

**SB 380- LOS for EpiPen\_Youth Camp Bill- NPAM.pdf**

Uploaded by: Beverly Lang

Position: FAV



*Advocating for Maryland NPs since 1992*

**Bill: SB 380 - Public Health – Emergency and Allergy Treatment Program – Nurse Practitioners**

**Position: SUPPORT**

Dear Chair, Vice-Chair, and Members of the Committee:

On behalf of the Nurse Practitioner Association of Maryland, Inc., (NPAM), the only professional association advocating solely for the over 8,011 certified Nurse Practitioners (NPs) licensed in Maryland, and the over 800 active members of NPAM, we are requesting your support for **SB 380 Public Health – Emergency and Allergy Treatment Program – Nurse Practitioners**, which will add Certified Nurse Practitioners to the list of those healthcare providers authorized to prescribe, dispense, and administer epinephrine auto-injectors (EpiPen) in an emergency situation to licensed Maryland camps.

Nurse Practitioners (NPs) are registered nurses with advanced clinical training and education at the Master's or Doctoral level and have successfully passed a national certification exam. NPs have prescriptive authority according to the Annotated Code of Maryland and the Code of Maryland Regulations (COMAR). COMAR 10.27.03 authorizes the NP to personally prepare and dispense any drug that a NP is authorized to prescribe in the course of treating a patient.

It is critical for NPs to be added to the list of those healthcare providers that can prescribe, dispense, and administer life-saving medications such as epinephrine in the form of an auto-injector in the youth camp setting. NP's are already authorized to prescribe Epinephrine auto-injectors to licensed Maryland Schools in accordance with MSDE guidelines and the H.R. 2094 School Access to Epinephrine Act. However, the COMAR Emergency Allergy Treatment Program, specific to youth camps, excludes NPs.

In Maryland, there are over 725 camps that serve children ages 3.5 to 18 years old. Thirty-five (35) other states, including Virginia, Delaware, and Texas currently have legislation that allows NPs to prescribe, dispense and administer epinephrine to camps. When an Epinephrine auto-injector is available at camp, children who may have been unaware of a severe allergy to a food or a bee sting, can be quickly treated with life-saving emergency medication during their first exposure. Each year in the U.S., the Asthma and Allergy Foundation of America estimates severe reactions to food cause 30,000 emergency room visits, 2,000 hospitalizations, 150 deaths, and, at least 90 to 100 deaths occur in the United States each year due to insect sting anaphylaxis.<sup>1</sup>

The Nurse Practitioner Association of Maryland, Inc.  
5372 Iron Pen Place, Columbia, MD 21044  
Office: 443-367-0277 Fax: 410-772-7915 [NPAM@npedu.com](mailto:NPAM@npedu.com)  
[www.NPAMonline.org](http://www.NPAMonline.org)

Early epinephrine administration is critical for survival in severe anaphylaxis, and allowing NPs to prescribe this medication directly to the camp will increase access to this life-saving medication to children and save lives.

Further, this bill provides NPs the same immunity as Physicians and Pharmacists who currently have immunity from a cause of action when acting in good faith to dispense epinephrine and the necessary paraphernalia.

Thank you for your support of **SB 380- Public Health – Emergency and Allergy Treatment Program – Nurse Practitioners**. Please contact NPAM Executive Director Beverly Lang should you have questions.

Kindest Regards,

**Beverly Lang MScN, RN, ANP-BC, FAANP**

Executive Director,  
Nurse Practitioner Association of Maryland, Inc  
5372 Iron Pen Place  
Columbia, MD 21044  
443-367-0277  
Fax: 410-772-7915  
[NPAMexdir@npedu.com](mailto:NPAMexdir@npedu.com)

1. Asthma and Allergy Foundation, 2021. [www.aafa.org/allergy-facts](http://www.aafa.org/allergy-facts). Accessed November 1, 2021.

