

SESSION OF 2009

**CONFERENCE COMMITTEE REPORT BRIEF
SUBSTITUTE FOR HOUSE BILL NO. 2008**

As Agreed to April 1, 2009

Brief*

Sub. for HB 2008 would authorize any person to administer epinephrine in emergency situations to a student or a member of a school staff when: (1) the person administering the epinephrine reasonably believes that the student or staff member is exhibiting the signs and symptoms of an anaphylactic reaction; (2) a physician has authorized, in writing, the school to maintain a stock supply of epinephrine; and (3) the epinephrine is administered at school, on school property or at a school-sponsored event. The bill would exempt from liability for civil damages and exempt from the practice of the healing arts any person who gratuitously and in good faith renders emergency care or treatment through the administration of epinephrine to a student or a member of a school staff at school, on school property or at a school-sponsored event if the person acts as an ordinary and reasonably prudent person would have acted under the same or similar circumstances.

In addition, the bill authorizes any accredited school to maintain an epinephrine kit, if the school chooses to do so. An epinephrine kit may consist of one or more doses of epinephrine. Epinephrine from an epinephrine kit shall be used only in emergency situations when the person administering the epinephrine reasonably believes that the signs and symptoms of an anaphylactic reaction are occurring and if administered at school, on school property or at a school-sponsored event. A

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school would not maintain an epinephrine kit unless the school has consulted with a pharmacist licensed by the State Board of Pharmacy. The consultant pharmacist would have supervisory responsibility of maintaining the epinephrine kit and be responsible for developing procedures, proper control and accountability for the epinephrine kit.

The bill further states that the State Board of Pharmacy may adopt any rules and regulations as necessary regarding the maintenance of epinephrine kits.

Conference Committee Action

The Conference Committee agreed to amend HB 2008 by authorizing any person to administer epinephrine in emergency situations to a student or a member of a school staff when: (1) the person administering the epinephrine reasonably believes that the student or staff member is exhibiting the signs and symptoms of an anaphylactic reaction; (2) a physician has authorized, in writing, the school to maintain a stock supply of epinephrine; and (3) the epinephrine is administered at school, on school property or at a school-sponsored event.

The Conference Committee also agreed that the bill would exempt from liability for civil damages and exempt from the practice of the healing arts any person who gratuitously and in good faith renders emergency care or treatment through the administration of epinephrine to a student or a member of a school staff at school, on school property or at a school-sponsored event, if the person acts as an ordinary and reasonably prudent person would have acted under the same or similar circumstances.

Background

Introduction of HB 2008 arose from a recommendation made by the Legislative Educational Planning Committee. Several testified at the hearing for bill, as introduced, which

created a school medication aide authorized to administer epinephrine in certain cases, in addition to the professional nurse. Testifying in support of the original bill was a representative of the Blue Valley School District. Opposing the original bill were representatives of the Kansas Association of School Boards, the Kansas School Nurses' Association, and the Kansas State Nurses' Association. A representative from the Olathe School District opposed a portion of the bill and supported another portion. A representative of the Kansas Medical Society presented neutral testimony.

Upon recommendation of a subcommittee of the House Education Committee, a substitute bill was introduced that would eliminate the school medication aide and authorize a professional nurse working at a school to administer epinephrine to a student or staff member without a prior diagnosis and specific student order in cases where the nurse reasonably believes that the signs and symptoms of an anaphylactic reaction are occurring, and with written authorization from a physician. The House Committee on Education also added a provision that would allow a school district to maintain an epinephrine kit containing doses of the drug with supervision from a consulting licensed pharmacist.

The House Committee of the Whole amended the bill to clarify to whom epinephrine could be administered and make it clear that schools could choose whether or not to maintain an epinephrine kit. The Senate Committee of the Whole amended the bill by eliminating the provision which allowed an individual, under a professional nurse's supervision, to administer epinephrine.

The fiscal note for the introduced version of the bill is no longer relevant. There is no fiscal note for the amended version of the bill.

epinephrine; k-12 education; school nurses