

# EXHIBIT J

## STATE BOARD OF NURSING

**SUBJECT:** Chapter 9; Glucagon Administration

**DESCRIPTION:** This rule was written as a collaborative process between the Board of Nursing and the Department of Education in response to Act 1204 (HB 1447). The statute is an exception to the Nurse Practice Act and the rules have been added as a separate chapter to the ASBN Rules. The regulation allows non-nurses (volunteers) to administer Glucagon, an injection, in the school setting to children with diabetes if they should experience a life threatening drop in their blood sugar. The rule outlines who may administer the injection and specifies the training the volunteers must receive to administer Glucagon.

**PUBLIC COMMENT:** A public hearing was held on November 16, 2011. The public comment period expired on November 21, 2011. Public comments were as follows:

- Cheryl Williams, BSN, RNP, NCSN, the Cato Elementary School Nurse in Jacksonville, Arkansas commented: "After reading the proposed rule on glucagon administration by trained volunteer school personnel in Arkansas public schools, I have concern regarding the students who will receive these glucagon injections. We have students in our school district, and I'm sure in the state as well, who have been diagnosed with type 2 diabetes and prescribed glucagon by a licensed healthcare provider. The proposed rule appears to cover trained volunteers to administer glucagon to type 1 diabetics, but there is no mention of those students with a type 2 diagnosis. How will these students, in the event of an emergency, receive their glucagon injections if there is no RN available in the building?" **BOARD RESPONSE:** The reference to "type 1" was removed throughout the Rule, so that it will apply to all students with diabetes.

- Renay Dean, stated she works with children with diabetes on a daily basis. Due to the lack of an adequate number of school nurses she supports the rules and is very thankful for the good procedures that will be put into place.

**BOARD RESPONSE:** Comment acknowledged.

- Tammie Del Donno, mother of a 16-year-old daughter with diabetes. On April 16, 2010 her daughter had a seizure due to a low blood sugar and Ms. Del Donno was forced to administer a Glucagon shot. Although she was terrified of the incident, she was able to easily administer the shot for her daughter. Ms. Del Donna is a volunteer at school and is thankful for this legislation. She believes people need to be trained to administer the shots because as a parent, you do not care who gives the shot to save your child's life.

**BOARD RESPONSE:** Comment acknowledged.

- Margo Bushmiaer, school nurse supervisor at the Little Rock School District. She thanked Representative Hutchison for changing the language of the current legislation. She agrees people need to be trained to help school nurses.

**BOARD RESPONSE:** Comment acknowledged.

- Two other comments were made related to typographical errors.

**BOARD RESPONSE:** The errors were corrected.

Arkansas State Representative Donna Hutchison attended the public hearing, expressed her appreciation for the board's efforts and expressed her concern for the availability for children in public schools who have been diagnosed with diabetes to receive glucagon shots.

The rules were promulgated on an emergency basis with an emergency effective date of December 1, 2011. The proposed date for permanent promulgation is March 31, 2012.

**CONTROVERSY:** This rule is not expected to be controversial. The only possible controversy would be from the school nurses. However, several school nurses were a part of the task force that wrote the rules.

**FINANCIAL IMPACT:** There is no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing is authorized to promulgate whatever regulations it deems necessary for the implementation of Ark. Code Ann. § 17-87-101 *et seq.* Ark. Code Ann. § 17-87-203(1)(A). These rules implement Act 1204 of 2011, which protects the health and safety of public school students who suffer from diabetes by providing for certain school personnel to be trained in the administration of Glucagon.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas State Board of Nursing  
DIVISION \_\_\_\_\_  
DIVISION DIRECTOR Sue A. Tedford  
CONTACT PERSON Andrea McCuien  
ADDRESS 1123 South University, Suite 800, Little Rock, AR 72204  
PHONE NO. 501-686-2704 FAX NO. 501-686-2714 E-MAIL stedford@arsbn.org  
NAME OF PRESENTER AT COMMITTEE MEETING Sue A. Tedford  
PRESENTER E-MAIL stedford@arsbn.org

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

**RECEIVED**

OCT 21 2011

BUREAU OF  
LEGISLATIVE RESEARCH

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- 1. What is the short title of this rule?  
Chapter 9- Glucagon Administration
- 2. What is the subject of the proposed rule?  
Permit volunteers in public schools to administer Glucagon to students with Type 1 Diabetes when needed as an exception to the Nurse Practice Act
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes \_\_\_ No X  
If yes, please provide the federal rule, regulation, and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes X No \_\_\_  
*The emergency rule will not be filed until December 1, 2011 in order to allow the Department of Education Board to review and approve the rule as written. The Department of Education Board meets on November 14, 2011.*

