



Ninety-Ninth Legislature - Second Session - 2006
Committee Statement
LB 1107

Hearing Date: February 15, 2006
Committee On: Health and Human Services

Introducer(s): (Thompson)
Title: Permit students to self-manage diabetes at schools and related activities

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senator Jensen, Byars, Cunningham, Erdman, Johnson, Stuthman and Howard
	No	
	Present, not voting	
	Absent	

Proponents:

Senator Thompson
Sharon Moran
Mark Stubbs
Melissa Vap Kubicka
Sarah Swanson
Rene Dreiling
Patrick McPherson
Jerome Townsend
Darcie Warner
Bruce Beins
Jess Wolf

Representing:

Introducer
Omaha Public Schools
American Diabetes Association
Self
Self
American Diabetes Association
Self
Self
Self
Nebraska Emergency Medical Services
Nebraska State Education Association

Opponents:

Representing:

Neutral:

John Bonaiuto

Representing:

Nebraska School Boards Association

Summary of purpose and/or changes: LB 1107 relates to the self-management of diabetes by students.

The bill requires school districts to “allow a student with diabetes to possess and administer the necessary medical supplies to self-manage his or her diabetic condition while attending school or a school-related activity, upon the written request of the student’s parent or guardian and with authorization of the student’s licensed health care provider.”

Upon receiving such request and authorization, the bill requires the development of a diabetes medical management plan by the school district and the student’s parent or guardian. The plan must “(a) identify the health care services the student may receive at school, (b) evaluate the student’s ability to manage and his or her level of understanding of his or her diabetes, and (c) be signed by the student’s parent or guardian and the physician responsible for the student’s diabetic treatment.”

Students would be permitted to self-manage their diabetic condition in the classroom, in any area of the school or school grounds, during any school-related activity, and in a private location (upon request of the parent or guardian).

A school district may prohibit a student from possessing and administering diabetic medical supplies if the school district determines that the student “has endangered himself, herself, or others through the misuse of such medical supplies.”

The bill requires the parent or guardian to sign a statement acknowledging that “(a) The school district and its employees and agents are not liable for an injury arising from a student’s self-management of his or her diabetic condition; and (b) The parent or guardian shall indemnify and hold harmless the district and its employees and agents against a claim arising from a student’s self-management of his or her diabetic condition.”

Explanation of amendments, if any: The committee amendment (AM 2615) becomes the bill. The amendment requires both public and private schools to allow students with diabetes to possess and administer necessary diabetic medical supplies and self-manage their diabetic condition upon receipt of (1) a written request of the student’s parent or guardian, (2) authorization of the student’s health care provider, and (3) a signed statement from the parent or guardian (a) absolving the school and its employees and agents of liability for any injury or death arising from a student’s self-management of his or her diabetic condition and (b) indemnifying and holding harmless the school and its employees and agents against any claim arising from a student’s self-management of his or her diabetic condition.

The school and the student’s parent or guardian must develop a diabetes medical management plan for the student for the current school year. The plan must (a) identify the health care services the student may receive at school relating to their diabetic condition, (b) evaluate the student’s understanding of and ability to self-manage their diabetic condition, (c) permit regular monitoring of the student’s self-management of his or her diabetic condition by an appropriately credentialed health care professional, and (d) be signed by the student’s parent or guardian and the licensed health care provider responsible for treatment of the student’s diabetic condition. The school may consult with a registered nurse or other health care professional employed by the school during development of the plan.

The plan and the signed statement provided by the parent or guardian must be kept on file at the school where the student is enrolled.

Pursuant to the diabetes medical management plan, a student with a diabetic condition will be permitted to self-manage their diabetic condition in the classroom or any part of the school or on school grounds, during any school-related activity, or in any private location specified in the plan.

A school may prohibit a student from possessing the necessary medical supplies to self-manage his or her diabetic condition or place other necessary and appropriate restrictions or conditions on the student's self-management of his or her diabetic condition if the school determines that the student has endangered himself, herself, or others through the misuse or threatened misuse of such medical supplies. The school must promptly notify the parent or guardian of any prohibition, restriction, or condition imposed.

If a student for whom a diabetes medical management plan has been developed injures school personnel or another student as the result of the misuse of necessary diabetic medical supplies, the parent or guardian of the student for whom the plan has been developed will be responsible for any and all costs associated with the injury.

Senator Jim Jensen, Chairperson