COMMITTEE REPORT

April 15, 2021

**H. 3336**

Introduced by Reps. G.M. Smith, Atkinson, Forrest, Caskey and Erickson

S. Printed 4/15/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3336) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑33‑45 so as to allow volunteer school personnel who have been trained by, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill allows trained volunteer school personnel to administer glucagon or insulin, or both, to a student who is diagnosed with diabetes. A licensed registered nurse employed by a school district or other health care professional must annually train volunteer school personnel designated as care providers to administer glucagon or insulin, or both, to a student with diabetes. The parent or guardian of a student with diabetes must sign an authorization to allow the administration of glucagon or insulin, or both, to the student by volunteer school personnel. A school district must strive to achieve certain staffing ratios for students with diabetes at each public school. A school district must not require a parent or guardian of a student with diabetes to provide diabetes care at school or a school-related activity. A school district, an employee of a school district, or an agent of a school district, including a health care professional who trained volunteer school personnel are not liable for any damages resulting from actions or inactions taken in good faith pursuant to this bill. The Board of Nursing and the State Board of Education must promulgate regulations necessary to implement and administer the provisions of this bill.

**State Department of Education.** SDE indicates that this bill requires the agency to perform activities that will be conducted in the normal course of business. Therefore, this bill will have no expenditure impact on SDE in FY 2021-22.

**State Agency Schools.** The Governor’s School for the Arts and Humanities indicates that this bill will have no direct impact on the agency. However, the agency expressed a concern with the potential for an increase in liability insurance premiums, but the amount could not be quantified at this time. The Wil Lou Gray Opportunity School and the Governor’s School for Science and Mathematics indicate that this bill will have no expenditure impact since both schools currently have registered nurses that can administer these medications. Based upon these responses, we do not anticipate that this bill will have a direct expenditure impact on the Governor’s School for Agriculture at John de la Howe or the School for the Deaf and Blind. Therefore, this bill will have no direct expenditure impact on the state agency schools in FY 2021-22.

**Department of Labor, Licensing and Regulation.** This bill makes changes to the Nurse Practice Act. The practice of nursing is regulated by the Board of Nursing, which is under the administration of LLR. This bill requires the board to promulgate regulations pertaining to these changes. LLR indicates that this is part of the normal activities of the board. Therefore, this bill will have no expenditure impact on LLR or the Board of Nursing.

**Local Expenditure**

This bill allows trained volunteer school personnel to administer glucagon or insulin, or both, to a student who is diagnosed with diabetes. A licensed registered nurse employed by a school district or other health care professional must annually train volunteer school personnel designated as care providers to administer glucagon or insulin, or both, to a student with diabetes. The parent or guardian of a student with diabetes must sign an authorization to allow the administration of glucagon or insulin, or both, to the student by volunteer school personnel. A school district must strive to achieve certain staffing ratios for students with diabetes at each public school. A school district must not require a parent or guardian of a student with diabetes to provide diabetes care at school or a school-related activity. A school district, an employee of a school district, or an agent of a school district, including a health care professional who trained volunteer school personnel are not liable for any damages resulting from actions or inactions taken in good faith pursuant to this bill. The Board of Nursing and the State Board of Education must promulgate regulations necessary to implement and administer the provisions of this bill.

SDE indicates that this bill will have no direct impact on local school districts in FY 2021-22. However, some school districts expressed concerns with the potential for an increase in liability insurance premiums. Also, some districts emphasized concern with a potential loss in Medicaid revenue that would result because the services performed by a volunteer could not be billed to Medicaid.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑33‑45 SO AS TO ALLOW VOLUNTEER SCHOOL PERSONNEL WHO HAVE BEEN TRAINED BY A REGISTERED NURSE TO ADMINISTER GLUCAGON, INSULIN, OR BOTH TO CERTAIN STUDENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 33, Title 40 of the 1976 Code is amended by adding:

“Section 40‑33‑45. (A) Nothing in this chapter prohibits the administration of glucagon, insulin, or both to a student who is diagnosed with diabetes by trained volunteer school personnel designated as care providers in a health plan that covers diabetes management and is based on the orders of a treating physician, who have been trained by a licensed registered nurse employed by a school district or other health care professional to administer glucagon, insulin, or both to a child with diabetes in an emergency situation.

(B)(1) A licensed registered nurse employed by a school district or other health care professional annually shall train volunteer school personnel designated as care providers in a health plan of a student submitted pursuant to subsection (A) to administer glucagon, insulin, or both to a student with diabetes.

(2) If a parent or guardian of a student with diabetes chooses to have care provided by a care provider, the parent or guardian of a student with diabetes shall sign an authorization to allow the administration of glucagon, insulin, or both to the student by volunteer school personnel designated as care providers who must be incorporated into the health plan of a student submitted pursuant to subsection (A).

(3) The school district shall maintain a copy of the health plan provided pursuant to subsection (A), a list of volunteer school personnel who are designated as care providers and trained to administer glucagon, insulin, or both and a copy of the parent’s or guardian’s signed authorization.

(4) The health plan provided pursuant to subsection (A) may be incorporated into a student’s 504 Plan or may be a separate health plan addressing diabetes management.

(C)(1) A school district shall strive to achieve the following staffing ratios for students with diabetes at each public school, at least:

(a) one care provider for a public school with one full‑time licensed registered nurse; and

(b) three care providers for a public school without one full‑time licensed registered nurse.

(2) The school district may recruit and identify public school personnel to serve as care providers to administer glucagon, insulin, or both when a licensed registered nurse is not available.

(3) A school district shall not require or pressure a parent or guardian of a student with diabetes to provide diabetes care at school or a school‑related activity.

(D) A school district, school district employee, or an agent of a school district, including a health care professional who trained volunteer school personnel designated as care providers and a care provider, are not liable for any damages resulting from actions or inactions taken in good faith pursuant to this section.

(E) The South Carolina Board of Nursing and the State Board of Education shall promulgate regulations necessary to implement and administer this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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