

State Law on Emergency Treatment with Glucagon

As the 2014-2015 school year begins in North Dakota, several public school districts have not yet agreed to provide appropriate emergency treatment for students with diabetes who are having severe hypoglycemia. Emergency treatment is "appropriate" if it conforms to orders from the student's physician.

Severe hypoglycemia is always an emergency. Symptoms of severe hypoglycemia may include unconsciousness, seizures, stupor, inability to swallow, persistent resistance to taking food, drinks, glucose tablets, or gels. Glucagon is widely accepted treatment that can be made readily available in schools. Glucagon must be injected.

An individual student's physician is in charge of the student's medical management plan for school and school-related activities. The medical management plan includes the physician's orders for the emergency treatment of severe hypoglycemia.

The planning and implementation processes are governed by state and federal laws. There are misunderstandings over implementation of the state laws. A new state law, [Chapter 154](#) of the 2013 session laws, does not provide the final answer.

The Protection & Advocacy Project legal staff has provided clarification. This explanation should resolve the misunderstandings.

Chapter 154 (2013) specifically addresses administration of medication in schools. Chapter 154 (2013) created two new statutes that are sections [15.1-19-23](#) and [23-44-03](#) of the North Dakota Century Code and amended section [43-12.1-04 of the North Dakota Century Code by adding paragraph q to subsection 9](#).

Other laws also apply when medical **emergencies** arise. One State law would permit a person who is not a medical professional to administer glucagon by injection in an emergency to save a student from severe hypoglycemia. This provision, first adopted in 1977, applies even in a school setting and during school-related activities. This is [subsection 1 of section 43-12.1-04](#) of the North Dakota Century Code.

This law exempts a person from the entire Nurse Practices Act including the misdemeanor provisions for practicing as a nurse without a license.

If a student's physician has ordered the immediate administration of glucagon for severe hypoglycemia, school personnel would not have authority to override or ignore the physician's order. The school would provide for administration of glucagon ... even in the absence of a school nurse or other medical professional.

Immediate treatment is extremely important because a delay in treatment could cause neurological injury or death. Immediate treatment would minimize short-term consequences of severe hypoglycemia and might reduce the likelihood of long-term complications.

The student's section 504 plan or individualized education program (IEP) must be consistent with the physician's order. Each 504 plan and IEP should authorize non-medical school personnel to take appropriate action in an emergency, consistent with the physician's orders.

Any school district following this law could identify volunteers for administering glucagon and make certain each volunteer receives appropriate training for emergencies. Training should be available from the school nurse, the student's physician, a medical professional who is a member of the student's treatment team, the county public health nurse, or a certified diabetes educator.

Other North Dakota state laws cover emergencies in all settings, in school or not. The "Good Samaritan Act" is chapter 32-03.1 of the North Dakota Century Code. This permits anyone to take reasonable action, in good faith, based upon the known facts in an emergency.

State laws are on the internet at <http://www.legis.nd.gov/general-information/north-dakota-century-code>.