**SB 380 \_MACC\_FAV\_B.Phillips.pdf**

Uploaded by: Brad Phillips

Position: FAV



**SENATE FINANCE COMMITTEE**

**TESTIMONY**

**Submitted by  
Dr. Brad Phillips, Executive Director  
Maryland Association of Community Colleges**

**February 17, 2022**

**SB 380 – Public Health – Emergency and Allergy Treatment Program – Nurse Practitioner**

**Position: Support**

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The Maryland Association of Community Colleges (MACC), representing Maryland’s 16 public two-year institutions of postsecondary education, support this legislation that permits nurse practitioners to prescribe and dispense auto-injectable epinephrine. We find this ability a public health benefit that enhances the safety of those participating in our summer youth programs.

MACC thanks Senators Benson, Lam and Patterson for introducing this legislation.

MARYLAND ASSOCIATION OF COMMUNITY COLLEGES • 60 West St. Suite 200 • Annapolis, MD 21401

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Phone: 410-974-8117 • Fax: 410-263-6425 • Web Site: MDACC.org

# **Testimony-Public Health - Emergency and Allergy Tr**

Uploaded by: Joanne C. Benson

Position: FAV

JOANNE C. BENSON  
Legislative District 24  
Prince George's County

Finance Committee

Joint Committees

Children, Youth, and Families

Ending Homelessness

Fair Practices and State Personnel Oversight

Management of Public Funds

Protocol



James Senate Office Building  
11 Bladen Street, Room 214  
Annapolis, Maryland 21401  
301-858-3148 · 410-841-3148  
800-492-7122 Ext. 3148  
Fax 301-858-3149 · 410-841-3149  
Joanne.Benson@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson

SB 380: Public Health - Emergency and Allergy Treatment Program - Nurse Practitioners

Good Afternoon Chair Kelley, Vice-Chairman Feldman, and Members of the Committee. I am happy to introduce SB 380- Public Health – Emergency and Allergy Treatment Program –Nurse Practitioners. This is a very important bill because it authorizes nurse practitioners to prescribe and dispense auto-injectable epinephrine, commonly referred to as an epi-pen, to certain certificate holders who operate youth camps. Nurse Practitioners licensed in Maryland have full practice and prescriptive authority according to the annotated Code of Maryland (statute) and the Code of Maryland Regulations (COMAR 10.27.07.02). This allows them to independently practice and prescribe medications. This bill, adding nurse practitioners to those able to prescribe epinephrine (epi-pen) to youth camps, is merely a clarifying change. It is important that nurse practitioners, especially those working at youth camps, can prescribe and dispense epinephrine (epi-pen) and the related paraphernalia to keep the children in our youth camps around the state safe.

Nurse practitioners can and do currently prescribe epinephrine (epi-pen) to individuals who have documented life-threatening allergic reactions when exposed to certain environmental or food allergens. Youth camps should be a place of fun and safety for children as it was for many of us growing up. The responsibility should not be placed solely on the child to correctly and profoundly communicate their food allergens to adults and safely inject themselves with a needle if something goes wrong at all times. A measure must be taken in the chance of a child not being able to communicate their allergens, safely apply an epi-pen to themselves or when a parent is not present to do so. Children will be the future lawyers, doctors, or even senators of our country and all measures should be taken to preserve their precious lives.

For these reasons, I respectfully request a favorable vote. With me today are members of the Nurse Practitioner Association of Maryland (NPAM) who will further elaborate on this very necessary change and answer any specific questions you may have.

Thus I urge a favorable report for SB 380

**Final SB0380 LOS.NAPNAP.DWB. (1).pdf**

Uploaded by: Lindsay Ward

Position: FAV





**Support: SB 0380 Public Health- Emergency and Allergy Treatment Program- Nurse Practitioners.**

01/28/2022

Maryland Senate  
Finance Committee  
Miller Senate Office Building  
11 Bladen Street  
Annapolis, Maryland 21401

Dear Chair, Vice-Chair and Members of the Committee:

On behalf of the pediatric nurse practitioners (PNPs) and fellow pediatric-focused advanced practice registered nurses (APRNs) of the National Association of Pediatric Nurse Practitioners (NAPNAP) Chesapeake Chapter, I am writing to express our support of **SB 0380 Public Health- Emergency and Allergy Treatment Program- Nurse Practitioners**. This bill will add Certified Nurse Practitioners to the legal list of authorized health care providers to prescribe, dispense and administer epinephrine (Epipen) injectors in an emergent situation at licensed camps in Maryland.

