Citations Affected: IC 21-44.5; IC 34-30.

Synopsis: Epinephrine in institutions of higher education. Allows a postsecondary educational institution to develop a policy for the emergency administration of an auto-injectable epinephrine to a student, faculty member, or staff member under certain circumstances. Sets forth requirements for the policy and for those employees who act as trained designees and administer the epinephrine. Requires the commission for higher education to set forth guidelines for the policies. Provides for civil immunity for licensed campus medical professionals, trained designees, and certain healthcare providers in the administration of epinephrine in compliance with the policy and guidelines.

Effective: Upon passage.
HOUSE BILL No. 1323

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 21-44.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 44.5. EPINEPHRINE ADMINISTRATION PROGRAM

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Licensed campus medical professional" means any of the following individuals who are employed by a postsecondary educational institution and are designated by the postsecondary educational institution to serve in such a capacity under IC 21-44.5-2-2(b):

(1) A physician licensed under IC 25-22.5.
(2) A physician assistant licensed under IC 25-27.5.
(3) An advanced practice nurse or registered nurse who is...
Sec. 3. "Member of the campus community" refers to an individual who is a student, faculty member, or staff member of a postsecondary educational institution.

Sec. 4. "Trained designee" means a member of the campus community trained by a licensed campus medical professional in the emergency administration of auto-injectable epinephrine.

Chapter 2. Emergency Administration of Epinephrine Policies and Guidelines

Sec. 1. A postsecondary educational institution may develop a policy in accordance with this chapter and guidelines issued by the commission for higher education under section 4 of this chapter for the emergency administration of auto-injectable epinephrine to a member of the campus community for anaphylaxis when a medical professional is not available.

Sec. 2. (a) A policy described in section 1 of this chapter must include the following:

1. Permission for a trained designee to do the following:
   (A) Under the guidance of a licensed campus medical professional, administer auto-injectable epinephrine to a member of the campus community for anaphylaxis when a licensed campus medical professional is unavailable.
   (B) When responsible for the safety of at least one (1) member of the campus community, carry in a secure but accessible location a supply of auto-injectable epinephrine that is prescribed under a standing protocol from a physician licensed under IC 25-22.5.

2. Provisions that a licensed campus medical professional has responsibility for training designees in the following:
   (A) The administration of auto-injectable epinephrine.
   (B) Identification of an anaphylactic reaction and indications for when to use epinephrine.

(b) Each postsecondary educational institution that develops a policy under this chapter shall designate a licensed campus medical professional.

(c) A licensed campus medical professional may do the following:
   (1) Establish and administer a standardized training protocol for the emergency administration of epinephrine by trained designees.
   (2) Ensure that trained designees have satisfactorily completed the training protocol.

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Sec. 3. An individual must meet the following requirements in order to be a trained designee:

(1) Be at least eighteen (18) years of age.
(2) Have, or reasonably expect to have, responsibility for at least one (1) other member of the campus community as a result of the individual's employment.
(3) Have satisfactorily completed the standardized training protocol established and administered by a licensed campus medical professional in accordance with guidelines developed by the commission for higher education under section 4 of this chapter.

Sec. 4. The commission for higher education, in consultation with the department of education and the state department of health, shall establish guidelines for the development of a policy by a postsecondary educational institution for the emergency administration of epinephrine to a member of the campus community for anaphylaxis when a medical professional is unavailable. In the emergency administration of epinephrine, the guidelines must address the responsibilities of the following:

(1) The postsecondary educational institution.
(2) The licensed campus medical professional.
(3) The trained designee.

Sec. 5. (a) A licensed campus medical professional who acts in accordance with this chapter is not liable for civil damages for any act or omission committed in accordance with this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(b) A trained designee who administers auto-injectable epinephrine in accordance with this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(c) A licensed health care provider who writes a prescription, drug order, or protocol under this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful or wanton misconduct.

Sec. 6. Nothing in this chapter may be construed to:
(1) permit a trained designee to perform the duties or fill the position of a licensed campus medical professional;
(2) prohibit the administration of a pre-filled auto-injector of epinephrine by a person acting under a lawful prescription;
or
(3) prevent a licensed and qualified member of a health care profession from acting within the individual's scope of practice in administering auto-injectable epinephrine.

SECTION 2. IC 34-30-2-86.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 86.4. IC 21-44.5-2-5 (Concerning licensed campus medical professionals, trained designees, and licensed health care providers and the administration of auto-injectable epinephrine).

SECTION 3. An emergency is declared for this act.
COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1323, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1323 as introduced.)

Committee Vote: Yeas 11, Nays 0

Representative Behning