

HOUSE BILL No. 4208

January 30, 1997, Introduced by Reps. Schroer, Anthony, Cherry, LaForge, Brater, Agee, Gubow and Schauer and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16171 (MCL 333.16171), as amended by 1985 PA
82, and by adding part 56a and section 17749a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

PART 56A.

2

INSECT STING EMERGENCIES

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SEC. 5651. THIS PART SHALL BE KNOWN AND MAY BE CITED AS THE

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"INSECT STING EMERGENCY TREATMENT ACT".

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SEC. 5652. (1) THE DEPARTMENT SHALL DO ALL OF THE

6

FOLLOWING:

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(A) PROMULGATE RULES FOR THE ADMINISTRATION OF THIS PART.

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(B) DEVELOP AND CONDUCT TRAINING PROGRAMS FOR THE

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CERTIFICATION OF INDIVIDUALS UNDER THIS PART.

1 (C) COLLECT THE FEES IMPOSED UNDER THIS PART.

2 (2) THE DEPARTMENT SHALL INCLUDE, AT A MINIMUM, ALL OF THE
3 FOLLOWING INFORMATION IN A TRAINING PROGRAM DEVELOPED UNDER SUB-
4 SECTION (1)(B):

5 (A) THE SYMPTOMS OF AN ADVERSE SYSTEMIC REACTION TO AN
6 INSECT STING AND THE RECOGNITION OF THOSE SYMPTOMS.

7 (B) THE PROPER TECHNIQUE FOR THE ADMINISTRATION OF A SUBCU-
8 TANEOUS INJECTION OF EPINEPHRINE.

9 (3) THE DEPARTMENT SHALL REQUIRE THAT A TRAINING PROGRAM
10 DEVELOPED UNDER SUBSECTION (1)(B) BE CONDUCTED BY AN ALLOPATHIC
11 OR OSTEOPATHIC PHYSICIAN LICENSED UNDER PART 170 OR 175 OF ARTI-
12 CLE 15.

13 SEC. 5653. (1) AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING
14 REQUIREMENTS IS ELIGIBLE TO ATTEND A TRAINING PROGRAM DEVELOPED
15 AND CONDUCTED UNDER SECTION 5652:

16 (A) IS 18 YEARS OF AGE OR OLDER.

17 (B) HAS, AS A FAMILY MEMBER, AS A VOLUNTEER, OR AS PART OF
18 HIS OR HER EMPLOYMENT, RESPONSIBILITY FOR THE HEALTH AND WELFARE
19 OF ANOTHER INDIVIDUAL.

20 (C) HAS PAID A FEE OF \$25.00 TO THE DEPARTMENT.

21 (D) MEETS OTHER REQUIREMENTS AS PRESCRIBED BY RULE OF THE
22 DEPARTMENT.

23 (2) THE DEPARTMENT SHALL ISSUE A CERTIFICATE UNDER THIS PART
24 TO AN INDIVIDUAL WHO SUCCESSFULLY COMPLETES A TRAINING PROGRAM
25 DEVELOPED AND CONDUCTED UNDER SECTION 5652.

26 SEC. 5654. (1) AN INDIVIDUAL WHO HOLDS A CERTIFICATE ISSUED
27 UNDER THIS PART MAY DO ALL OF THE FOLLOWING:

1 (A) REQUEST AND RECEIVE FROM A PHYSICIAN LICENSED UNDER PART
2 170 OR 175 OF ARTICLE 15 A PRESCRIPTION FOR 1 OR MORE PREMEASURED
3 DOSES OF EPINEPHRINE AND THE MEDICAL PARAPHERNALIA NECESSARY FOR
4 THE ADMINISTRATION OF THE EPINEPHRINE.

5 (B) FILL THE PRESCRIPTION AND POSSESS THE EPINEPHRINE AND
6 MEDICAL PARAPHERNALIA DESCRIBED IN SUBDIVISION (A).

7 (C) ADMINISTER A DOSE OF THE EPINEPHRINE OBTAINED UNDER SUB-
8 DIVISIONS (A) AND (B) TO AN INDIVIDUAL USING THE MEDICAL PARA-
9 PHERNALIA OBTAINED UNDER SUBDIVISIONS (A) AND (B) IF ALL OF THE
10 FOLLOWING CIRCUMSTANCES EXIST:

11 (i) THE CERTIFICATE HOLDER REASONABLY BELIEVES THAT THERE IS
12 AN EMERGENCY CONSISTING OF ANOTHER INDIVIDUAL SUFFERING A SEVERE,
13 ADVERSE REACTION TO AN INSECT STING.

14 (ii) A PHYSICIAN OR OTHER HEALTH PROFESSIONAL QUALIFIED TO
15 ADMINISTER EPINEPHRINE IS NOT IMMEDIATELY AVAILABLE TO ASSIST THE
16 INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (i).