The current COMAR Emergency Allergy treatment program only designates physicians the authorization to prescribe epinephrine at youth camps. Nurse Practitioners need to be added to this regulation. Nurse Practitioners have advanced education, certification and training that allows them to prepare, prescribe and administer medications including epinephrine. Nurse Practitioners prescribe and administer epinephrine in school-based settings all over Maryland.

According to the Allergy and Asthma Network one in 12 children have food allergies and 25 percent of allergic reactions occur without a previous diagnosis. In addition, there are 150 to 200 annual fatalities from food allergies and 40 fatalities from insect stings. There are over 725 youth camps that serve children in Maryland. Having epinephrine available at these camps is essential. Children may experience a life-threatening severe allergy (i.e. food allergy or bee sting) for the first time while away at these camps. Giving epinephrine early is cornerstone for successful management of anaphylaxis and for survival when severe anaphylaxis occurs.

Passage of this bill will protect pediatric patients by increasing access to lifesaving medication and save lives. For these reasons the Maryland Chesapeake Chapter of NAPNAP extends their support to we urge you to support **SB 0380 Public Health- Emergency and Allergy Treatment Program- Nurse Practitioners**.

The pediatric advanced practice nurses of your state are grateful to you for your attention to these crucial issues. The members of Chesapeake Chapter of the National Association of Pediatric Nurse Practitioners are committed to improving the health and advocating for of Maryland's pediatric patients. If we can be of any further assistance, or if you have any questions, please do not hesitate to contact Deborah Busch, the Chesapeake Chapter President at 410-614-6284 or [dbusch1@jhu.edu](mailto:dbusch1@jhu.edu).

Sincerely,

*Deborah W. Busch DNP, CRNP, IBCLC, CNE, FAANP*



Deborah W. Busch DNP, CRNP, FAANP ASSISTANT PROFESSOR  
Certified Registered Nurse Practitioner- Pediatric Primary Care  
International Board-Certified Lactation Consultant  
National Association of Pediatric Nurse Practitioners (NAPNAP)  
Chesapeake Chapter President  
P. 410-614-6284  
E. [dbusch1@jhu.edu](mailto:dbusch1@jhu.edu)

Lindsay J. Ward CRNP, RN, IBCLC, MSN, BSN  
National Association of Pediatric Nurse Practitioners (NAPNAP)  
Chesapeake Chapter President Elect and Legislative Co-Chair

*Linda Aveni Murray, DNP, CRNP-Ped*

Linda Aveni Murray, DNP, CRNP-Ped  
National Association of Pediatric Nurse Practitioners (NAPNAP)  
Chesapeake Chapter Legislative Chair

# **EmergencyEpinephrineCertificateHolderApplication.p**

Uploaded by: Mark Ubbens

Position: FAV

# EMERGENCY EPINEPHRINE CERTIFICATE HOLDER APPLICATION

Maryland Department of Health (MDH)  
Center for Healthy Homes and Community Services (CHHCS)  
6 St. Paul Street, Suite 1301  
Baltimore, Maryland 21202-1608  
(410) 767-8417 FAX (410) 333-8926  
Toll Free 1-877-463-3464 ext. 78417