If yes, what is the effective date of the emergency rule? December 1, 2011

When does the emergency rule expire? March 31, 2012

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes X No \_\_\_\_\_

5. Is this a new rule? Yes X No \_\_\_\_\_ If yes, please provide a brief summary explaining the regulation.

*This rule was written as a collaborative process between the Arkansas Board of Nursing and the Department of Education in response to Act 1204 (HB 1447). The statute is an exception to Nurse Nurse Practice Act and the rules have been added as a separate chapter to the ASBN Rules. The regulation allows non – nurses (volunteers) to administer Glucagon, an injection, in the school setting to children with diabetes if they should experience a life threatening drop in their blood sugar. The rule outlines who may administer the injection and specifies the training the volunteers must receive in order to administer Glucagon.*

Does this repeal an existing rule? Yes \_\_\_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes \_\_\_\_\_ No X If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

ACA § 17-87-203

7. What is the purpose of this proposed rule? Why is it necessary?

*Children with Type 1 diabetes may experience a sudden life threatening drop in blood sugar. Treatment should occur immediately to prevent severe complications. If present, the school nurse is qualified to administer Glucagon. Unfortunately there is not a school nurse on every campus and at every school event. This rule will provide the care needed for these children.*

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.arsbn.org

9. Will a public hearing be held on this proposed rule? Yes X No \_\_\_\_\_

If yes, please complete the following:

Date: November 16, 2011

Time: 2:00-3:00

Place: Arkansas State Board of Nursing, Board Room

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

November 21, 2011

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

December 1, 2011 – filed under the emergency provisions of APA

12. Do you expect this rule to be controversial? Yes \_\_\_\_\_ No  X  If yes, please explain.

*The only possible controversy will be from the school nurses. However, several school nurses were a part of the task force that wrote the rules.*

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

School Nurses Association – against  
Parents of Children with Type I Diabetes – for  
Teacher's Association – unknown

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas State Board of Nursing  
**DIVISION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** Sue Tedford  
**TELEPHONE NO.** 501-686-2703 **FAX NO.** 501-686-2714 **EMAIL:** stedford@arsbn.org

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**

Chapter 9- Glucagon Administration

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes \_\_\_\_\_ No X
  
2. Does this proposed, amended, or repealed rule affect small businesses?  
Yes \_\_\_\_\_ No X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
  
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

General Revenue 0.00  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total 0.00

**Next Fiscal Year**

General Revenue 0.00  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total 0.00

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ N/A

**Next Fiscal Year**

\$ N/A

Varies depending on the individual students need basis and the school's Policies and Procedures.

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

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ARKANSAS STATE BOARD OF NURSING RULES

**CHAPTER NINE**  
**GLUCAGON ADMINISTRATION**

**SECTION I**  
**PURPOSE AND AUTHORITY**

**A. REGULATORY AUTHORITY**

1. These rules shall be known as the Arkansas Department of Education and Arkansas State Board of Nursing Rules Governing the Administration of Glucagon to Arkansas Public School Students Suffering from Type 1 Diabetes.
2. These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 17-87-103 and 25-15-201 et seq.
3. These rules are enacted pursuant to the Arkansas State Board of Nursing's authority under Ark. Code Ann. §§ 17-87-203, 17-87-103 and 25-15-201 et seq.

**B. PURPOSE**

The purpose of these rules is to set forth protocols and procedures for the administration of glucagon by trained volunteer school personnel to Arkansas public school students who suffer from Type 1 diabetes.

**SECTION II**  
**DEFINITION OF TERMS**

- A. EMERGENCY SITUATION** – circumstance in which students with low blood glucose cannot be treated with a glucose-containing substance by mouth because the student is unconscious or having a seizure.
- B. GLUCAGON** – an injectable hormone prescribed by a licensed healthcare practitioner that raises the level of glucose in the blood. Glucagon is dispensed as a "Glucagon Emergency Kit" or a "Glucagon Emergency Kit for Low Blood Sugar." A "licensed healthcare practitioner" includes, but is not limited to, Medical Doctors, Doctor of Osteopathy, Advanced Practice Nurse, Registered Nurse Practitioners, or Physician Assistants with prescriptive authority or who work under physician-approved protocols.

**C. LICENSED SCHOOL NURSE EMPLOYED BY A SCHOOL DISTRICT**– those nurses employed by an Arkansas public school district or open-enrollment public charter school who hold the following licenses or certificate:

1. Registered Nurse (RN);
2. Advance Practice Nurse (APN); or
3. Diabetic Nurse Educators.
4. This definition does not include License Practical Nurses (LPNs). LPNs may assist in the provision of training under these rules. However, training under these rules must be performed by Registered Nurses, Advance Practice Nurses or Diabetic Nurse Educators.

**D. OTHER HEALTHCARE PROFESSIONAL** – includes the following:

1. Registered Nurse (RN);
2. Advance Practice Nurse (APN);
3. Diabetic Nurse Educators;
4. Medical Doctors (MD);
5. Registered Nurse Practitioners;
6. Doctors of Osteopathy; and
7. Physician Assistants.

**E. TYPE I DIABETES** – sometimes referred to as “insulin dependent diabetes,” a medical condition diagnosed by a licensed healthcare provider and caused by the human body’s failure to produce insulin.

