

HB0658/666782/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 658

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Valderrama” and substitute “Valderrama, Hammen, Miele, Saab, West, Rose, and K, Young”; in line 2, strike “Use Auto-Injectable Epinephrine” and substitute “and Allergy Treatment”; strike beginning with “establishing” in line 3 down through “Program;” in line 7 and substitute “altering the name of the Insect Sting Emergency Treatment Program to be the Emergency and Allergy Treatment Program; altering the purpose of the Program; repealing the authority of the Department of Health and Mental Hygiene to conduct certain educational training programs;”; in line 7, strike “establishing” and substitute “altering the”; strike beginning with “requiring” in line 8 down through “certificates;” in line 10 and substitute “requiring an applicant for a certain certificate to have a certain policy; repealing a requirement that certain educational training programs be conducted by certain individuals and include certain information; repealing certain application requirements;”; in line 12, after “actions;” insert “repealing certain requirements regarding the issuance, contents, replacement, and renewal of a certain certificate;”; strike beginning with “providing” in line 12 down through “circumstances;” in line 16 and substitute “altering certain immunities from certain causes of action for certain certificate holders and physicians;”; in line 19, after “circumstances;” insert “repealing certain provisions of law authorizing certain individuals to receive, possess, and administer certain epinephrine;”; strike beginning with “providing” in line 19 down through “circumstances;” in line 20; in line 21, strike “providing for the construction of this Act;”; in line 23, after “year;” insert “requiring the Department to report to certain committees of the General Assembly on or before a certain date on the implementation of this Act; altering certain definitions;”; in the same line, after “terms;” insert “making certain conforming and stylistic changes;”; in line 24, strike “Use Auto-Injectable Epinephrine” and substitute “and Allergy Treatment”; and after line 24, insert:

(Over)

“BY repealing and reenacting, with amendments,
Article – Health – General
Section 13-701 through 13-704, 13-708, and 13-709 to be under the amended
subtitle “Subtitle 7. Emergency and Allergy Treatment Program”
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing
Article – Health – General
Section 13-705 through 13-707
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)”.

On page 2, strike beginning with “13-7A-01” in line 1 down through “Program” in line 2 and substitute “13-705 and 13-706”.

AMENDMENT NO. 2

On page 2, after line 7, insert:

“Subtitle 7. [Insect Sting] Emergency AND ALLERGY Treatment Program.

13-701.

The [Insect Sting] Emergency AND ALLERGY Treatment Program is a program in the Department for the purpose of providing a means of authorizing certain individuals to administer life-saving treatment to [persons] INDIVIDUALS who have severe adverse reactions to ALLERGENS OR insect stings when physician services or emergency medical services are not immediately available.

13-702.

(a) In this subtitle the following words have the meanings indicated.

(B) “AGENT” MEANS AN INDIVIDUAL WHO IS APPOINTED BY A CERTIFICATE HOLDER THAT IS NOT AN INDIVIDUAL TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

(C) “ANAPHYLAXIS” MEANS A SUDDEN, SEVERE, AND POTENTIALLY LIFE-THREATENING ALLERGIC REACTION THAT OCCURS WHEN AN INDIVIDUAL IS EXPOSED TO AN ALLERGEN.

(D) “AUTO-INJECTABLE EPINEPHRINE” MEANS A PORTABLE, DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY SITUATION.

[(b)] (E) “Certificate” means a certificate OR AN ENDORSEMENT ON THE OPERATING CERTIFICATE OF A YOUTH CAMP issued by the Department [or a private or public entity] TO A PERSON WHO OPERATES A YOUTH CAMP UNDER TITLE 14, SUBTITLE 4 OF THIS ARTICLE to OBTAIN, STORE, AND administer [subcutaneous injections of] AUTO-INJECTABLE epinephrine.

(F) “CERTIFICATE HOLDER” MEANS A PERSON WHO IS AUTHORIZED BY THE DEPARTMENT TO OBTAIN, STORE, AND ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY SITUATION.

[(c)] (G) “Program” means the [Insect Sting] Emergency AND ALLERGY Treatment Program.

(H) "YOUTH CAMP" HAS THE MEANING STATED IN § 14-401 OF THIS ARTICLE.

