

State of Arkansas
88th General Assembly
Regular Session, 2011

A Bill

HOUSE BILL 1447

By: Representative D. Hutchinson

For An Act To Be Entitled

AN ACT TO PROTECT 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; AND FOR OTHER PURPOSES.

Subtitle

TO PROTECT 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-87-103(10) and (11), concerning nursing exceptions, is amended to read as follows:

(10) The prescription and administration of drugs, medicines, or therapeutic devices in the presence of and under the supervision of an advanced practice nurse holding a certificate of prescriptive authority, a licensed physician, or licensed dentist by a registered nurse who is enrolled as a student in an advanced pharmacology course, provided the prescription or administration of drugs or medicines, or both, is confined to the educational requirements of the course and under the direct supervision of a qualified instructor; ~~or~~

(11) The administration of Glucagon to a student who is suffering from diabetes by school personnel, designated as a care provider 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 or
licensed physician to administer Glucagon; or

(12)(A) Health maintenance activities by a designated care aide
 for a:

(i) Competent adult at the direction of the adult;

or

(ii) Minor child or incompetent adult at the
 direction of a caretaker.

(B) As used in this section:

(i) "Caretaker" means a person who is:

(a) Directly and personally involved in
 providing care for a minor child or incompetent adult; and

(b) The parent, foster parent, family member,
 friend, or legal guardian of the minor child or incompetent adult receiving
 care under subdivision (12)(B)(i)(a) of this section;

(ii) "Competent adult" means an individual who:

(a) Is eighteen (18) years of age or older;

and

(b) Has the capability and capacity to make an
 informed decision; and

(iii) "Health maintenance activities" means
 activities that:

(a) Enable a minor child or adult to live in
 his or her home; and

(b) Are beyond activities of daily living
 that:

(1) The minor child or adult is unable
 to perform for himself or herself; and

(2) The attending physician, advanced
 practice nurse, or registered nurse determines can be safely performed in the
 minor child's or adult's home by a designated care aide under the direction
 of a competent adult or caretaker.

(C) As used in this section, "home" does not include:

(i) A nursing home;

(ii) An assisted living facility;

(iii) A residential care facility;

1 (iv) An intermediate care facility; or

2 (v) A hospice care facility.

3 (D) The board, with the input of the Home Health Care
4 Service Agency Advisory Council, the Arkansas Health Care Association, and
5 the Arkansas Residential Assisted Living Association, shall promulgate rules
6 specifying which health maintenance activities are not exempted under this
7 subdivision (12) and the minimal qualifications required of the designated
8 care aide.