I. YOUTH CAMP OPERATOR			
CAMP OPERATOR NAME	CAMP NAME		CAMP LICENSE NUMBER
OPERATOR'S MAILING ADDRESS		OPERATOR'S WORK PHONE	
CITY	STATE	ZIP CODE	OPERATOR'S CELL PHONE
OPERATOR'S EMAIL			
II. AGE			
ARE YOU AT LEAST 18 YEARS OLD? <input type="checkbox"/> YES <input type="checkbox"/> NO			
III. TRAINING COURSE			
A) HAVE YOU SUCCESSFULLY COMPLETED AN EMERGENCY EPINEPHRINE EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT?			
<input type="checkbox"/> YES <input type="checkbox"/> NO			
B) NAME OF APPROVED TRAINING COURSE			
C) HAVE YOU ATTACHED A COPY OF YOUR TRAINING CERTIFICATE? <input type="checkbox"/> YES <input type="checkbox"/> NO			
IV. WRITTEN POLICY			
DOES THE ATTACHED COPY OF YOUR WRITTEN POLICY INCLUDE THE FOLLOWING:			
A) Your Designated Agents?			
B) The Name of the Approved Training Program?			
C) Procedures to:			
1) Store emergency auto-injectable epinephrine?			
2) Notify parent or guardian that emergency auto-injectable epinephrine is available at camp?			
3) Maintain the emergency auto-injectable epinephrine in a secure manner?			
4) Report the use of emergency auto-injectable epinephrine according to COMAR 10.16.07.06?			
5) Train the emergency epinephrine certificate holder and agent(s) annually?			
6) Maintain documentation of training for emergency epinephrine certificate holder and agent(s) for 3 years?			
V. OPERATOR'S SIGNATURE			
I have carefully examined and read this application and when operating, agree to comply with all applicable laws and COMAR 10.16.06 and 10.16.07 of the State of Maryland regarding youth camps. I understand that providing false information on this application or violating the Maryland Youth Camp Act, Maryland Health-General Code Annotated Title 14, Subtitle 4, or any regulation adopted by the Department under this subtitle may result in suspension or revocation of my certificate. <i>If you have questions, please call MDH, Center for Healthy Homes and Community Services at (410) 767-8417 or 1-877-4MD-DHMH ext. 78417.</i>			
X _____			DATE
APPLICANT'S SIGNATURE			
FOR INTERNAL USE ONLY (Do Not Write Below This Line)			
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED      Reason: _____      TRACKING #: _____			
X _____			DATE
CHHCS CHIEF'S SIGNATURE			

# **EmergencyEpinephrineTrainingProgramApplication.pdf**

Uploaded by: Mark Ubbens

Position: FAV

# EMERGENCY EPINEPHRINE TRAINING PROGRAM APPLICATION

Maryland Department of Health (MDH)  
Center for Healthy Homes and Community Services (CHHCS)  
6 St. Paul Street, Suite 1301  
Baltimore, Maryland 21202-1608  
(410) 767-8417 FAX (410) 333-8926  
Toll Free 1-877-463-3464 ext. 78417

## I. APPLICANT INFORMATION

APPLICANT'S NAME

APPLICANT'S MAILING ADDRESS

APPLICANT'S WORK PHONE

CITY STATE ZIP CODE

APPLICANT'S CELL PHONE

APPLICANT'S EMAIL

## II. BUSINESS INFORMATION

BUSINESS NAME

BUSINESS MAILING ADDRESS

CITY

STATE

ZIP CODE

NAME OF TRAINING

## III. INSTRUCTOR CREDENTIALS (FOR EACH ADDITIONAL INSTRUCTOR SUBMIT INFORMATION ON ANOTHER SHEET OF PAPER)

INSTRUCTOR'S NAME

WHICH LICENSE TYPE DO YOU HOLD?