13-703.

(A) The Department may:

(1) Adopt regulations for the administration of the Program;

(2) Collect fees necessary for the administration of the Program;

(3) Issue and renew [certificates] A CERTIFICATE to [persons] A PERSON meeting the requirements of this subtitle; and

(4) [(i) Conduct educational training programs described in § 13-704(e) of this subtitle; and

(ii)] Approve educational training programs, INCLUDING PROGRAMS conducted by other State agencies or private entities.

(B) A CERTIFICATE ISSUED BY THE DEPARTMENT SHALL BE VALID FOR 1 YEAR.

13-704.

(a) To qualify for a certificate, an individual shall meet the requirements of this section.

(b) The applicant shall [be of good moral character] OPERATE A YOUTH CAMP.

(c) The applicant OR THE AGENT OF AN APPLICANT shall be at least 18 years old.

(d) [The applicant shall have, or reasonably expect to have, responsibility for at least one other person as a result of the individual's occupation or volunteer status.

(e) (1) The applicant OR AN AGENT OF THE APPLICANT shall successfully complete, AT THE EXPENSE OF THE APPLICANT, an educational training program approved by the Department.

[(2) Educational training programs required under this subsection shall:

(i) 1. Be conducted by a physician licensed to practice medicine in this State under Title 14 of the Health Occupations Article; or

2. Be conducted by a nurse practitioner licensed to practice registered nursing in this State under Title 8 of the Health Occupations Article and who is certified as a nurse practitioner by the State Board of Nursing; and

(ii) Include training in:

1. The recognition of the symptoms of systemic reactions to insect stings; and

2. The proper administration of a subcutaneous injection of epinephrine.]

(E) AN APPLICANT SHALL HAVE A WRITTEN POLICY THAT INCLUDES:

(1) AUTHORIZATION FOR THE APPLICANT OR AN AGENT OF THE APPLICANT TO ADMINISTER AUTO-INJECTABLE EPINEPHRINE, IF AVAILABLE, TO

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AN INDIVIDUAL WHO HAS BEEN DETERMINED TO BE OR IS BELIEVED TO BE EXPERIENCING ANAPHYLAXIS, WHETHER OR NOT THE INDIVIDUAL:

(I) HAS PREVIOUSLY BEEN KNOWN TO HAVE EXPERIENCED ANAPHYLAXIS; OR

(II) HAS A PRESCRIPTION FOR EPINEPHRINE PRESCRIBED BY AN AUTHORIZED HEALTH CARE PRACTITIONER LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE;

(2) A REQUIREMENT THAT YOUTH CAMP PERSONNEL COMPLETE TRAINING ON HOW TO RECOGNIZE THE SYMPTOMS OF ANAPHYLAXIS;

(3) PROCEDURES FOR THE EMERGENCY ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;

(4) PROCEDURES FOR PROPER EMERGENCY FOLLOW-UP;

(5) AUTHORIZATION FOR A CERTIFICATE HOLDER TO OBTAIN AND STORE AUTO-INJECTABLE EPINEPHRINE TO BE USED IN AN EMERGENCY; AND

(6) A REQUIREMENT THAT A CERTIFICATE HOLDER IMPLEMENT A METHOD FOR NOTIFYING THE PARENT OR GUARDIAN OF A CAMPER AT A YOUTH CAMP OF THE YOUTH CAMP'S POLICY UNDER THIS SECTION AT THE BEGINNING OF THE YOUTH CAMP SEASON.

[13-705.

An applicant for a certificate shall:

- (1) Submit an application to the Department or a private or public entity on the form that the Department requires; and
- (2) Pay to the Department or a private or public entity the application fee set by the Department.]

13-705.

(A) (1) A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE MAY PRESCRIBE AUTO-INJECTABLE EPINEPHRINE IN THE NAME OF A CERTIFICATE HOLDER.

(2) A PHARMACIST LICENSED TO PRACTICE PHARMACY IN THE STATE OR A PHYSICIAN MAY DISPENSE AUTO-INJECTABLE EPINEPHRINE UNDER A PRESCRIPTION ISSUED TO A CERTIFICATE HOLDER.

