

By: Representative Bennett

To: Education

HOUSE BILL NO. 1044

1 AN ACT TO CREATE THE DIABETES CARE FOR MISSISSIPPI STUDENTS  
2 ACT; TO REQUIRE EACH SCHOOL TO PROVIDE EFFECTIVE CARE IN THE  
3 SCHOOL SETTING FOR STUDENTS WITH DIABETES THROUGH THE  
4 IMPLEMENTATION OF DIABETES MEDICAL MANAGEMENT PLANS EFFECTIVE WITH  
5 THE SCHOOL YEAR BEGINNING AUGUST 2019; REQUIRE THE STATE  
6 DEPARTMENT OF EDUCATION AND THE STATE DEPARTMENT OF HEALTH TO  
7 DEVELOP THE TRAINING PROGRAM AND GUIDELINES TO BE USED BY SCHOOL  
8 NURSES AND OTHER DESIGNATED SCHOOL EMPLOYEES ON MONITORING THE  
9 BLOOD GLUCOSE LEVELS OF STUDENTS AFFECTED BY DIABETES AND  
10 ADMINISTERING THE APPROPRIATE CARE TO THOSE STUDENTS; TO PROVIDE  
11 PERSONAL AND CIVIL LIABILITY TO SUCH EMPLOYEES UNDER THE  
12 MISSISSIPPI TORT CLAIMS ACT; TO REQUIRE THE DEPARTMENTS TO SUBMIT  
13 A COPY OF THE TRAINING PROGRAM AND GUIDELINES TO THE CHAIRMEN OF  
14 CERTAIN HOUSE AND SENATE LEGISLATIVE COMMITTEES ON OR BEFORE  
15 DECEMBER 1, 2018; TO AMEND SECTIONS 37-14-3 AND 41-79-5,  
16 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING  
17 PROVISIONS; AND FOR RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** This act may be known and cited as the "Diabetes  
20 Care for Mississippi Students Act."

21 **SECTION 2.** (1) The Legislature of the State of Mississippi  
22 finds that:

23 (a) Diabetes is a serious, chronic disease that impairs  
24 the body's ability to use food.



25           (b) Diabetes must be managed twenty-four (24) hours a  
26 day in order to avoid the potentially life-threatening short-term  
27 consequences of blood glucose levels that are either too high  
28 (hyperglycemia) or too low (hypoglycemia), and to avoid or delay  
29 the serious long-term complications of high blood glucose which  
30 include blindness, amputation, heart disease and kidney failure.

31           (c) In order to manage their disease, students with  
32 diabetes must have access to the means to balance food,  
33 medications and physical activity level while at school and at  
34 school-related activities.

35           (2) Based on the findings in subsection (1) of this section,  
36 the purposes of this act are to:

37           (a) Allow students with diabetes, who are able to  
38 perform their diabetes care tasks, the ability to perform these in  
39 the school setting; and

40           (b) Recognize that not all students with diabetes are  
41 capable of performing their own diabetes care tasks because of  
42 age, inexperience or other factors, and will need assistance from  
43 the school nurse or other school personnel who have completed  
44 training in diabetes care tasks.

45           **SECTION 3.** As used in this act, the following terms shall  
46 have meanings ascribed in the section, unless context clearly  
47 requires otherwise:



48 (a) "School" means any public primary or secondary  
49 school, charter school or nonpublic school accredited or approved  
50 by the State Board of Education.

51 (b) "School employee" means any person employed by a  
52 public school district, charter school or nonpublic school  
53 accredited or approved by the State Board of Education.

54 (c) "Diabetes Medical Management Plan" means a document  
55 developed by the student's personal licensed healthcare provider  
56 that details the health services needed by the student at school  
57 and is signed by the student's personal licensed healthcare  
58 provider and parent or guardian.

59 **SECTION 4.** Effective with the school year beginning in  
60 August 2019, all children diagnosed with diabetes shall be cared  
61 for effectively in the school setting through the use of a  
62 Diabetes Medical Management Plan, which allows for individually  
63 customized health services for each student diagnosed with  
64 diabetes in accordance with the plan of care created by the  
65 student's personal licensed healthcare provider, which can be used  
66 in the school setting. The plan shall require diabetes training  
67 programs for school nurses and other school employees who  
68 volunteer for the function of monitoring the blood glucose levels  
69 of students enrolled in the school who are affected by diabetes  
70 and administering the appropriate care for those students  
71 consistent with the plan of care provided by the healthcare  
72 provider. The training program and guidelines shall be developed



73 by the State Department of Education and the State Department of  
74 Health, in consultation with any appropriate persons, associations  
75 or agencies.