PHYSICIAN

REGISTERED NURSE

CERTIFIED NURSE PRACTITIONER

LICENSE NUMBER:

## IV. WRITTEN MATERIALS

SUBMIT COPIES OF THE FOLLOWING FOR REVIEW:

- A) Training manual, to include all requirements list in COMAR 10.16.07.15D
- B) All handouts
- B) All presentations
- C) All exams
- D) Certificate issued to student upon completion

## V. APPLICANT'S SIGNATURE

I have carefully examined and read this application and when teaching, agree to comply with all applicable laws and COMAR 10.16.07 of the State of Maryland regarding emergency epinephrine at youth camps. I understand that providing false information on this application or violating, Maryland Health-General Code Annotated Title 13, Subtitle 7; Title 14, Subtitle 4; or any regulation adopted by the Department under these subtitles may result in suspension or revocation of my course approval. *If you have questions, please call MDH, Center for Healthy Homes and Community Services at (410) 767-8417 or 1-877-4MD-DHMH ext. 78417.*

X

DATE

APPLICANT'S SIGNATURE

## FOR INTERNAL USE ONLY (Do Not Write Below This Line)

APPROVED

DENIED

Reason: \_\_\_\_\_

TRACKING #: \_\_\_\_\_

X

DATE

EHB DIRECTOR'S SIGNATURE

# **Green Acres Letter.pdf**

Uploaded by: Mark Ubbens

Position: FAV



January 12, 2022

To Whom It May Concern;

I am writing this letter because I strongly believe Nurse Practitioners should be able to authorize and provide Epi-pen to camp communities.

Last summer, Green Acres Day Camp had two incidents where a counselor needed an Epi-pen to save her life. The counselor was stung by a bee, but did not know she was allergic to bees. While waiting for the emergency response team to arrive on campus, the Camp's health staff received authorization from the Camp's Nurse Practitioner to administer an Epi-pen to the counselor, This saved her life! The allergic reaction subsided by the time the ambulance arrived and her breathing was back to normal. Unfortunately, later in the week, the same counselor was stung again. At this time, the Camp's health staff had to administer another Epi-pen authorized by the Camp's Nurse Practitioner.

Thus, I strongly support his bill should be passed because Nurse Practitioners can help ensure that all camps have Epi-pens available to save the lives of our children.

Sincerely,  
Marylouise Bracho

Marylouise Bracho  
Camp Director

Green Acres School Summer Camp  
11701 Danville Drive



No. Bethesda, MD 20852

301-468-8110

fax: 301-881-3319

[www.greenacrescamp.org](http://www.greenacrescamp.org)

# **Maryland NP Epi Legislation 2022.pdf**

Uploaded by: Mark Ubbens

Position: FAV

ASSOCIATION OF CAMP NURSING



January 2022

Maryland State Senate  
Department of Legislative Services

Supporting: House Bill 49  
Emergency Allergy Treatment-Nurse probationers amendment

Please accept this letter as acknowledgement of support for House Bill 49. This bill authorizes a 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.

Nurse practitioners play an important role in providing prescriber services and care to youth at summer camps which is true in many states including Maryland. We, the Association of Camp Nursing, provide foundation education, training, and support for health services at camps across the United States. As the only professional camp nursing organization, we fully support every camp having access to stock epinephrine and realize that nurse practitioners play a key role in providing this service for camps.

Thank you for this opportunity to share our support for this bill and hope that in passing this legislation you can be saving the life of a Maryland youth in the future. We are happy to answer any additional questions you might have.

Sincerely,

A handwritten signature in black ink that reads 'Tracey Gaslin'.

Tracey Gaslin PhD, CPNP, FNP-BC, CRNI, RN-BC  
Executive Director  
Association of Camp Nursing  
Fisherville, KY 40023  
[campnurse.org](http://campnurse.org)  
502-830-8393

# **National Aquarium Support Letter.pdf**

Uploaded by: Mark Ubbens

Position: FAV



501 East Pratt Street  
Baltimore, Maryland  
21202-3194

P: 410-576-3800  
**aqua.org**

January 17, 2022

To Whom It May Concern;

I am writing this letter because I strongly believe Nurse Practitioner's should be able to authorize and provide Epi-pen to camp communities.

Part of our camp experience is taking students on outdoor adventures, often away from our main campus and from medical care. One of the things that is always on our mind is if a camper or staff would have an allergic reaction (from a bee sting, etc) that causes anaphylaxis that they were unaware of and being far away from medical professionals. Having an Epi-pen that could be provided to the camp to use in emergency circumstances would be greatly beneficial and relieve some of the worry about being prepared for medical emergencies involving anaphylaxis from an allergen. Our staff has been well-trained of what to do in emergency situations but would greatly benefit from having this additional resource in our backpack of care.

