

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

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**CHAPTER NINE
INSULIN AND GLUCAGON ADMINISTRATION**

**SECTION I
PURPOSE AND AUTHORITY**

A. REGULATORY AUTHORITY

1. These rules shall be known as the Arkansas Department of Education Division of Elementary and Secondary Education and Arkansas State Board of Nursing Rules Governing the administration of Insulin and Glucagon by school personnel to Arkansas Public School Students diagnosed with diabetes.
2. These rules are enacted pursuant to the Arkansas State Board of Education’s authority under Ark. Code Ann. §§ 6-11-105, 6-18-711, 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. §§6-18-711, 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 insulin and glucagon by trained volunteer school personnel to Arkansas public school students diagnosed with 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 has an altered mental status, is having a seizure or has high blood glucose requiring emergency administration of insulin to prevent complications.
- B. GLUCAGON** – an injectable hormone prescribed by a licensed healthcare practitioner that stimulates the release 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, Doctors of Osteopathy, Advanced Practice Registered Nurses with prescriptive authority, and Registered Nurse Practitioners or Physician Assistants who work under physician-approved protocols.
- C. INSULIN** - A hormone that regulates the metabolism of glucose and other nutrients. It is generally given by injection or through a subcutaneous insulin delivery system. It is prescribed by a licensed healthcare practitioner, e.g. Medical Doctor, Doctor of Osteopathy, Advanced Practice Registered Nurse with prescriptive authority or Registered Nurse Practitioner or Physician Assistant who work under physician-approved protocols.
 1. Non-scheduled dose of insulin– an additional or corrective dose of insulin to treat hyperglycemia or to cover a rise in blood glucose levels.

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2. Scheduled dose of insulin– a dose of insulin administered at regular times during the school day.

D. 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 Advanced Practice Registered Nurse (APRN); or
- 3 Diabetes Nurse Educator.
- 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 Registered Nurses or Diabetes Nurse Educator.

E. OTHER HEALTHCARE PROFESSIONAL – includes the following:

1. Registered Nurse (RN);
2. Advanced Practice Registered Nurse (APRN);
3. Diabetes Nurse Educator;
4. Medical Doctor (MD);
5. Registered Nurse Practitioner;
6. Doctor of Osteopathy;
7. Physician Assistant;
8. Pharmacist; and
9. Certified Diabetes Educator.

F. DIABETES – A group of metabolic disorders characterized by hyperglycemia resulting from defects in insulin secretion, insulin action or both.

G. 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 insulin and/or glucagon to students diagnosed with diabetes.

**SECTION III
GENERAL REQUIREMENTS**

- A. Upon written request of a parent or guardian of a student with diabetes and written authorization by the treating physician of the student, a student, in the classroom, in a designated area at the school, on school grounds, or at a school-related activity may:
 - a. Perform blood glucose checks
 - b. Administer insulin through the insulin delivery system the student uses
 - c. Treat hypoglycemia and hyperglycemia
 - d. Possess on his or her person the necessary supplies and equipment to perform diabetes monitoring and treatment functions.
- B. A student shall have access to a private area to perform diabetes monitoring and treatment functions upon request of the parent or guardian of a student, as outlined in the student’s health plan.

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- C. A public school employee may volunteer to be trained to administer and may administer glucagon to a student with Type I diabetes in an emergency situation as permitted under ACA §17-87-103(11).
- D. A school district shall strive to achieve the following staffing ratios for students with diabetes at each public school, at least:
 - a. One (1) care provider (volunteer school personnel) for a public school with one (1) full-time licensed registered nurse: and
 - b. Three (3) care providers (volunteer school personnel) for a public school without one (1) full-time licensed registered nurse.
- E. The school district may recruit and identify public school personnel to serve as care providers (volunteer school personnel) to administer insulin and/or glucagon when a licensed registered nurse is not available. 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.
- F. 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, and have been trained by a licensed registered nurse employed by a school district or other healthcare professional, may administer insulin and/or glucagon to students diagnosed with diabetes.
- G. The training listed in Sections III. E. 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.
- H. No trained volunteer school personnel designated as care providers pursuant to these rules may administer insulin and/or glucagon to a student diagnosed with diabetes unless the parent or guardian of the student first signs a written authorization allowing the administration of insulin and/or glucagon to the student. The trained volunteer school personnel designated as a care provider shall be incorporated into the health plan of a student.
- I. The trained volunteer shall be released from other duties during a scheduled dose of insulin for the time designated in the student's health plan.
- J. During glucagon or non-scheduled insulin administration, other qualified staff shall assume the regular duties of the trained volunteer. Once other qualified staff have relieved the trained volunteer from his/her regular duties, the trained volunteer shall remain released until a parent, guardian or medical personnel arrive.
- K. When a school nurse is available and on site during an emergency situation, the school nurse shall administer insulin or glucagon to the student, when necessary. Volunteer school personnel who are designated as care providers and trained to administer insulin and/or glucagon shall provide insulin and/or glucagon injections only in the absence or unavailability of a school nurse.
- L. 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 and 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. Overview of diabetes;
 2. Blood glucose monitoring;
 3. What insulin and glucagon are and how insulin and glucagon work;
 4. When, how and by whom insulin and/or glucagon may be prescribed;
 5. The requirements of Arkansas law pertaining to the administration of insulin and/or glucagon injections to Arkansas public school students with a diagnosis of diabetes;
 6. How to calculate carbohydrate intake (insulin training only);
 7. How to calculate appropriate insulin dosage based on carbohydrate intake (insulin training only);
 8. When insulin and/or glucagon should be administered, how insulin and/or glucagon should be prepared, the dosage and side effects of insulin and/or glucagon, and follow-up care after insulin and/or glucagon is administered;
 9. How insulin and/or glucagon should be stored, including identifying the expiration date and need for replacement;
 10. The role of the school nurse in the administration of insulin and/or glucagon and the delegation of the administration of insulin and/or glucagon; and
 11. The signs of hyperglycemia and hypoglycemia in students diagnosed with diabetes, including techniques and practices used to prevent the need for emergency insulin and glucagon.
- B. Visual and audio aids may be used during the training required under these rules, but at least one individual listed in Sections II. D and II. E 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 II. D and II. E must sign a certification indicating that the volunteer has successfully completed all aspects of training and that the volunteer has successfully demonstrated proficiency of procedures involving the administration of insulin and/or glucagon. No person listed in Sections II. D and II. E 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 insulin and/or glucagon.
- D. The Arkansas State Board of Nursing and the Arkansas Department of Education **Division of Elementary and Secondary Education**, in collaboration with the Arkansas School Nurses Association and diabetic education experts, shall identify and approve education programs that meet

