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## **NURSE ORGANIZATIONS SEEK TO OVERTURN ACCORD PROVIDING CALIFORNIA STUDENTS WITH DIABETES WITH ACCESS TO INSULIN**

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(November 13, 2008, Sacramento, CA) – The California Department of Education (CDE) and the American Diabetes Association (ADA) will be in Sacramento Superior Court on Friday, November 14, 2008, seeking to preserve their 2007 agreement that permits trained non-medical school personnel to administer insulin to children with diabetes when nurses are not available. The American Nurses Association (ANA) and several other organizations representing nurses have filed a petition seeking to prevent such care by invalidating a key provision of the CDE and ADA accord.

The ANA petition asserts that the agreement violates state law because only health care professionals such as nurses are permitted to administer insulin in the state's public schools. ADA disagrees as a matter of both state and federal law.

ADA, an intervenor in the current lawsuit, is represented by James M. Wood and Kenneth J. Philpot in the Oakland office of Reed Smith LLP, and by Arlene Mayerson and Larisa Cummings, of the Disability Rights Education and Defense Fund (DREDF), Berkeley.

“California has the sixth lowest student-to-nurse ratio in the nation. If the ANA and the other organizations are successful, there will be children with diabetes in California's public schools who will not have anyone who can help them when they need insulin at school or during school-related activities,” said Mr. Wood. “To prevent children from receiving any adult assistance when their state has a dramatic shortage of school nurses is shortsighted and wrong. These children need insulin every day to survive, and they cannot attend school safely without it.”

“Children with diabetes routinely receive insulin from parents, siblings, family friends, babysitters and other caregivers – few of whom are medical professionals,” said Francine R. Kaufman, M.D., a Board-certified specialist in pediatric endocrinology and metabolism, director of the Comprehensive Childhood Diabetes Center, and head of the Center for Endocrinology, Diabetes and Metabolism at Children's Hospital, Los Angeles. “The doctors and nurses who specialize in diabetes care agree that non-medical school personnel can – and should – be trained to safely administer insulin when a school nurse is not present. Unless this is permitted, students with diabetes in California will be at increased risk for serious long- and short-term complications associated with the disease, which means that they will be sick at school and will face an increased likelihood of future complications including blindness, amputation of the lower extremities, kidney failure, heart disease and stroke.”

“California law permits trained non-medical school personnel to administer insulin and, under the current circumstances, federal law requires this be an option,” said Larisa Cummings, DREDF attorney. “The fact is, California does not have enough nurses to deliver this assistance. Moreover, because a child with diabetes may need insulin at any time, the state would have to ensure that each child would have access to a nurse the entire day, including on field trips and during extra-curricular activities. The settlement agreement protects and supports children with diabetes based on this reality. It must remain in effect to ensure that these children can be safe at school.”

### **About Reed Smith**

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### **About Disability Rights Education and Defense Fund**

Founded in 1979 by people with disabilities and parents of children with disabilities, the Disability Rights Education and Defense Fund (DREDF) is a national law and policy center dedicated to protecting and advancing the civil rights of people with disabilities through legislation, litigation, advocacy, technical assistance, and education and training of attorneys, advocates, persons with disabilities, and parents of children with disabilities. For more information, visit [www.dredf.org](http://www.dredf.org)

### **About the American Diabetes Association**

The American Diabetes Association is leading the fight against the deadly consequences of diabetes and fighting for those affected by diabetes. The Association funds research to prevent, cure and manage diabetes; delivers services to hundreds of communities; provides objective and credible information; and gives voice to those denied their rights because of diabetes. Founded in 1940, our mission is to prevent and cure diabetes and to improve the lives of all people affected by diabetes. For more information please call the American Diabetes Association at 1-800-DIABETES (1-800-342-2383) or visit [www.diabetes.org](http://www.diabetes.org). Information from both these sources is available in English and Spanish.