

HOUSE BILL No. 1323

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-44.5; IC 34-30-2-86.4.

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.

Ober

January 15, 2014, read first time and referred to Committee on Education.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

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:

1 SECTION 1. IC 21-44.5 IS ADDED TO THE INDIANA CODE AS
2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 ARTICLE 44.5. EPINEPHRINE ADMINISTRATION
5 PROGRAM
6 Chapter 1. Definitions
7 Sec. 1. The definitions in this chapter apply throughout this
8 article.
9 Sec. 2. "Licensed campus medical professional" means any of
10 the following individuals who are employed by a postsecondary
11 educational institution and are designated by the postsecondary
12 educational institution to serve in such a capacity under
13 IC 21-44.5-2-2(b):
14 (1) A physician licensed under IC 25-22.5.
15 (2) A physician assistant licensed under IC 25-27.5.
16 (3) An advanced practice nurse or registered nurse who is



1 licensed under IC 25-23.

2 Sec. 3. "Member of the campus community" refers to an
3 individual who is a student, faculty member, or staff member of a
4 postsecondary educational institution.

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

8 **Chapter 2. Emergency Administration of Epinephrine Policies**
9 **and Guidelines**

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

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

18 (1) Permission for a trained designee to do the following:

19 (A) Under the guidance of a licensed campus medical
20 professional, administer auto-injectable epinephrine to a
21 member of the campus community for anaphylaxis when
22 a licensed campus medical professional is unavailable.

23 (B) When responsible for the safety of at least one (1)
24 member of the campus community, carry in a secure but
25 accessible location a supply of auto-injectable epinephrine
26 that is prescribed under a standing protocol from a
27 physician licensed under IC 25-22.5.

28 (2) Provisions that a licensed campus medical professional has
29 responsibility for training designees in the following:

30 (A) The administration of auto-injectable epinephrine.

31 (B) Identification of an anaphylactic reaction and
32 indications for when to use epinephrine.

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

36 (c) A licensed campus medical professional may do the
37 following:

38 (1) Establish and administer a standardized training protocol
39 for the emergency administration of epinephrine by trained
40 designees.

41 (2) Ensure that trained designees have satisfactorily
42 completed the training protocol.



1 (3) Obtain a supply of auto-injectable epinephrine under a
2 standing protocol from a physician licensed under IC 25-22.5.

3 (4) Control distribution to trained designees of auto-injectable
4 epinephrine.

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

7 (1) Be at least eighteen (18) years of age.

8 (2) Have, or reasonably expect to have, responsibility for at
9 least one (1) other member of the campus community as a
10 result of the individual's employment.

11 (3) Have satisfactorily completed the standardized training
12 protocol established and administered by a licensed campus
13 medical professional in accordance with guidelines developed
14 by the commission for higher education under section 4 of this
15 chapter.

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

24 (1) The postsecondary educational institution.

25 (2) The licensed campus medical professional.

26 (3) The trained designee.

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

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

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

42 **Sec. 6. Nothing in this chapter may be construed to:**



1 **(1) permit a trained designee to perform the duties or fill the**
2 **position of a licensed campus medical professional;**
3 **(2) prohibit the administration of a pre-filled auto-injector of**
4 **epinephrine by a person acting under a lawful prescription;**
5 **or**
6 **(3) prevent a licensed and qualified member of a health care**
7 **profession from acting within the individual's scope of**
8 **practice in administering auto-injectable epinephrine.**
9 SECTION 2. IC 34-30-2-86.4 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: **Sec. 86.4. IC 21-44.5-2-5**
12 **(Concerning licensed campus medical professionals, trained**
13 **designees, and licensed health care providers and the**
14 **administration of auto-injectable epinephrine).**
15 SECTION 3. **An emergency is declared for this act.**

