

HOUSE BILL No. 2547

By Committee on Health and Human Services

Requested by Representative Eplee on behalf of Kansas School Nurses
Organization

1-18

1 AN ACT concerning schools; relating to student health; authorizing the
2 maintenance of emergency medication kits for certain life-threatening
3 conditions; requiring a prescription for distribution of emergency
4 medication to schools; providing requirements for the administration of
5 emergency medication by school personnel, training; exempting certain
6 persons from the practice of healing arts and civil liability if acting in
7 good faith; amending K.S.A. 65-1680, 65-2872b and 72-6283 and
8 repealing the existing sections.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 65-1680 is hereby amended to read as follows: 65-
12 1680. ~~The state board of pharmacy may adopt any rules and regulations~~
13 ~~which the board deems necessary in relation to the maintenance of~~
14 ~~epinephrine kits under K.S.A. 72-6283, and amendments thereto. (a) A~~
15 *pharmacist may distribute a stock supply of standard-dose and pediatric-*
16 *dose epinephrine auto-injectors to a school pursuant to a prescription*
17 *made pursuant to K.S.A. 72-6283, and amendments thereto, from a*
18 *physician or mid-level practitioner in the name of the school. A*
19 *pharmacist who distributes a stock supply of standard-dose or pediatric-*
20 *dose epinephrine auto-injectors to a school shall not be liable for civil*
21 *damages resulting from the administration of such medication pursuant to*
22 *this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.*

23 *(b) A pharmacist may distribute a stock supply of albuterol metered-*
24 *dose inhalers, albuterol solution and spacers to a school pursuant to a*
25 *prescription made pursuant to K.S.A. 72-6283, and amendments thereto,*
26 *from a physician or mid-level practitioner in the name of the school. A*
27 *pharmacist who distributes a stock supply of albuterol metered-dose*
28 *inhalers, albuterol solution or spacers to a school shall not be liable for*
29 *civil damages resulting from the administration of such medication*
30 *pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments*
31 *thereto.*

32 *(c) The terms used in this section mean the same as defined in K.S.A.*
33 *72-6283, and amendments thereto.*

34 Sec. 2. K.S.A. 65-2872b is hereby amended to read as follows: 65-

1 2872b. (a) The practice of the healing arts shall not be construed to include
2 any person administering epinephrine *or albuterol* in emergency situations
3 ~~to a student or a member of a school staff~~ *an individual* if:

4 (1) (A) The person administering the epinephrine reasonably believes
5 that ~~the student or staff member~~ *individual* is exhibiting the signs and
6 symptoms of an anaphylactic reaction; *or*

7 (B) *the person administering the albuterol reasonably believes that*
8 *the individual is exhibiting the signs and symptoms of respiratory distress;*

9 (2) a physician *or mid-level practitioner, after reviewing the school's*
10 *policies and procedures,* has authorized, in writing, the school to maintain
11 a stock supply of ~~epinephrine~~ *emergency medication*; and

12 (3) ~~the epinephrine emergency medication~~ *is administered at school,*
13 *on school property or at a school-sponsored event.*

14 (b) Any person who gratuitously and in good faith renders emergency
15 care or treatment through the administration of ~~epinephrine emergency~~
16 *medication to a student or a member of a school staff an individual* at
17 school, on school property or at a school-sponsored event, *and any school*
18 *that employs or contracts such person,* shall not be held liable for any civil
19 damages as a result of such care or administration or as a result of any act
20 or failure to act in providing or arranging further medical treatment where
21 the person acts as an ordinary reasonably prudent person would have acted
22 under the same or similar circumstances.

23 (c) *A physician or mid-level practitioner who writes a prescription*
24 *for emergency medication or provides training to school personnel on the*
25 *administration of emergency medication shall not be liable for civil*
26 *damages resulting from the administration of emergency medication*
27 *pursuant to this section, K.S.A. 65-1680 or 72-6283, and amendments*
28 *thereto.*

29 (d) *The terms used in this section mean the same as defined in K.S.A.*
30 *72-6283, and amendments thereto.*

31 Sec. 3. K.S.A. 72-6283 is hereby amended to read as follows: 72-
32 6283. ~~Any accredited school may maintain an epinephrine kit. An~~
33 ~~epinephrine kit may consist of one or more doses of epinephrine.~~
34 ~~Epinephrine from an epinephrine kit shall be used only in emergency~~
35 ~~situations when the person administering the epinephrine reasonably~~
36 ~~believes that the signs and symptoms of an anaphylactic reaction are~~
37 ~~occurring and if administered at school, on school property or at a school-~~
38 ~~sponsored event. A school may not maintain an epinephrine kit unless the~~
39 ~~school has consulted with a pharmacist licensed by the state board of~~
40 ~~pharmacy. The consultant pharmacist shall have supervisory responsibility~~
41 ~~for maintaining the epinephrine kit. The consultant pharmacist shall be~~
42 ~~responsible for developing procedures, proper control and accountability~~
43 ~~for the epinephrine kit. Periodic physical inventory of the epinephrine kit~~

1 shall be required. An epinephrine kit shall be maintained under the control
2 of the consultant pharmacist. (a) As used in this section, K.S.A. 65-1680
3 and 65-2872b, and amendments thereto:

4 (1) "Albuterol" means a short-acting beta-2 agonist-inhaled
5 medication, otherwise known as a bronchodilator; that is prescribed by a
6 physician or mid-level practitioner for the treatment of respiratory
7 distress.

