

Senate Bill 186

Sponsored by Senators KNOPP, MONNES ANDERSON, STEINER HAYWARD (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes entity that Oregon Health Authority identifies as presenting risk of harm to individuals who have severe allergic response to allergens to acquire epinephrine and necessary paraphernalia for administration. Authorizes practitioner to remotely authorize any person to administer epinephrine to person suffering severe allergic response. Provides person with immunity from cause of action arising out of administration of epinephrine.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to epinephrine; creating new provisions; amending ORS 433.800, 433.805, 433.815, 433.825
3 and 433.830; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 433.800 to**
6 **433.830.**

7 **SECTION 2. (1) An entity that meets the qualifications specified under subsection (2) of**
8 **this section may acquire from a health care professional who has appropriate prescriptive**
9 **privileges and who is licensed under ORS chapter 677 or 678 premeasured doses of**
10 **epinephrine and the necessary paraphernalia for administration.**

11 **(2) An entity is qualified to acquire premeasured doses of epinephrine and the necessary**
12 **paraphernalia for administration if:**

13 **(a) The entity employs a person described in ORS 433.825 (1); or**

14 **(b) The entity is a type of entity that the Oregon Health Authority identifies by rule as**
15 **presenting a risk of harm to individuals who have a severe allergic response to insect stings**
16 **and other allergens.**

17 **(3)(a) An entity that acquires premeasured doses of epinephrine and the necessary par-**
18 **aphernalia for administration pursuant to subsection (2)(b) of this section must keep the**
19 **entity's supply of epinephrine and paraphernalia in a secure container and in close proximity**
20 **to a communication device by which a person may consult with a practitioner.**

21 **(b) In an emergency situation, a practitioner may authorize any person who consults**
22 **with the practitioner using a communication device to possess and administer a premeasured**
23 **dose of epinephrine to any person suffering a severe allergic response.**

24 **(4) A health care professional described in subsection (1) of this section may prescribe**
25 **premeasured doses of epinephrine and the necessary paraphernalia for administration for an**
26 **entity that meets the qualifications specified under subsection (2) of this section. If the en-**
27 **tity is an entity described in subsection (2)(b) of this section, a health care professional de-**
28 **scribed in subsection (1) of this section may transfer the epinephrine and paraphernalia to**
29 **the entity.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 3.** ORS 433.800 is amended to read:

2 433.800. As used in ORS 433.800 to 433.830, unless the context requires otherwise:

3 (1) "Allergen" means a substance, usually a protein, *[which]* **that** evokes a particular adverse
4 response in a sensitive individual.

5 (2) "Allergic response" means a medical condition caused by exposure to an allergen, with
6 physical symptoms that *[may be life threatening, ranging from]* **range from** localized itching to se-
7 vere anaphylactic shock *[and death]* **and that may be life threatening.**

8 (3) "Hypoglycemia" means a condition in which a person experiences low blood sugar, producing
9 symptoms *[that may range from]* **such as** drowsiness *[to]*, loss of muscle control so that chewing or
10 swallowing is impaired, *[to]* irrational behavior in which food intake is resisted, *[or to]* convulsions,
11 fainting or coma.

12 (4) **"Nurse practitioner" means a nurse practitioner licensed under ORS chapter 678.**

13 *[(4)]* (5) "Other treatment" means oral administration of food containing glucose or other forms
14 of carbohydrate, such as jelly or candy.

15 *[(5)]* (6) "Other treatment has failed" means *[the]* a hypoglycemic student's symptoms have
16 worsened **after the administration of a food containing glucose or other form of carbohydrate**
17 or *[the]* a hypoglycemic student has become incoherent, unconscious or unresponsive.

18 (7) **"Physician" means a physician licensed under ORS chapter 677.**

19 (8) **"Practitioner" has the meaning given that term in ORS 689.005.**

20 **SECTION 4.** ORS 433.805 is amended to read:

21 433.805. It is the purpose of ORS 433.800 to 433.830 to provide a means of authorizing certain
22 individuals when a licensed health care professional is not immediately available to administer
23 lifesaving treatment to persons:

24 (1) Who have severe allergic responses to insect stings and other *[specific]* allergens *[and to]*
25 *persons*; **or**

26 (2) Who are experiencing severe hypoglycemia when other treatment has failed or cannot be
27 initiated.