**F. TRAINED VOLUNTEER SCHOOL PERSONNEL** – Licensed or classified personnel employed by an Arkansas public school district or open-enrollment public charter school who volunteer and successfully complete training for the administration of glucagon to students suffering from Type 1 diabetes.

### **SECTION III** **GENERAL REQUIREMENTS**

A. Trained volunteer school personnel designated as care providers in a plan developed under Section 504 of the Rehabilitation Act of 1973, as it existed on July 1, 2011, who have been trained by a licensed nurse employed by a school district or other healthcare professional, may, in emergency situations, administer glucagon to students who suffer from Type 1 diabetes.

- B. The training listed in Sections III. A and V. of these rules shall be conducted at least annually, regardless whether a volunteer has previously completed training. Nothing in these rules prohibits training from being conducted more often than annually.
- C. No trained volunteer school personnel designated as care providers pursuant to these rules may administer glucagon to a student who suffers from Type 1 diabetes unless the parent or guardian of the student first signs a written authorization allowing the administration of glucagon to the student by a trained volunteer school personnel designated as a care provider.
- D. When a school nurse is available and on site during an emergency situation, the school nurse shall administer glucagon to the student, when necessary. Volunteer school personnel who are designated as care providers and trained to administer glucagon shall provide glucagon injections only in the absence or unavailability of a school nurse.
- E. The training outlined in these rules is intended to be provided to volunteer school personnel. No school personnel shall be required, pressured or otherwise subjected to duress in such a manner as to compel their participation in training. Prior to receiving training, volunteers must sign a written acknowledgement indicating their desire to volunteer.

#### SECTION IV PROTECTION FROM LIABILITY

A school district, school district employee, or an agent of a school district, including a healthcare professional who trained volunteer school personnel designated as care providers, shall not be liable for any damages resulting from his or her actions or inactions under these rules or under Ark. Code Ann. § 17-87-103.

#### SECTION V TRAINING OF VOLUNTEERS

- A. Training under these rules shall include, at a minimum, the following components:
1. What glucagon is and how glucagon works;
  2. When, how and by whom glucagon may be prescribed;

3. The requirements of Arkansas law pertaining to the administration of glucagon injections to Arkansas public school students suffering from Type 1 diabetes;
  4. When glucagon should be administered, how glucagon should be prepared, the dosage and side effects of glucagon, and follow-up care after glucagon is administered;
  5. How glucagon should be stored, including identifying the expiration date and need for replacement;
  6. The role of the school nurse in the administration of glucagon and the delegation of the administration of glucagon; and
  7. The signs of hypoglycemia in students with Type 1 diabetes, including techniques and practices used to prevent the need for glucagon.
- B. Visual and audio aids may be used during the training required under these rules, but at least one individual listed in Sections III. C and III. D of these rules must be physically present to provide the training.
- C. Before a volunteer may be deemed to have successfully completed the training required under these rules, a person listed in Sections III. C and III. D must sign a certification indicating that the volunteer has successfully completed all aspects of training and that the volunteer has successfully demonstrated mastery of procedures involving the administration of glucagon. No person listed in Sections III C and III D shall sign such a certification unless such person, in his or her professional judgment believes that a volunteer has successfully completed all aspects of training and that the volunteer has successfully demonstrated mastery of procedures involving the administration of glucagon.
- D. The Arkansas State Board of Nursing and the Arkansas Department of Education, in collaboration with the Arkansas School Nurses Association and diabetic education experts, shall identify and approve education programs that meet the requirements of Section V.A of these rules. Training under these rules shall be given according to the education programs approved under this section.
1. The Arkansas State Board of Nursing and the Arkansas Department of Education shall maintain and publish a list of approved education programs that meet the requirements of Section V. A of these rules. The list of approved education programs may be published on the websites of the Arkansas State Board of Nursing and the Arkansas Department of Education.
  2. The Arkansas State Board of Nursing and the Arkansas Department of Education, in collaboration with the Arkansas School Nurses Association and diabetic education experts, shall at least annually review the requirements

associated with the administration of glucagon and shall, if necessary, recommend for adoption by the Arkansas State Board of Nursing and the Arkansas State Board of Education any revisions to these rules.

## SECTION VI RECORDS

- A. Records of volunteer training must be kept on file at each school.
- B. For each student with Type 1 diabetes who attends the school, the school district shall maintain a copy of the plan developed under Section 504 of the Rehabilitation Act of 1973, as it existed on July 1, 2011, a list of volunteer school personnel who are designated as care providers and trained to administer glucagon, and a copy of the parent's or guardian's signed authorization. The list of volunteer school personnel who are designated as care providers and trained to administer glucagon, and a copy of the parent's or guardian's signed authorization shall also be attached to the student's Individualized Health Plan (IHP).
- C. The list of volunteer school personnel who are designated as care providers and trained to administer glucagon shall only include the names of such personnel who successfully complete the required training as set forth in Section V. of these rules. The list of volunteer school personnel trained to administer glucagon for each school should be published and made known to all school personnel.
- D. The principal of each school, in conjunction with each school nurse, shall properly maintain all such records.