8 (2) "Albuterol metered-dose inhaler" means a portable drug delivery
9 system containing a canister of multiple premeasured doses of albuterol in
10 a device actuator.

11 (3) "Albuterol solution" means a liquid form of albuterol for use with
12 a nebulizer.

13 (4) "Anaphylaxis" or "anaphylactic reaction" means a sudden, severe
14 and potentially life-threatening multi-system allergic reaction.

15 (5) "Designated school personnel" means an employee, officer, agent
16 or volunteer of a school who has completed training, documented by the
17 school nurse, a physician or a mid-level practitioner; to administer
18 emergency medication on a voluntary basis outside of the scope of
19 employment.

20 (6) "Emergency medication" means epinephrine or albuterol.

21 (7) "Epinephrine" means a medication prescribed by a physician or
22 mid-level practitioner for the emergency treatment of anaphylaxis prior to
23 the arrival of emergency medical system responders.

24 (8) "Epinephrine auto-injector" means a device that automatically
25 injects a premeasured dose of epinephrine.

26 (9) "Mid-level practitioner" means the same as such term is defined
27 in K.S.A. 65-1626, and amendments thereto.

28 (10) "Nebulizer" means a device that is used to change a liquid
29 medication to a fine spray of liquid or mist for the administration of the
30 medication through inhalation.

31 (11) "Pharmacist" means the same as such term is defined in K.S.A.
32 65-1626, and amendments thereto.

33 (12) "Physician" means any person licensed by the state board of
34 healing arts to practice medicine and surgery.

35 (13) "Respiratory distress" means impaired ventilation of the
36 respiratory system or impaired oxygenation of the blood.

37 (14) "School" means any school operated by a school district
38 organized under the laws of this state or any accredited nonpublic school
39 that provides education to elementary or secondary students.

40 (15) "School nurse" means a registered nurse licensed by the board
41 of nursing to practice nursing in Kansas or a licensed practical nurse
42 working under a registered nurse who is employed by a school to perform
43 nursing services in a school setting.

1 (16) "Spacer" means a holding chamber that is used to optimize the
2 delivery of aerolized albuterol from an albuterol metered-dose inhaler.

3 (17) "Stock supply" means an appropriate quantity of emergency
4 medication as recommended by a physician or mid-level practitioner.

5 (b) (1) A school may maintain a stock supply of emergency
6 medication upon obtaining a prescription from a physician or mid-level
7 practitioner in the name of the school. A physician or mid-level
8 practitioner shall review the school's policies and procedures established
9 pursuant to subsection (c) prior to prescribing such emergency
10 medication.

11 (2) A stock supply of epinephrine may consist of one or more
12 standard-dose or pediatric-dose epinephrine auto-injectors. A school
13 nurse or designated school personnel may administer such epinephrine in
14 an emergency situation to any individual who displays the signs and
15 symptoms of anaphylaxis at school, on school property or at a school-
16 sponsored event if such school nurse or designated school personnel
17 reasonably believes that an individual is exhibiting the signs and
18 symptoms of an anaphylactic reaction.

19 (3) A stock supply of albuterol may consist of one or more albuterol
20 metered-dose inhalers, one or more doses of albuterol solution and one or
21 more spacers or nebulizers. A school nurse or designated school
22 personnel may administer such albuterol in an emergency situation to any
23 individual who displays the signs and symptoms of respiratory distress at
24 school, on school property or at a school-sponsored event if such school
25 nurse or designated school personnel reasonably believes that an
26 individual is exhibiting the signs and symptoms of respiratory distress.

27 (c) A school that maintains a stock supply of emergency medication
28 shall establish school policies and procedures relating to:

29 (1) Storage of the emergency medication, which shall require that the
30 emergency medication is stored:

31 (A) In a safe location that is readily accessible to the school nurse or
32 designated school personnel; and

33 (B) in accordance with manufacturer temperature recommendations;

34 (2) periodic monitoring of the inventory and expiration dates of
35 emergency medication;

36 (3) administration of emergency medication by designated school
37 personnel; and

38 (4) training requirements for designated school personnel, which
39 shall be conducted on not less than on an annual basis for such designated
40 school personnel. Such training shall include, but not be limited to, the
41 following:

42 (A) Recognition of the symptoms of anaphylaxis and respiratory
43 distress;

- 1 (B) *administration of emergency medication;*
2 (C) *calling for emergency medical system responders;*
3 (D) *monitoring the condition of an individual after emergency*
4 *medication has been administered;*
5 (E) *notification of the parent, guardian or next of kin; and*
6 (F) *safe disposal and sanitation of used equipment.*
7 (d) *A school shall publish information related to the school's*
8 *emergency medication policies and procedures and shall maintain records*
9 *of the training provided to designated school personnel.*
10 (e) *A school may accept monetary gifts, grants and donations to*
11 *carry out the provisions of this section or may accept epinephrine auto-*
12 *injectors, albuterol metered-dose inhalers, albuterol solution, spacers or*
13 *nebulizers from a manufacturer or wholesaler.*
14 Sec. 4. K.S.A. 65-1680, 65-2872b and 72-6283 are hereby repealed.
15 Sec. 5. This act shall take effect and be in force from and after its
16 publication in the statute book.