76 **SECTION 5.** Once developed, a copy of the training program  
77 and guidelines shall be delivered to the chairmen of the House and  
78 Senate Education Committees, the House Public Health and Human  
79 Services Committee and the Senate Public Health and Welfare  
80 Committee on or before December 1, 2018. In addition to the  
81 regulations promulgated to implement this act, the report shall  
82 include recommendations for any changes in state law needed to  
83 effectuate the purposes and intent of this act and to provide  
84 personal and civil liability protection for school personnel under  
85 the Mississippi Tort Claims Act.

86 **SECTION 6.** Section 37-14-3, Mississippi Code of 1972, is  
87 amended as follows:

88 37-14-3. (1) The State Department of Education is  
89 designated as the state agency responsible for the administration  
90 and supervision of the school nurse program as an education and  
91 wellness curriculum in the public schools of the State of  
92 Mississippi. The public school nurse program administered by the  
93 State Department of Education shall be known and may be cited as  
94 the "Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse  
95 Program." It is the intent of the Legislature that all funds made  
96 available to the State Department of Education for the purpose of



97 employing school nurses shall be administered by the State  
98 Department of Education.

99 (2) The State Department of Education, through the Office of  
100 Healthy Schools, shall develop standards, procedures and criteria  
101 for the public school nurse programs in Kindergarten through Grade  
102 12. The Office of Healthy Schools of the State Department of  
103 Education shall assume the responsibility for promoting a  
104 statewide school nurse program designed to prepare local school  
105 districts to incorporate the school program into their local  
106 educational programs.

107 (3) From and after July 1, 2007, the School Nurse  
108 Intervention Program administered and funded by the State  
109 Department of Health shall be transferred to the Office of Healthy  
110 Schools of the State Department of Education. Any administrative  
111 personnel employed by the State Department of Health for the  
112 administration of school nurses under the School Nurse  
113 Intervention Program may be considered for employment by the  
114 Office of Healthy Schools of the State Department of Education for  
115 the purpose of coordinating the employment of school nurses in the  
116 school districts. Any administrative personnel formerly employed  
117 by the Partnership for a Healthy Mississippi, Inc., for the  
118 administration of school nurses in the public schools may be  
119 considered for employment by the Office of Healthy Schools of the  
120 State Department of Education for the purpose of coordinating the  
121 employment of school nurses in the school districts. All records



122 and unexpended balances of accounts in the School Nurse  
123 Intervention Program relating to the employment of school nurses  
124 shall be transferred to the Office of Healthy Schools in the State  
125 Department of Education in accordance with the transfer of  
126 responsibility under this chapter.

127 (4) The nurses in the Mary Kirkpatrick Haskell-Mary  
128 Sprayberry Public School Nurse Program shall have the following  
129 specific responsibilities:

130 (a) Serve as the coordinator of the health services  
131 program and provide nursing care;

132 (b) Provide health education to students;

133 (c) Implement activities to promote health and prevent  
134 tobacco, alcohol and substance use and abuse;

135 (d) Identify health and safety concerns in the school  
136 environment and promote a nurturing social environment;

137 (e) Administer medications and help students manage  
138 their health problems;

139 (f) Support healthy food services programs;

140 (g) Promote healthy physical education, sports policies  
141 and practices;

142 (h) Promote dropout prevention programs; \* \* \*

143 (i) Participate in allied health programs to introduce  
144 students to health careers \* \* \*; and

145 (j) Facilitate the implementation of the Diabetes

146 Medical Management Plan authorized under Sections 1 through 5 of



147 this act for each public school or nonpublic school accredited or  
148 approved by the State Board of Education.

149 (5) The Office of Healthy Schools of the State Department of  
150 Education shall provide resources to all public school nurses so  
151 that those schools with school nurses will be prepared to provide  
152 health education in Mississippi schools and support the  
153 Mississippi Comprehensive Health Framework, Mississippi Physical  
154 Education Framework, Wellness Policy, coordinated approach to  
155 school health, and other resources required by the State Board of  
156 Education.

157 (6) In administering the Mary Kirkpatrick Haskell-Mary  
158 Sprayberry Public School Nurse Program, the Office of Healthy  
159 Schools of the State Department of Education shall perform the  
160 following duties:

161 (a) Execute any contracts, agreements or other  
162 documents with any governmental agency or any person, corporation,  
163 association, partnership or other organization or entity that are  
164 necessary to accomplish the purposes of this chapter;

165 (b) Receive grants or any other contributions made to  
166 the State Board of Education to be used for specific purposes  
167 related to the goals of this chapter;

168 (c) Submit to the State Auditor any financial records  
169 that are necessary for the Auditor to perform an annual audit of  
170 the commission as required by law;



171 (d) Adopt any rules or regulations that are necessary  
172 to carry out the purposes of this chapter;

173 (e) Develop criteria to measure the effectiveness of a  
174 school nurse;

175 (f) Communicate to superintendents and principals how  
176 to maximize the effectiveness of a public school nurse;

177 (g) Develop recommended salary structure for school  
178 districts to use when hiring a school nurse;

179 (h) Communicate to superintendents, principals and  
180 other appropriate school officials regarding the statutes and  
181 regulations prohibiting the use of tobacco by school personnel on  
182 school property and at school events, and to monitor the  
183 effectiveness of this ban;

184 (i) Implement policies to reduce unnecessary paperwork  
185 by public school nurses;

186 (j) Take any other actions that are necessary to carry  
187 out the purposes of this chapter.

