

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

554Q0281

HOUSE ENGROSSED NO. **HB 1202** - 2/17/2009

Introduced by: Representatives Faehn, Hunhoff (Bernie), Kirkeby, Lust, Moser, Noem, Olson (Betty), Rave, Steele, and Tidemann and Senators Garnos, Howie, Miles, and Rhoden

1 FOR AN ACT ENTITLED, An Act to permit certain persons with insulin-treated diabetes
2 mellitus to get an endorsement on a commercial driver license to drive a school bus.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-12A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 Any person with insulin-treated diabetes mellitus, who is otherwise medically qualified
7 under the physical examination standards of the federal motor carrier safety regulations, as
8 provided by § 32-12A-24, may request a waiver for this condition from the department. If an
9 applicant for an intrastate school bus endorsement meets the requirements as specified in
10 subdivisions (1) to (7), inclusive, of this section, the department shall grant a waiver. The
11 department shall notify each applicant and each affected school district or private contractor of
12 its determination of eligibility for each application for a waiver. An applicant shall:

13 (1) Provide evidence, signed by a physician, physician assistant, or nurse practitioner that
14 the applicant has no other disqualifying conditions including diabetes-related



- 1 complications;
- 2 (2) Provide evidence, signed by a physician, physician assistant, or nurse practitioner that
- 3 the applicant has had no recurrent severe hypoglycemic episodes resulting in a loss
- 4 of consciousness or any severe hypoglycemic episode within the past five years;
- 5 (3) Provide evidence, signed by a physician, physician assistant, or nurse practitioner that
- 6 the applicant has had no recurrent severe hypoglycemic episodes requiring the
- 7 assistance of another person within the past five years;
- 8 (4) Provide evidence, signed by a physician, physician assistant, or nurse practitioner that
- 9 the applicant has had no recurrent severe hypoglycemic episodes resulting in
- 10 impaired cognitive functioning that occurred without warning symptoms within the
- 11 past five years;
- 12 (5) Document that the applicant has been examined by a board-certified or board-eligible
- 13 physician, a physician assistant, or a nurse practitioner who has conducted a complete
- 14 medical examination. The complete medical examination shall consist of a
- 15 comprehensive evaluation of the applicant's medical history and current status with
- 16 a report including the following information:
- 17 (a) The date insulin use began;
- 18 (b) Diabetes diagnosis and disease history;
- 19 (c) Hospitalization records, if any;
- 20 (d) Consultation notes for diagnostic examinations;
- 21 (e) Special studies pertaining to the diabetes;
- 22 (f) Follow-up reports;
- 23 (g) Reports of any severe hypoglycemic episode within the last five years;
- 24 (h) Two measures of glycosylated hemoglobin, the first ninety days before the last

1 and current measure;

2 (i) Insulin dosages and types, diet utilized for control and any significant factors
3 such as smoking, alcohol use, and any other medications or drugs taken; and

4 (j) Examinations to detect any peripheral neuropathy or circulatory insufficiency
5 of the extremities;

6 (6) Submit a signed statement from an endocrinologist indicating the following medical
7 determinations:

8 (a) The endocrinologist is familiar with the applicant's medical history for the past
9 five years, either through actual treatment over that time or through
10 consultation with a physician who has treated the applicant through that time;

11 (b) The applicant has been educated in diabetes and its management, thoroughly
12 informed of and understands the procedures that must be followed to monitor
13 and manage the applicant's diabetes and the procedures to be followed if
14 complications arise; and

15 (c) The applicant has the ability and has demonstrated the willingness to properly
16 monitor and manage the applicant's diabetes; and

17 (7) Submit a separate signed statement from an ophthalmologist or optometrist that the
18 applicant has been examined and does not have diabetic retinopathy and meets the
19 vision standards in 49 CFR 391.41 (b)(10), as amended through January 1, 2009, or
20 has been issued a valid medical exemption. If the applicant has any evidence of
21 diabetic retinopathy, the applicant shall be examined by an ophthalmologist and
22 submit a signed statement from the ophthalmologist that the applicant does not have
23 unstable advancing disease of blood vessels in the retina, known as unstable
24 proliferative diabetic retinopathy.

1 Each school bus driver that is granted a waiver for insulin-treated diabetes mellitus issued
2 by the department shall maintain the waiver in the driver's possession at all times. Any school
3 bus driver that is granted the waiver and has a severe hypoglycemic episode forfeits the waiver
4 and may not reapply for five years.

5 The department shall promulgate rules, pursuant to chapter 1-26, necessary for the
6 determination of eligibility and issuance of a waiver to persons with insulin-treated diabetes
7 mellitus in accordance with the provisions of this section.

8 A waiver granted under this section may be issued for a maximum of two years. The driver
9 may reapply for renewal of the waiver every two years.

10 Section 2. That chapter 32-12A be amended by adding thereto a NEW SECTION to read
11 as follows:

12 Any person who holds a waiver pursuant to section 1 of this Act shall, after one year of
13 holding the waiver, undergo a physical examination and submit to the employer a signed
14 statement from a physician, physician assistant, or nurse practitioner that the person has
15 completed a physical examination.

16 Section 3. That chapter 32-12A be amended by adding thereto a NEW SECTION to read
17 as follows:

18 No person who holds a waiver pursuant to section 1 of this Act may operate a school bus
19 with students present unless the person checks his or her blood glucose level no more than thirty
20 minutes before operating the bus. If the person operates a bus for a continuous duration that
21 exceeds eighty-nine minutes, the person shall check his or her blood glucose level each hour and
22 record the information. The person shall submit the information to the employer each day.