

HB 1960 -- EPINEPHRINE AUTO-INJECTORS

SPONSOR: Schupp

This bills allows an authorized health care provider to prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with these provisions, and pharmacists, physicians, and other persons authorized to dispense prescription medications are allowed to dispense epinephrine auto-injectors under a prescription issued in the name of an authorized entity.

An authorized entity is permitted to acquire and stock a supply of epinephrine auto-injectors under a prescription issued in accordance with these provisions. The epinephrine auto-injectors must be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements established by the Department of Health and Senior Services by rule. An authorized entity is required to designate employees or agents who have completed the training required to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

The bill allows an employee or agent of an authorized entity or any other person who has completed the training required to use epinephrine auto-injectors on the premises of or in connection with the authorized entity in certain specified circumstances. These individuals must successfully complete an anaphylaxis training program prior to providing or administering an epinephrine auto-injector made available by an authorized entity and at least every two years following successful completion of the initial anaphylaxis training program. The training must be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or other entity or person approved by the department. The bill authorizes the training to be conducted on-line or in person and specifies the subjects that the training must include at a minimum. The entity that conducts the training must issue a certificate, on a form developed or approved by the department, to each person who successfully completes the anaphylaxis training program.

The bill enumerates specified individuals and entities who cannot be liable for any injuries or related damages that result from the administration of, self-administration of, or failure to administer an epinephrine auto-injector in a manner that may constitute ordinary negligence. This immunity does not apply to acts or omissions constituting gross, willful, or wanton negligence. The administration of an epinephrine auto-injector in accordance with these provisions cannot be considered the practice of medicine.

An authorized entity that possesses and makes available epinephrine auto-injectors must submit to the department, on a form developed by the department, a report of each incident on the entity's premises involving the administration of an epinephrine auto-injector. The department is required to annually publish a report that summarizes all reports submitted.

An authorized entity that acquires a stock supply of epinephrine auto-injectors under a prescription issued in accordance with these provisions may make the epinephrine auto-injectors available to individuals other than trained persons if the epinephrine auto-injectors are stored in a locked secure container and are made available only upon remote authorization by an authorized health care provider after consultation with the authorized health care provider by audio, televideo, or other similar means of electronic communication. Consultation with an authorized health care provider for this purpose must not be considered the practice of telemedicine or otherwise be construed as violating any law or rule regulating the authorized health care provider's professional practice.