188 **SECTION 7.** Section 41-79-5, Mississippi Code of 1972, is  
189 amended as follows:

190 41-79-5. (1) There is hereby established within the State  
191 Department of Health a school nurse intervention program,  
192 available to all public school districts in the state.

193 (2) By the school year 1998-1999, each public school  
194 district shall have employed a school nurse, to be known as a  
195 Health Service Coordinator, pursuant to the school nurse





196 intervention program prescribed under this section. The school  
197 nurse intervention program shall offer any of the following  
198 specific preventive services, and other additional services  
199 appropriate to each grade level and the age and maturity of the  
200 pupils:

201 (a) Reproductive health education and referral to  
202 prevent teen pregnancy and sexually transmitted diseases, which  
203 education shall include abstinence;

204 (b) Child abuse and neglect identification;

205 (c) Hearing and vision screening to detect problems  
206 which can lead to serious sensory losses and behavioral and  
207 academic problems;

208 (d) Alcohol, tobacco and drug abuse education to reduce  
209 abuse of these substances;

210 (e) Scoliosis screening to detect this condition so  
211 that costly and painful surgery and lifelong disability can be  
212 prevented;

213 (f) Coordination of services for handicapped children  
214 to ensure that these children receive appropriate medical  
215 assistance and are able to remain in public school;

216 (g) Nutrition education and counseling to prevent  
217 obesity and/or other eating disorders which may lead to  
218 life-threatening conditions, for example, hypertension;

219 (h) Early detection and treatment of head lice to  
220 prevent the spread of the parasite and to reduce absenteeism;



221 (i) Emergency treatment of injury and illness to  
222 include controlling bleeding, managing fractures, bruises or  
223 contusions and cardiopulmonary resuscitation (CPR);

224 (j) Applying appropriate theory as the basis for  
225 decision making in nursing practice;

226 (k) Establishing and maintaining a comprehensive school  
227 health program;

228 (l) Developing individualized health plans;

229 (m) Assessing, planning, implementing and evaluating  
230 programs and other school health activities, in collaboration with  
231 other professionals;

232 (n) Providing health education to assist students,  
233 families and groups to achieve optimal levels of wellness;

234 (o) Participating in peer review and other means of  
235 evaluation to assure quality of nursing care provided for students  
236 and assuming responsibility for continuing education and  
237 professional development for self while contributing to the  
238 professional growth of others;

239 (p) Participating with other key members of the  
240 community responsible for assessing, planning, implementing and  
241 evaluating school health services and community services that  
242 include the broad continuum or promotion of primary, secondary and  
243 tertiary prevention; \* \* \*



244 (q) Contributing to nursing and school health through  
245 innovations in theory and practice and participation in  
246 research \* \* \*; and

247 (r) Facilitating the implementation of the Diabetes  
248 Medical Management Plan authorized under Sections 1 through 5 of  
249 this for each public school or nonpublic school accredited or  
250 approved by the State Board of Education.

251 (3) Public school nurses shall be specifically prohibited  
252 from providing abortion counseling to any student or referring any  
253 student to abortion counseling or abortion clinics. Any violation  
254 of this subsection shall disqualify the school district employing  
255 such public school nurse from receiving any state administered  
256 funds under this section.

257 (4) Repealed.

258 (5) Beginning with the 1997-1998 school year, to the extent  
259 that federal or state funds are available therefor and pursuant to  
260 appropriation therefor by the Legislature, in addition to the  
261 school nurse intervention program funds administered under  
262 subsection (4), the State Department of Health shall establish and  
263 implement a Prevention of Teen Pregnancy Pilot Program to be  
264 located in the public school districts with the highest numbers of  
265 teen pregnancies. The Teen Pregnancy Pilot Program shall provide  
266 the following education services directly through public school  
267 nurses in the pilot school districts: health education sessions  
268 in local schools, where contracted for or invited to provide,



269 which target issues including reproductive health, teen pregnancy  
270 prevention and sexually transmitted diseases, including syphilis,  
271 HIV and AIDS. When these services are provided by a school nurse,  
272 training and counseling on abstinence shall be included.

