

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 49

(Delegate Johnson, *et al.*)

Health and Government Operations

Finance

**Public Health – Emergency and Allergy Treatment Program – Nurse
Practitioners**

This bill authorizes a registered nurse practitioner, under the Emergency and Allergy Treatment Program, to (1) prescribe auto-injectable epinephrine in the name of a certificate holder and/or (2) dispense auto-injectable epinephrine and the necessary paraphernalia for its administration to a certificate holder. The bill establishes legal immunity for a registered nurse practitioner acting in good faith in prescribing or dispensing auto-injectable epinephrine (and necessary paraphernalia) pursuant to the bill. The Maryland Department of Health (MDH) must report to specified committees of the General Assembly on implementation of the bill by January 1, 2024.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Emergency and Allergy Treatment Program

The Emergency and Allergy Treatment Program within MDH authorizes a certificate holder or their agent to administer life-saving treatment to individuals who have severe

adverse reactions to allergens or insect stings when physician or emergency medical services are not immediately available in a youth camp.

MDH may issue a certificate, including an endorsement on the operating certificate of a youth camp, to an applicant who (1) operates a youth camp; (2) is at least age 18; and (3) has successfully completed an educational training program, at the applicant's expense, that is approved by MDH. A certificate is valid for up to one year and authorizes a certificate holder to obtain, store, and administer auto-injectable epinephrine.

An agent is an individual at least age 18 who has completed an educational training program approved by MDH and has been appointed by a certificate holder to administer auto-injectable epinephrine in accordance with statutory provisions.

An applicant also has to have a written policy that includes (1) authorization for the certificate holder or their agent to administer auto-injectable epinephrine (if available) to an individual determined, or believed, to be experiencing anaphylaxis, regardless of whether the individual has been previously known to experience anaphylaxis or has a prescription for epinephrine; (2) a requirement that youth camp personnel complete training on recognizing the symptoms of anaphylaxis; (3) procedures for administering auto-injectable epinephrine in an emergency; (4) proper emergency follow-up procedures; (5) authorization for a certificate holder to obtain and store auto-injectable epinephrine for emergency use; and (6) a requirement that each certificate holder implement a notification system to alert campers' parents or guardians of the youth camp's auto-injectable epinephrine policy before the campers attend the camp.

A certificate holder must submit a report to MDH of each incident that occurs while the youth camp is in session that required the administration of auto-injectable epinephrine. MDH must publish a report that summarizes the information obtained from these required reports by January 31 annually.

A licensed physician is authorized to prescribe and dispense, and a licensed pharmacist may dispense, auto-injectable epinephrine to a certificate holder. A certificate holder may receive, possess, and store auto-injectable epinephrine. Additionally, in emergency situations when physician or emergency medical services are not immediately available, a certificate holder or agent may administer auto-injectable epinephrine to an individual. However, that individual must either be experiencing anaphylaxis, or the certificate holder or agent must believe in good faith that the individual is experiencing anaphylaxis.

A cause of action may not arise against a certificate holder or agent if the certificate holder or agent acts in good faith to administer auto-injectable epinephrine to an individual experiencing or believed by the certificate holder or agent to be experiencing anaphylaxis, unless the certificate holder or agent's conduct amounts to gross negligence, willful or

wanton misconduct, or intentionally tortious conduct. A cause of action may not arise against any physician for any act or omission if the physician prescribes or dispenses auto-injectable epinephrine and the necessary paraphernalia for administration of auto-injectable epinephrine, in good faith, to a person certified by MDH under statute. Likewise, 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 MDH under statute.

Youth Camps in Maryland

A “youth camp” is any day camp, residential camp, travel camp, or trip camp that:

- accommodates seven or more campers who are unrelated to the person operating the camp;
- provides primarily recreational activities or has a substantial outdoor recreational component;
- has permanent buildings, temporary buildings, or no buildings; and
- operates on owned private property, owned private facilities, leased private property, leased private facilities, public property, or public facilities.

A “day camp” is a youth camp that is operated for all or any part of the day but less than 24 hours a day, is conducted for at least seven days over a three-week period, and provides three or more recreational activities or any one specialized activity, including 15 specified activities.

A “residential camp” is a youth camp operating at a facility or campsite at which a camper either lives apart or intends to live apart from the camper’s relatives, parents, or legal guardians for at least five consecutive days.

A “travel camp” is a residential camp that operates for at least five consecutive days and provides for campers to use motorized transportation to move as a group to or among sites for experiences in different environments.

A “trip camp” is a residential camp that operates for at least five consecutive days and in which a group of individuals move from one site to another under their own power or by transportation which permits individual guidance of a vehicle or animal.

MDH is required to monitor, inspect, and certify all youth camps. Typically, this is accomplished in conjunction with local health departments.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 380 (Senator Benson, *et al.*) - Finance.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 17, 2022

fnu2/jc Third Reader - March 22, 2022

Revised - Amendment(s) - March 22, 2022

Analysis by: Amber R. Gundlach

Direct Inquiries to:

(410) 946-5510

(301) 970-5510