

Legislative Analysis



EPINEPHRINE DEVICES PRESCRIBED TO SCHOOL BOARDS

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House Bills 4352 and 4353

Sponsor: Rep. Lisa Posthumus Lyons

Committee: Education

Complete to 5-1-13

A SUMMARY OF HOUSE BILLS 4352 AND 4353 AS INTRODUCED 2-28-13

The bills would amend two separate acts to address the use of auto-injectable epinephrine devices in schools.

House Bill 4352 would amend the Public Health Code (MCL 333.17745, 333.17751, 333.17754, and 333.17757) to allow physicians to prescribe and pharmacists to dispense auto-injectable epinephrine devices to school boards and limit their liability.

House Bill 4353 would amend the Revised School Code (MCL 380.1178 and 380.1179) to require that auto-injectable epinephrine devices be present at all public schools, including charter schools, and to limit the liability of certain school employees when they in good faith administer an auto-injectable epinephrine device to a student consistent with policies described in the bill.

House Bill 4352 is tie-barred to House Bill 4353 so that it could not go into effect unless House Bill 4353 also was enacted into law. A more detailed description of each bill follows.

House Bill 4352 (Public Health Code)

The bill would amend the Public Health Code to specify that a dispensing prescriber or pharmacist may dispense auto-injectable epinephrine to a school board. When issuing such a prescription, the prescriber, dispensing prescriber, or pharmacist must insert the name of the school board as the name of the patient. A school employee who is a licensed registered professional nurse or who is trained in the administration of an epinephrine auto-injector may possess and administer the epinephrine auto-injector.

Under the bill, a prescriber who issues a prescription for, or a pharmacist who dispenses, auto-injectable epinephrine is not liable in a civil action for personal injury or death proximately caused by the professional negligence or malpractice of the prescriber, dispensing prescriber, or pharmacist. However, this protection from liability does not apply if the negligent conduct or malpractice is gross negligence.

Now under the law, a pharmacist must furnish to the purchaser of a prescription drug a receipt containing the brand name of the drug, the name of the manufacturer or supplier, the strength of the drug, the quantity dispensed, the name and address of the pharmacy,

the serial number of the prescription, the date the prescription was originally dispensed, the name of the prescriber, the name of the patient for whom the drug was prescribed, and the price of the drug. House Bill 4352 would retain all of these provisions, but require that the name of the school board be used in lieu of the name of the patient for whom the drug was prescribed.

House Bill 4353 (Revised School Code)

The bill would amend the Revised School Code to require that auto-injectable epinephrine devices be present at all public schools.

Under the bill, a school board would have to ensure that in each school it operates with an instructional and administrative staff of 10 or more people, there were at least two employees at the school who have been trained in the administration of an epinephrine auto-injector. In each school having fewer than 10 instructional and administrative staff, there would have to be at least one employee trained to administer an epinephrine auto-injector.

Further, the bill requires that a school board develop and implement policies that provide for the possession of at least two epinephrine auto-injectors in each school, to be used by a school employee who is a licensed registered professional nurse or by a school employee who is trained to administer an epinephrine auto-injector. The policies must authorize a school employee to administer the epinephrine auto-injector to a student who has a prescription on file at the school. In addition, the policies must authorize administration of the drug to any other student who is believed to be having an anaphylactic reaction.

The bill specifies that a school employee who is a licensed registered professional nurse, or who is trained in the administration of an epinephrine auto-injector, may possess and administer it. A person who does so in good faith would not be liable in a criminal action or for civil damages as a result of an act or omission in the administration of the epinephrine auto-injector, except for an act or omission amounting to gross negligence or willful and wanton misconduct.

FISCAL IMPACT:

The bill could create additional, although likely minimal, costs for local school districts and public school academies by requiring staff training and requiring them to possess at least 2 epinephrine auto-injectors per school building.

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