

MAINE STATE LEGISLATURE

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Date: 3/31/14

L.D. 1727
(Filing No. H-779)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1235, L.D. 1727, Bill, "An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in Schools"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 20-A MRSA §6305 is enacted to read:

§6305. Epinephrine autoinjectors; guidelines; emergency administration

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Collaborative practice agreement" means a written and signed agreement between a physician licensed in this State or a school health advisor under section 6402-A and a school nurse under section 6403-A that provides for the prescription of epinephrine autoinjectors by the physician or school health advisor and administration of epinephrine autoinjectors by a school nurse or designated school personnel to students during school or a school-sponsored activity under emergency circumstances involving anaphylaxis.

B. "Designated school personnel" means those employees, agents or volunteers of a school administrative unit or an approved private school designated by a collaborative practice agreement between a physician licensed in this State or a school health advisor under section 6402-A and a school nurse under section 6403-A

COMMITTEE AMENDMENT

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1 who have completed the training required by rule to provide or administer an
2 epinephrine autoinjector to a student.

3 C. "Epinephrine autoinjector" means a device that automatically injects a
4 premeasured dose of epinephrine.

5 D. "School" means a public or approved private school.

6 **2. Collaborative practice agreement; adoption authorized.** A school
7 administrative unit or an approved private school may authorize adoption of a
8 collaborative practice agreement for the purposes of stocking and administering
9 epinephrine autoinjectors as provided under this section. The administration of an
10 epinephrine autoinjector in accordance with this section is not the practice of medicine.

11 **3. Collaborative practice agreement; authority.** A collaborative practice
12 agreement permits a physician licensed in this State or school health advisor under
13 section 6402-A to prescribe an epinephrine autoinjector and direct a school nurse under
14 section 6403-A to administer an epinephrine autoinjector in good faith to any student
15 experiencing anaphylaxis during school or a school-sponsored activity. Pursuant to a
16 collaborative practice agreement, a physician licensed in this State or school health
17 advisor under section 6402-A may authorize the school nurse under section 6403-A
18 during school or a school-sponsored activity to designate other school personnel with
19 training required by rule to administer an epinephrine autoinjector if the school nurse is
20 not present when a student experiences anaphylaxis.

21 **4. Collaborative practice agreement; terms and provisions.** A collaborative
22 practice agreement must include the following information:

23 A. Name and physical address of the school;

24 B. Identification and signatures of the physician or school health advisor under
25 section 6402-A and school nurse under section 6403-A who are parties to the
26 collaborative practice agreement, the dates the agreement is signed by each party and
27 the beginning and end dates of the period of time within which the agreement is in
28 effect; and

29 C. Any other information considered appropriate by the physician or school health
30 advisor under section 6402-A and school nurse under section 6403-A.

31 **5. Use of epinephrine autoinjectors without a collaborative practice agreement.**
32 The governing body of a school administrative unit or an approved private school may
33 authorize a school nurse under section 6403-A and designated school personnel to
34 administer an epinephrine autoinjector to a student in accordance with a prescription
35 specific to the student on file with the school nurse and in accordance with section 254,
36 subsection 5. The administration of an epinephrine autoinjector in accordance with this
37 subsection is not the practice of medicine.

38 **6. Manufacturer or supplier arrangement.** A school administrative unit or an
39 approved private school may enter into an arrangement with a manufacturer of
40 epinephrine autoinjectors or a 3rd-party supplier of epinephrine autoinjectors to obtain
41 epinephrine autoinjectors at fair market prices or reduced prices or for free.

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1 7. Purchase from licensed pharmacies. A collaborative practice agreement under
2 this section may provide that a school administrative unit or an approved private school
3 may purchase epinephrine autoinjectors from a pharmacy licensed in this State.

4 8. Guidelines. By December 1, 2015 and as needed after that date, the department
5 in consultation with the Department of Health and Human Services shall develop and
6 make available to all schools guidelines for the management of students with life-
7 threatening allergies. The guidelines must include, but are not limited to:

8 A. Guidelines regarding education and training for school personnel on the
9 management of students with life-threatening allergies, including training related to
10 the administration of an epinephrine autoinjector;

11 B. Procedures for responding to life-threatening allergic reactions;

12 C. A process for the development of individualized health care and allergy action
13 plans for students with known life-threatening allergies; and

14 D. Protocols to prevent exposure to allergens.

15 9. Plan. By September 1, 2016 and as needed after that date, the governing body of
16 a school administrative unit or an approved private school shall:

17 A. Implement a protocol based on the guidelines developed pursuant to subsection 8
18 for the management of students with life-threatening allergies enrolled in the schools
19 under its jurisdiction; and

20 B. Make the protocol under paragraph A available on the governing body's publicly
21 accessible website or the publicly accessible website of each school under the
22 governing body's jurisdiction or, if those websites do not exist, make the protocol
23 publicly available through other means as determined by the governing body.

24 The governing body of the school administrative unit or the approved private school shall
25 annually attest to the department that the schools under its jurisdiction are implementing
26 the protocol in accordance with the provisions of this subsection.'

27 Amend the bill in section 2 by striking out the first paragraph (page 2, lines 38 to 40
28 and page 3, lines 1 to 2 in L.D.) and inserting the following:

29 '**Sec. 2. Rules.** By December 1, 2015, the Department of Education, in consultation
30 with the Department of Health and Human Services, shall amend their rules relating to
31 medication administration in schools in the State to carry out the provisions of the Maine
32 Revised Statutes, Title 20-A, section 6305. Rules adopted pursuant to this section are
33 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The rules
34 must.'

35 Amend the bill in section 2 in subsection 1 in the first line (page 3, line 3 in L.D.) by
36 striking out the following: "Require each school" and inserting the following: 'Encourage
37 each school administrative unit and approved private school'

38 Amend the bill in section 2 in subsection 1 in the 2nd line (page 3, line 4 in L.D.) by
39 striking out the following: "at the school or" and inserting the following: 'in the school
40 administrative unit or the approved private school or at'

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COMMITTEE AMENDMENT "A" to H.P. 1235, L.D. 1727

1 Amend the bill in section 2 in subsection 3 in the first line (page 3, line 10 in L.D.) by
2 inserting after the following: "programs" the following: 'overseen by school nurses'

3 **SUMMARY**

4 This amendment provides for the provision and administration of epinephrine
5 autoinjectors through collaborative practice agreements between physicians licensed in
6 this State or school health advisors and school nurses.

7 **FISCAL NOTE REQUIRED**

8 **(See attached)**



126th MAINE LEGISLATURE

LD 1727

LR 2221(02)

An Act To Establish Guidelines for the Stocking and Administration of Epinephrine in Schools

Fiscal Note for Bill as Amended by Committee Amendment

A(H-779)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Exempted

State Mandates

Required Activity

Requires the governing body of a school administrative unit or an approved private school to implement a protocol based on guidelines developed by the Department of Education for the management of students with life-threatening allergies and to make the protocol available on its publicly accessible website or through other means.

Unit Affected

School

Local Cost

Moderate statewide

Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the state from the constitutional requirement to fund 90% of the additional costs.

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services and the Department of Education to develop the required guidelines and amend certain rules related to medication administration in Maine schools can be absorbed within existing budgeted resources.