(B) A CERTIFICATE HOLDER MAY:

(1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE A PRESCRIPTION FOR AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE;

(2) POSSESS AND STORE PRESCRIBED AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE; AND

(3) IN AN EMERGENCY SITUATION WHEN PHYSICIAN OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE, ADMINISTER AUTO-INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS

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EXPERIENCING OR BELIEVED IN GOOD FAITH BY THE CERTIFICATE HOLDER TO
BE EXPERIENCING ANAPHYLAXIS.

[13-706.

(a) The Department or a private or public entity shall issue a certificate to any applicant who meets the requirements of this subtitle.

(b) Each certificate shall include:

(1) The kind of certificate;

(2) The full name of the certificate holder; and

(3) A serial number.

(c) A replacement certificate may be issued to replace a lost, destroyed, or mutilated certificate if the certificate holder pays the certificate replacement fee.

(d) (1) The certificate shall be valid for 1 year.

(2) In order to renew the certificate for an additional year, the applicant shall:

(i) Successfully complete a refresher training program approved by the Department; or

(ii) Demonstrate proficiency to the Department or a private or public entity issuing certificates under this subtitle.]

13-706.

(A) A CERTIFICATE HOLDER SHALL SUBMIT TO THE DEPARTMENT, ON A FORM REQUIRED BY THE DEPARTMENT, A REPORT OF EACH INCIDENT THAT OCCURRED ON THE CERTIFICATE HOLDER'S PREMISES THAT REQUIRED THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE.

(B) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL PUBLISH A REPORT SUMMARIZING THE INFORMATION OBTAINED FROM THE REPORTS SUBMITTED TO THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION.

[13-707.

An individual who is certified may:

(1) Upon presentment of a certificate, receive from any physician licensed to practice medicine in this State a prescription for premeasured doses of epinephrine and the necessary paraphernalia for the administration of a subcutaneous injection of epinephrine;

(2) Possess prescribed epinephrine and the necessary paraphernalia for the administration of a subcutaneous injection of epinephrine; and

(3) In an emergency situation when physician services or emergency medical services are not immediately available, administer a subcutaneous injection of epinephrine to a person suffering or believed by the certificate holder to be suffering a severe adverse reaction to an insect sting.]

[13-708.] 13-707.

(a) A cause of action may not arise against a certificate holder authorized under this subtitle for any act or omission when the certificate holder is acting in good

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faith while [rendering emergency treatment] ADMINISTERING AUTO-INJECTABLE EPINEPHRINE to [a person suffering] AN INDIVIDUAL EXPERIENCING or believed by the certificate holder to be [suffering a severe adverse reaction to an insect sting] EXPERIENCING ANAPHYLAXIS, except where the conduct of the certificate holder amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(b) (1) A cause of action may not arise against any physician for any act or omission when the physician in good faith prescribes OR DISPENSES AUTO-INJECTABLE epinephrine and the necessary paraphernalia for the administration of [a subcutaneous injection of] AUTO-INJECTABLE epinephrine to [an individual] A PERSON certified by the Department under [§ 13–706 of] this subtitle.

(2) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHARMACIST FOR ANY ACT OR OMISSION WHEN THE PHARMACIST IN GOOD FAITH DISPENSES AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE TO A PERSON CERTIFIED BY THE DEPARTMENT UNDER THIS SUBTITLE.

(c) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or by common law to which a volunteer or physician may be entitled.

[13–709.] 13-708.

(a) This subtitle may not be construed to create a duty upon any individual to obtain a certificate under this subtitle, and an individual may not be held civilly liable for failing to obtain a certificate under this subtitle.

(b) An individual may not be held civilly liable in any action arising from or in connection with the administration of AUTO-INJECTABLE epinephrine by the individual solely because the individual did not possess a certificate issued under this subtitle.”.

AMENDMENT NO. 3

On pages 2 through 6, strike in their entirety the lines beginning with line 8 on page 2 through line 33 on page 6, inclusive.

AMENDMENT NO. 4

On page 6, after line 33, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Department of Health and Mental Hygiene shall report to the Senate Finance Committee, the Senate Judicial Proceedings Committee, and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.”;

and in line 34, strike “2.” and substitute “3.”.