculum consisting of PowerPoint slides and video titled, *Diabetes Care Tasks at School: What Key Personnel Need to Know*.

<sup>3</sup> A search for "recognizing and treating hyperglycemia in schools" on the American Diabetes Association's website shows results for several documents.

provide an additional financial incentive to a trained employee to meet the bill's requirement.

### **Immunity from liability**

The bill states that any physician, nurse, school, or school employee is not liable for any civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of participating in any of the bill's activities if an ordinarily reasonably prudent person would have acted in the same manner under similar circumstance. Unless a person or school conducts an action that exceeds this threshold, they cannot be sued for civil damages for performing duties under the bill.

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