273 (6) In addition to the school nurse intervention program  
274 funds administered under subsection (4) and the Teen Pregnancy  
275 Pilot Program funds administered under subsection (5), to the  
276 extent that federal or state funds are available therefor and  
277 pursuant to appropriation therefor by the Legislature, the State  
278 Department of Health shall establish and implement an Abstinence  
279 Education Pilot Program to provide abstinence education,  
280 mentoring, counseling and adult supervision to promote abstinence  
281 from sexual activity, with a focus on those groups which are most  
282 likely to bear children out of wedlock. Such abstinence education  
283 services shall be provided by the State Department of Health  
284 through its clinics, public health nurses, school nurses and  
285 through contracts with rural and community health centers in order  
286 to reach a larger number of targeted clients. For purposes of  
287 this subsection, the term "abstinence education" means an  
288 educational or motivational program which:

289 (a) Has as its exclusive purpose, teaching the social,  
290 psychological and health gains to be realized by abstaining from  
291 sexual activity;

292 (b) Teaches abstinence from sexual activity outside  
293 marriage as the expected standard for all school-age children;



294 (c) Teaches that abstinence from sexual activity is the  
295 only certain way to avoid out-of-wedlock pregnancy, sexually  
296 transmitted diseases and other associated health problems;

297 (d) Teaches that a mutually faithful monogamous  
298 relationship in context of marriage is the expected standard of  
299 human sexual activity;

300 (e) Teaches that sexual activity outside of the context  
301 of marriage is likely to have harmful psychological and physical  
302 effects;

303 (f) Teaches that bearing children out of wedlock is  
304 likely to have harmful consequences for the child, the child's  
305 parents and society;

306 (g) Teaches young people how to reject sexual advances  
307 and how alcohol and drug use increase vulnerability to sexual  
308 advances; and

309 (h) Teaches the importance of attaining  
310 self-sufficiency before engaging in sexual activity.

311 (7) Beginning with the 1998-1999 school year and pursuant to  
312 appropriation therefor by the Legislature, in addition to other  
313 funds allotted under the minimum education program, each school  
314 district shall be allotted an additional teacher unit per every  
315 one hundred (100) teacher units, for the purpose of employing  
316 qualified public school nurses in such school district, which in  
317 no event shall be less than one (1) teacher unit per school  
318 district, for such purpose. In the event the Legislature provides



319 less funds than the total state funds needed for the public school  
320 nurse allotment, those school districts with fewer teacher units  
321 shall be the first funded for such purpose, to the extent of funds  
322 available.

323 (8) Prior to the 1998-1999 school year, nursing staff  
324 assigned to the program shall be employed through the local county  
325 health department and shall be subject to the supervision of the  
326 State Department of Health with input from local school officials.  
327 Local county health departments may contract with any  
328 comprehensive private primary health care facilities within their  
329 county to employ and utilize additional nursing staff. Beginning  
330 with the 1998-1999 school year, nursing staff assigned to the  
331 program shall be employed by the local school district and shall  
332 be designated as "health service coordinators," and shall be  
333 required to possess a bachelor's degree in nursing as a minimum  
334 qualification.

335 (9) Upon each student's enrollment, the parent or guardian  
336 shall be provided with information regarding the scope of the  
337 school nurse intervention program. The parent or guardian may  
338 provide the school administration with a written statement  
339 refusing all or any part of the nursing service. No child shall  
340 be required to undergo hearing and vision or scoliosis screening  
341 or any other physical examination or tests whose parent objects  
342 thereto on the grounds such screening, physical examination or  
343 tests are contrary to his sincerely held religious beliefs.



344 (10) A consent form for reproductive health education shall  
345 be sent to the parent or guardian of each student upon his  
346 enrollment. If a response from the parent or guardian is not  
347 received within seven (7) days after the consent form is sent, the  
348 school shall send a letter to the student's home notifying the  
349 parent or guardian of the consent form. If the parent or guardian  
350 fails to respond to the letter within ten (10) days after it is  
351 sent, then the school principal shall be authorized to allow the  
352 student to receive reproductive health education. Reproductive  
353 health education shall include the teaching of total abstinence  
354 from premarital sex and, wherever practicable, reproductive health  
355 education should be taught in classes divided according to gender.  
356 All materials used in the reproductive health education program  
357 shall be placed in a convenient and easily accessible location for  
358 parental inspection. School nurses shall not dispense birth  
359 control pills or contraceptive devices in the school. Dispensing  
360 of such shall be the responsibility of the State Department of  
361 Health on a referral basis only.

362 (11) No provision of this section shall be construed as  
363 prohibiting local school districts from accepting financial  
364 assistance of any type from the State of Mississippi or any other  
365 governmental entity, or any contribution, donation, gift, decree  
366 or bequest from any source which may be utilized for the  
367 maintenance or implementation of a school nurse intervention  
368 program in a public school system of this state.



369           **SECTION 8.** This act shall take effect and be in force from  
370 and after July 1, 2018.