17 (2) A CERTIFICATE HOLDER UNDER THIS PART WHO IN GOOD FAITH
18 ADMINISTERS EPINEPHRINE TO ANOTHER INDIVIDUAL IN AN EMERGENCY AS
19 DESCRIBED IN SUBSECTION (1)(C) IS IMMUNE FROM CIVIL AND CRIMINAL
20 LIABILITY ARISING FROM THE ADMINISTRATION OF THE EPINEPHRINE
21 UNLESS THE CERTIFICATE HOLDER'S CONDUCT IS GROSSLY NEGLIGENT OR
22 IS WILLFUL AND WANTON.

23 (3) AN INDIVIDUAL WHO ADMINISTERS EPINEPHRINE TO ANOTHER WHO
24 IS IN LAWFUL POSSESSION OF THE EPINEPHRINE AND WHO THE ADMINIS-
25 TERING INDIVIDUAL REASONABLY BELIEVES IS IN NEED OF EMERGENCY
26 TREATMENT IS IMMUNE FROM CIVIL AND CRIMINAL LIABILITY ARISING
27 FROM THE ADMINISTRATION OF THE EPINEPHRINE, UNLESS THE

1 ADMINISTERING INDIVIDUAL'S CONDUCT IS GROSSLY NEGLIGENT OR IS
2 WILLFUL AND WANTON.

3 Sec. 16171. Under the circumstances and subject to the lim-
4 itations stated in each case, the following individuals are not
5 required to have a license issued under this article for THE
6 practice of a health profession in this state:

7 (a) A student in a health profession training program —
8 ~~which~~ THAT has been approved by the appropriate board, while
9 performing the duties assigned in the course of training.

10 (b) An individual practicing a health profession in the dis-
11 charge of official duties while in the military service of the
12 United States, the United States public health service, the
13 United States department of agriculture, or the United States
14 veterans administration. The institution in which the individual
15 practices shall report the name and address of the individual to
16 the appropriate board within 30 days after the date of
17 employment.

18 (c) An individual who by education, training, or experience
19 substantially meets the requirements of this article for licen-
20 sure while rendering medical care in a time of disaster or to an
21 ill or injured individual at the scene of an emergency.

22 (d) An individual who provides nonmedical nursing or similar
23 services in the care of the ill or suffering or an individual who
24 in good faith ministers to the ill or suffering by spiritual
25 means alone, through prayer, in the exercise of a religious free-
26 dom, and who does not hold himself or herself out to be a health
27 professional.

1 (e) An individual residing in another state or country and
2 authorized to practice a health profession in that state or coun-
3 try who, in an exceptional circumstance, is called in for consul-
4 tation or treatment by a health professional in this state.

5 (f) An individual residing in another state or country and
6 authorized to practice a health profession in that state or coun-
7 try, when attending meetings or conducting lectures, seminars, or
8 demonstrations under the auspices of professional associations or
9 training institutions in this state, if the individual does not
10 maintain an office or designate a place to meet patients or
11 receive calls in this state.

12 (g) An individual authorized in another country to practice
13 a health profession and who is employed by the United States
14 public health service or the government of another country for
15 the exclusive use of members of its merchant marine and members
16 of its counsel and diplomatic corps, while caring for those mem-
17 bers in the performance of his or her official duties.

18 (h) An individual residing adjacent to the land border
19 between this state and an adjoining state who is authorized under
20 the laws of that state to practice a health profession and whose
21 practice may extend into this state, but who does not maintain an
22 office or designate a place to meet patients or receive calls in
23 this state.

24 (i) An individual authorized to practice a health profession
25 in another state or territory of the United States who has been
26 appointed by the United States olympic committee to provide
27 health services exclusively to team personnel and athletes

1 registered to train and compete at a training site in this state
2 approved by the United States olympic committee or at an event
3 conducted under the sanction of the United States olympic
4 committee. The exemption granted by this subdivision ~~shall~~
5 ~~apply~~ APPLIES to the individual while performing the duties
6 assigned in the course of the sanctioned training program or
7 event and for the time period specified by the United States
8 olympic committee.

9 (J) AN INDIVIDUAL WHO HOLDS A CERTIFICATE ISSUED UNDER PART
10 56A, BUT ONLY WHILE ADMINISTERING A PREMEASURED DOSE OF EPINEPH-
11 RINE TO ANOTHER INDIVIDUAL WHO IS SUFFERING A SEVERE, ADVERSE
12 REACTION TO AN INSECT STING, AS DESCRIBED IN SECTION 5654(1)(C).

13 SEC. 17749A. PURSUANT TO A PRESCRIPTION ISSUED BY A PRE-
14 SCRIBER, A PHARMACIST MAY DISPENSE 1 OR MORE PREMEASURED DOSES OF
15 EPINEPHRINE AND THE MEDICAL PARAPHERNALIA NECESSARY FOR THE
16 ADMINISTRATION OF THE EPINEPHRINE TO THE HOLDER OF A CERTIFICATE
17 ISSUED UNDER PART 56A FOR SUBSEQUENT ADMINISTRATION TO ANOTHER
18 UNDER THE CIRCUMSTANCES PRESCRIBED IN PART 56A.