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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 Division of Elementary and Secondary 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 Division of Elementary and Secondary Education.
2. The Arkansas State Board of Nursing and the Arkansas Department of Education Division of Elementary and Secondary 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 insulin and glucagon and shall, if necessary, recommend for adoption by the Arkansas State Board of Nursing and the Arkansas State Board of Education Division of Elementary and Secondary Education any revisions to these rules.

SECTION VI
RECORDS

- A. Records of volunteer training shall be kept on file at each school.
- B. For each student diagnosed with diabetes who attends the school, the school district shall maintain a copy of the health plan, a list of volunteer school personnel who are designated as care providers and trained to administer insulin and/or 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 insulin and/or glucagon, and a copy of the parent's or guardian's signed authorization shall be updated yearly and 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 insulin and/or 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 insulin and/or 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.

Effective March 26, 2016



Arkansas Department of Health

Arkansas State Board of Nursing
1123 S. University Ave., #800 • Little Rock, Arkansas 72204 • (501) 686-2700 • Fax (501) 686-2714
Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health
Sue A. Tedford, MNsc, APRN, Director

MEMORANDUM

DATE: October 27, 2020

TO: Office of the Arkansas Secretary of State
register@sos.arkansas.gov

FROM: Leslie Suggs
Executive Assistant to the Director

RE: Proposed Changes to the *ASBN Rules*:
Chapter One-General Provisions
Chapter Two- Licensure: RN, LPN, and LPTN
Chapter Four- Advanced Practice Registered Nurse
Chapter Six- Standards for Nursing Education Programs
Chapter Seven- Rules of Procedure
Chapter Eight- Medication Assistant-Certified
Chapter Nine- Insulin and Glucagon Administration

Our public comment period concerning this matter ends on November 27, 2020. A public hearing at our office is scheduled to take place on November 24, 2020 at 10:00 a.m.

Following is a summary of the proposed changes:

Chapter 1

The definition of Prescriptive Authority was changed from Schedule III to II pursuant to Act 593 of 2019.

Chapter 2

In accordance with Act 990 of 2019, ACA §17-87-312 was changed to ACA §17-03-102. The term “nonrenewable” was added, and clarification on application and review of pre-licensure determination of granting a waiver for specific criminal convictions was made. For consistency among all compact states, we clarified how federal criminal records are handled among party states, how to handle active duty military personnel and their spouses, and on dispute resolution among party states. Filed as emergency rule effective May 15, 2020 to expire September 13, 2020, “1,000 hours within the one year” was changed to “within the two years” after it was determined this was an impediment to qualified nurses being able to work where needed during this pandemic is an imminent peril to public health, safety and welfare.

Chapter 4

In accordance with Act 990 of 2019, ACA §17-87-312 was changed to ACA §17-03-102 and the term “nonrenewable” was added.

Chapter 6

In accordance with Act 990 of 2019, ACA §17-03-102 was added.

Chapter 7

In accordance with Act 990 of 2019, ACA §17-87-312 was changed to ACA §17-03-102.

Chapter 8

We have changed the definition of “Designated Facilities”, “Supervision”, the terms “nursing home” to “designated facility” and “Nursing Homes” to “Designated Facilities” to broaden use of MACs in correctional facilities. Clarification for the practice of MA-Cs in nursing homes due to restriction not needed in correctional facilities was made.

Chapter 9

We added a statement permitting public school employees to volunteer and updated the agency throughout the chapter as requested by Department of Education.