I strongly support his bill should be passed because Nurse Practitioner's can help ensure that all camps have Epi-pens available to assist in providing emergency medical care to both our campers and staff.

Sincerely,

Lauren Fauth  
Manager of Education Programs/Camp Director

# **2022 MNA SB 380 Senate Side.pdf**

Uploaded by: Suhani Chitalia

Position: FAV



**Committee:** Senate Finance Committee  
**Bill Number:** Senate Bill 380  
**Title:** Public Health – Emergency and Allergy Treatment Program – Nurse Practitioners  
**Hearing Date:** February 17, 2022  
**Position:** Support

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The Maryland Nurses Association (MNA) supports *Senate Bill 380 – Public Health – Emergency and Allergy Treatment Program – Nurse Practitioners*. The bill will support youth camps in ensuring the health and safety of their campers.

Under current law, youth camps may obtain a Department of Health certificate to obtain auto-injectable epinephrine to use in cases of emergency allergic reactions. To obtain the certificate, youth camps must meet requirements set by the Maryland Department of Health. Youth camps can then obtain auto-injectable epinephrine by prescription from a physician but not from a nurse practitioner. This limitation is both outdated and impractical. Nurse practitioners are often the consulting provider to youth camps. The bill proposes to revise the law to recognize nurse practitioners may also prescribe auto-injectable epinephrine to youth camps with Department of Health certificates.

Thank you for your consideration of our testimony, and we urge a favorable report. If we can provide any further information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net).

**8 - SB 380 - X - FIN - MBON - SWA.docx.pdf**

Uploaded by: Heather Shek

Position: FWA





# Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

February 17, 2022

The Honorable Delores G. Kelley  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
Annapolis, MD 21401-1991

**RE: SB 380 – Public Health – Emergency and Allergy Treatment Programs – Nurse Practitioners – Letter of Support with Amendments**

Dear Chair Kelley and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of support with amendments for Senate Bill (SB) 380 – Public Health – Emergency and Allergy Treatment Program – Nurse Practitioners. This bill authorizes nurse practitioners to prescribe and dispense auto-injectable epinephrine to certain certificate holders who operate youth camps.

Certified Registered Nurse Practitioners (CRNPs), under Maryland Annotated Code’s Health Occupations Articles §8-508 and §8-512, are “authorized to prescribe, personally prepare, and dispense drugs”. The Code of Maryland Regulations (COMAR) Subtitle 27, additionally allows CRNPs to “independently prescribe, personally prepare, and dispense any drug that is authorized to be prescribed in the course of treating a patient”.<sup>1,2</sup>

In order to be certified to practice in the state of Maryland, CRNPs are required to complete a master’s or doctoral degree program and have clinical training beyond their initial registered nurse (RN) preparation. Didactic and clinical courses prepare CRNPs with specialized knowledge and clinical competency to practice in primary care, acute care, and long-term health care settings. To be recognized as an independent practitioner with full practice authority, CRNPs must undergo rigorous national certification, periodic peer review, and clinical outcome evaluations.

The Board is in strong support of expanding a CRNPs authority to prescribe and dispense auto-injectable epinephrine to the youth camp setting. The Board believes early epinephrine administration to be critical for individuals who suffer from severe adverse

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<sup>1</sup> [COMAR 10.27.07.03](#) Nurse Practitioner – Scope and Standards of Practice

<sup>2</sup> [COMAR 10.27.07.07](#) Preparing and Dispensing

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reactions/anaphylaxis. Allowing CRNPs the ability to prescribe this medication directly to the camp will increase access to this life-saving medication for children.

To stay in compliance with Title 8 of the Health Occupations Article, the Board is requesting to amend the title of NURSE PRACTITIONER TO **REGISTERED** NURSE PRACTITIONER within the legislative language. An example has been provided below your review.

