

Action Alert

April 24, 2009

Your Voice on Diabetes Legislation Needed – Say No to Unfunded Mandate!

Your lobbying of State Legislators works! Legislation, A-267/S-2426 (Turner/Vandervalk/Conners/Voss), concerning the care of diabetic students in our public schools was halted in Senate Budget & Appropriations back on February 26th, even before testimony was taken. While NJPSA supports many provisions of this legislation, we have consistently voiced our concerns over several components of the legislation. Our concerns focus on the bill sections that will require the training and delegation of medical tasks in diabetes care to non-medical school staff. **Now we need your help again. If you share these concerns, NJPSA urges you to contact your Senator or Assemblyperson or members of the Senate Budget and Appropriations Committee to ensure that this legislation remains blocked!**

Bill Provisions

There are many positive components to the bill. In fact, much of the bill codifies current practices in New Jersey schools. Upon receiving written authorization from a diabetic student's parents, the school nurse will annually develop an individualized health care plan (IHP) and an individualized emergency health care plan (IEHP). The IHP must address the treatment, communications and training of staff members needed to care for the student at school, at after-school activities and on field trips.

Annually, parents must provide written authorization for the emergency administration of glucagon and if desired, a request for the student to self-administer while at school. Medical verification of the illness and the student's ability to self-administer must be provided by the child's physician. In addition, the parent must waive liability to the district, its staff and agents for any injury resulting from the student's diabetes care at school.

Controversial Provisions

What makes this bill controversial is the requirement that non-medical staff administer glucagon. Under the bill, the school nurse is primarily responsible for glucagon administration. In the nurse's absence, however, non-medical staff members (teachers, custodians, administrators, coaches, etc.) are authorized to administer the medication by syringe. **NJPSA, the NJEA, and the School Nurses Association oppose this provision due to our concerns for student safety.** A student needing glucagon may be unconscious, a dosage decision is needed, the procedure requires some skill and medical judgment is involved. NJPSA was successful in obtaining strong language freeing all volunteer staff members from liability unless they engage in willful misconduct, gross negligence or recklessness.

NJPSA also has concerns about the bill provisions allowing a student to test their blood and self-administer "as needed in the classroom, in any area of the school or school grounds, or at any school-related activity" if the student is deemed capable of self-administration. Please share your concerns about ensuring the safety of all students throughout the school building and grounds with lawmakers.



Cost Concerns- Another Unfunded Mandate

A Fiscal Estimate to the bill states that the legislation will only minimally raise costs to districts. No funding is provided. In these difficult economic times, any new cost obligations to districts that are mandated by the state should be funded by the state. Districts are facing significant financial challenges in the years ahead and the bill should be held until the cost implications, including statewide training, are addressed.

ACTION NEEDED!

NJPSA urges you to call or email members of the Senate Budget & Appropriations or your local Senator and Assemblyperson to share your concerns with this bill

Members of the Senate Budget and Appropriations Committee

Senator Barbara Buono (D-18), Chairwoman (732) 205-1372, SenBuono@njleg.org

Senator Paul Sarlo (D-36), Vice-Chair (201) 804-8118, SenSarlo@njleg.org

Senator Anthony Bucco (R-25), (973) 627-9700, SenBucco@njleg.org

Senator Sandra Cunningham (D-31), (201) 451-5100, SenCunningham@njleg.org

Senator Philip Haines (R-8), (856) 234-8080, SenHaines@njleg.org

Senator Marcia Karrow (R-23), (908) 782-5127, SenKarrow@njleg.org

Senator Kevin O'Toole (R-40), (973) 237-1360, SenOToole@njleg.org

Senator Steven Oroho (R-24), (973) 300-0200, SenOroho@njleg.org

Senator Dana Redd (D-5), (856) 225-9068, SenRedd@njleg.org

Senator Teresa Ruiz (D-29), (973) 484-1000, SenRuiz@njleg.org

Senator Brian Stack (D-33), (201) 330-3233, SenStack@njleg.org

Senator Stephen Sweeney (D-3), (856) 251-9801, SenSweeney@njleg.org

Senator Shirley Turner (D-15), (609) 530-3277, SenTurner@njleg.org

Senator Joseph Vitale (D-19), (732) 855-7441, SenVitale@njleg.org