

THE CALIFORNIA SUPREME COURT DECISION ON STUDENTS WITH DIABETES: WHAT DIABETES HEALTH CARE PROVIDERS NEED TO KNOW



Kids win! That's the final word in the American Diabetes Association's eight year legal battle to ensure California students with diabetes have access to the care they need to be Safe at School.

In August 2013, a unanimous California Supreme Court ruled that California state law allows trained school staff members who are not licensed health care professionals to administer insulin to students with diabetes. Before the court's decision, many schools allowed only a school nurse to administer insulin. With just one school nurse for every 2200 California students, there often wasn't a nurse available when a child needed insulin.

More information about the history of the lawsuit and information for California families may be found at www.diabetes.org/caschoollitigation

CALIFORNIA SCHOOLS MUST ADMINISTER INSULIN. The Court stated federal law requires schools to administer insulin and provide other diabetes care to students in order to provide a "free appropriate public education". Schools must provide these services at no cost to the parent/guardian and cannot require the parent/guardian to go to school to provide care. Health care providers cannot be required to change a patient's insulin type or regimen in order to avoid or lessen the need for insulin administration at school.

SCHOOL STAFF MAY ADMINISTER INSULIN. The decision makes it clear that non-nurse school staff members such as principals, teachers, and secretaries can administer insulin. Many schools already have health aides and other staff who provide health care to students. In other states, school staff members – many of whom have relatives with diabetes or other experience with the disease – have been willing to step up and be trained to help students with diabetes. Schools should not require any staff member to take on this task, but the school is responsible for identifying and designating someone to give insulin and provide other diabetes care to your patients.

GLUCAGON. California law specifically provides that glucagon may be administered by trained school personnel who are not licensed health care professionals. The court's decision does not change this.

SELF-MANAGEMENT. California law specifically allows capable students to self-manage their diabetes and carry their supplies at school and at all school-related events. The court's decision does not change this, and students who are capable of administering their own insulin are allowed to do so.

TRAINING. It is the school's responsibility to coordinate and provide training for its staff. Many times the school nurse provides training, but your practice may be asked to help. In some cases, the school may allow the parent/guardian to participate in the training. The American Diabetes Association has free training resources that you can download at www.diabetes.org/schooltraining.

WHAT YOU CAN DO TO HELP:

- Be sure your patients have current physician's written orders or a Diabetes Medical Management Plan that includes details about all care your patient needs at school and school-sponsored activities. If your patient needs school staff to administer insulin, make sure the orders specify in detail when insulin is to be administered and how to calculate the proper dose. The orders should be clear that insulin may be needed both at predictable times (like meals and snacks) and unpredictable times (to treat hyperglycemia). Because the court found that school staff may administer insulin to students when done in accordance with a physician's written statement, include physician authorization of insulin administration by non-medical school staff where applicable.
- Talk to your patient's parents/guardians at each visit about whether their child's school is providing adequate diabetes care. Ask who is available to administer insulin and glucagon to their child. Be proactive in finding out if there are problems you can help address, rather than waiting for parents to bring problems to your attention.
- Provide parents/guardians with general information about diabetes and the best model of school diabetes care, and give them resources to share with their child's school including materials and information included with the Association's free Safe at School Toolkit for health care professionals. To order the toolkit, visit shopdiabetes.org and search for item number 3093-100.
- Be a resource for training at your patients' schools. Many times school nurses need help to train school personnel about diabetes management and specific care tasks such as insulin and glucagon administration. You can help ensure school staff members are well-prepared to provide needed care to your patients.

GETTING HELP FOR YOUR PATIENTS.

Do you have questions about the court's decision, your patients' rights at school, or what you should do to keep your patients safe at school? Contact us at 1-800-DIABETES (342-2382) or email a Legal Advocate at LegalAdvocate@diabetes.org. California school specific information can be found at www.diabetes.org/caschoollitigation.

Want to help the American Diabetes Association make sure students with diabetes get the care they need and all patients with diabetes are treated fairly? To learn more and register for the Association's Health Care Professional Legal Advocacy Network go to diabetes.org/PatientRights.