Section 13-701. On page 1. Line 20. Add:

“...insect stings when physician [services], **REGISTERED** NURSE PRACTITIONER, or emergency medical...”

Section 13-702. On page 2. Lines 19 – 22.

(G) “**REGISTERED** NURSE PRACTITIONER” **HAS THE MEANSING STATED IN §8-101**  
~~AN INDIVIDUAL LICENSED TO PRACTICE REGISTERED NURSING IN THE STATE~~  
~~AND WHO IS CERTIFIED AS A NURSE PRACTITIONER BY THE STATE BOARD OF~~  
~~NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.~~

For the reasons discussed above, the Board of Nursing respectfully submits this letter of support with amendments for SB 380.

I hope this information is useful. For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 ([iman.farid@maryland.gov](mailto:iman.farid@maryland.gov)) or Rhonda Scott, Deputy Director, at (410) 585 – 1953 ([rhonda.scott2@maryland.gov](mailto:rhonda.scott2@maryland.gov)).

Sincerely,



Gary N. Hicks  
Board President

**The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.**

# **MAJ Position Paper -- SB 380 - FWA - NP Camps.pdf**

Uploaded by: Josh Howe

Position: FWA



## **SB 380 - Public Health - Emergency and Allergy Treatment Program - Nurse Practitioners**

### **FAVORABLE WITH AMENDMENTS**

SB 380 authorizes nurse practitioners to prescribe and dispense auto-injectable epinephrine to certain certificate holders who operate youth camps in emergencies to persons experiencing anaphylaxis. In the 2018 Session, the Health and government Operations and Senate Finance Committees heard testimony on a similar bill, SB 1473/ CH 527, that was ultimately codified with amendments.

Central to SB 380 is a legislative grant of immunity: causes of action for civil liability “may not arise” against certificate holders, prescribers, and dispensers who participate in the program and negligently cause harm. § 13-707 (page 3). MAJ respectfully submits that a legislative grant of immunity under these circumstances would be bad public policy, because victims of negligent conduct, including youth, lose their chance to get justice in court.

There is no need for the broad civil immunity included in SB 380. Youth camps are insured against liabilities arising from the provision of services they provide. Unfortunately, under SB 380, a youth camp could negligently refrigerate EpiPens, or allow EpiPens to expire (they are good for just one year), and persons experiencing anaphylaxis who are injured as a result would have no recourse in court.

The Maryland Association for Justice respectfully requests amendments to SB 380, to provide necessary protection for individuals who are treated with auto-injectable epinephrine for an anaphylactic reaction. MAJ encourages the Committee to conform SB 380 to the recently codified provisions in Subtitle 7A under Title 13 of the Health General Article (adopted in CH 527- 2018). SB 380 should require participating youth camps and those that prescribe and dispense emergency epinephrine to follow the manufacturer’s instructions with respect to storage, and only maintain supplies of unexpired auto-injectable epinephrine for use under the expansion created by SB 380. If the purpose of SB 380 is to protect individuals who suffer an unexpected anaphylactic reaction, then SB 380 should not deprive those same individuals of their right to hold negligent actors accountable in court, if their negligence causes them to suffer harm.

Attached– Amendments to SB 380

**The Maryland Association for Justice respectfully urges a  
Favorable with Amendments Report**



MAJ SB 380 – 2022 Amendment #1 - PART 1

Insert the following new underlined language in §13–705 on Page 3 after line 5 on SB 380.

(2) Possess and store prescribed auto–injectable epinephrine and the necessary paraphernalia for the administration of auto–injectable epinephrine

**(I) IN ACCORDANCE WITH THE MANUFACTURER’S INSTRUCTIONS; AND**

**(II) IN A LOCATION THAT IS READILY ACCESSIBLE TO EMPLOYEES OR AFFILIATED INDIVIDUALS IN AN EMERGENCY SITUATION.**

**(3) A YOUTH CAMP THAT OPERATES WITH A VALID CERTIFICATE AS DEFINED IN §13–705 SHALL DESIGNATE THE EMPLOYEES WHO ARE CERTIFICATE HOLDERS OR DESIGNATED AFFILIATED INDIVIDUALS WHO ARE CERTIFICATE HOLDERS WHO WILL BE RESPONSIBLE FOR THE STORAGE, MAINTENANCE, AND CONTROL OF THE SUPPLY OF AUTO–INJECTABLE EPINEPHRINE.**

**(4) A YOUTH CAMP MAY NOT OBTAIN OR STORE AUTO–INJECTABLE EPINEPHRINE UNLESS YOUTH CAMP HAS AT LEAST TWO EMPLOYEES OR DESIGNATED AFFILIATED INDIVIDUALS WHO ARE CERTIFICATE HOLDERS.**

**(5) A YOUTH CAMP SHALL MAINTAIN A COPY OF THE CERTIFICATE ISSUED TO AN EMPLOYEE OR A DESIGNATED AFFILIATED INDIVIDUAL UNDER § 13–702 OF THIS SUBTITLE.**

MAJ SB 380 – 2022 Amendment #1 - PART 2

Insert the following revisions to § 13-707, beginning on Page 3, Line 12 of SB 380

§ 13-707

(a) **(1) A-EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** cause of action may not arise against a certificate holder or agent authorized under this subtitle for any act or omission when the certificate holder or agent is acting in good faith while administering auto-injectable epinephrine to an individual experiencing or believed by the certificate holder or agent to be experiencing anaphylaxis, except where the conduct of the certificate holder or agent amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

**(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY IF A CERTIFICATE HOLDER OR A YOUTH CAMP THAT MAKES AVAILABLE, OR A CERTIFICATE HOLDER WHO ADMINISTERS, AUTO–INJECTABLE EPINEPHRINE TO AN INDIVIDUAL WHO IS EXPERIENCING OR IS BELIEVED BY THE CERTIFICATE HOLDER OR AUTHORIZED ENTITY TO BE EXPERIENCING ANAPHYLAXIS:**



**(I) FAILS TO FOLLOW STANDARDS AND PROCEDURES FOR STORAGE AND ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE; OR**

**(II) ADMINISTERS AUTO-INJECTABLE EPINEPHRINE THAT IS BEYOND THE MANUFACTURER'S EXPIRATION DATE.**

(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 auto-injectable epinephrine to a ~~person certified by the Department~~ **CERTIFICATE HOLDER OR YOUTH CAMP** under 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~~ **CERTIFICATE HOLDER OR YOUTH CAMP** under this subtitle.

**(3) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY NURSE PRACTITIONER FOR ANY ACT OR OMISSION WHEN THE NURSE PRACTITIONER 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 CERTIFICATE HOLDER OR YOUTH CAMP UNDER THIS SUBTITLE.**

(c) Scope of section. -- 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, physician, or pharmacist may be entitled.

**Alternatively – MAJ would also support this smaller compromise amendment in lieu of MAJ Amendment #1 referenced above: Beginning on page 3, line 26**

26 (3) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY NURSE  
27 PRACTITIONER FOR ANY ACT OR OMISSION WHEN THE NURSE PRACTITIONER ~~IN~~  
28 ~~GOOD FAITH~~ DISPENSES AUTO-INJECTABLE EPINEPHRINE AND THE NECESSARY  
29 PARAPHERNALIA **IN ACCORDANCE WITH THE AUTO-INJECTABLE EPINEPHRINE**  
**MANUFACTURER'S STANDARDS AND PROCEDURES REGARDING THE STORAGE AND**  
**EXPIRATION OF THE AUTO-INJECTABLE EPINEPHRINE AND IN GOOD FAITH** FOR THE  
ADMINISTRATION OF AUTO-INJECTABLE EPINEPHRINE  
30 TO A PERSON CERTIFIED BY THE DEPARTMENT UNDER THIS SUBTITLE.