28 **SECTION 5.** ORS 433.815 is amended to read:

29 433.815. (1) Educational training on the treatment of allergic responses, as required by ORS
30 433.800 to 433.830, shall be conducted under the supervision of a physician *[licensed under ORS*
31 *chapter 677]* or *[a]* nurse practitioner *[licensed under ORS chapter 678 to practice in this state]*. The
32 training may be conducted by *[a]* **any other** health care professional licensed under ORS chapter
33 678 as delegated by a supervising *[professional]* **physician or nurse practitioner**, or by an emer-
34 gency medical services provider meeting the requirements established by the Oregon Health Au-
35 thority by rule. The curricula shall include, at a minimum, the following subjects:

36 (a) Recognition of the symptoms of systemic allergic responses to insect stings and other
37 allergens;

38 (b) Familiarity with common factors that are likely to elicit systemic allergic responses;

39 (c) Proper administration of an intramuscular or subcutaneous injection of epinephrine for se-
40 vere allergic responses to insect stings and other specific allergens; and

41 (d) Necessary follow-up treatment.

42 (2) Educational training on the treatment of hypoglycemia, as required by ORS 433.800 to
43 433.830, shall be conducted under the supervision of a physician *[licensed under ORS chapter 677]*
44 or *[a]* nurse practitioner *[licensed under ORS chapter 678 to practice in this state]*. The training may
45 be conducted by *[a]* **any other** health care professional licensed under ORS chapter 678 as delegated

1 by a supervising [*professional*] **physician or nurse practitioner**. The curricula shall include, at a
 2 minimum, the following subjects:

3 (a) Recognition of the symptoms of hypoglycemia;

4 (b) Familiarity with common factors that may induce hypoglycemia;

5 (c) Proper administration of a subcutaneous injection of glucagon for severe hypoglycemia when
 6 other treatment has failed or cannot be initiated; and

7 (d) Necessary follow-up treatment.

8 **SECTION 6.** ORS 433.825 is amended to read:

9 433.825. (1)(a) A person who has successfully completed educational training described in ORS
 10 433.815 for severe allergic responses may receive from any health care professional [*with*] **who has**
 11 appropriate prescriptive privileges **and who is** licensed under ORS chapter 677 or 678 [*in this*
 12 *state*] a prescription for premeasured doses of epinephrine and the necessary paraphernalia for ad-
 13 ministration.

14 [*(b) An entity that employs a person described in paragraph (a) of this subsection may acquire*
 15 *premeasured doses of epinephrine and the necessary paraphernalia for administration in accordance*
 16 *with paragraph (c) of this subsection. A health care practitioner with appropriate prescriptive privileges*
 17 *licensed under ORS chapter 677 or 678 may write a prescription for premeasured doses of epinephrine*
 18 *and the necessary paraphernalia in the name of an entity that employs a person described in paragraph*
 19 *(a) of this subsection.*]

20 [*(c)*] **(b)** A person described in paragraph (a) of this subsection may possess and administer, in
 21 an emergency situation when a licensed health care professional is not immediately available, pre-
 22 scribed epinephrine to any person suffering a severe allergic response.

23 **(2)(a)** A person who has successfully completed educational training in the administration of
 24 glucagon as described in ORS 433.815 for hypoglycemia may receive from the parent or guardian
 25 of a student [*doses of*] glucagon prescribed by a health care professional [*with*] **who has** appropriate
 26 prescriptive privileges **and is** licensed under ORS chapter 677 or 678 [*in this state*], as well as the
 27 necessary paraphernalia for administration.

28 **(b)** [*The*] **A person described in paragraph (a) of this subsection** may possess **the glucagon**
 29 and administer **the** glucagon to the student for whom the glucagon is prescribed[,] if the student is
 30 suffering a severe hypoglycemic reaction in an emergency situation when a licensed health care
 31 professional is not immediately available and other treatment has failed or cannot be initiated.

32 **SECTION 7.** ORS 433.830 is amended to read:

33 433.830. (1) No cause of action shall arise against a person who has successfully completed an
 34 educational training program described in ORS 433.815 or 433.817 for any act or omission of the
 35 person when acting in good faith while rendering emergency treatment pursuant to the authority
 36 granted by ORS 433.800 to 433.830, except where such conduct can be described as wanton miscon-
 37 duct.

38 **(2) No cause of action shall arise against a person who administers premeasured doses**
 39 **of epinephrine pursuant to section 2 (3)(b) of this 2015 Act for any act or omission of the**
 40 **person when acting in good faith while rendering emergency treatment pursuant to the au-**
 41 **thority granted by ORS 433.800 to 433.830, except where such conduct can be described as**
 42 **wanton misconduct.**

43 [(2)] **(3)** No cause of action shall arise against an institution, facility, agency or organization
 44 when acting in good faith to allow for the rendering of emergency treatment pursuant to the au-
 45 thority granted by ORS 433.800 to 433.830, except where such conduct can be described as wanton

1 misconduct.

2 **SECTION 8. This 2015 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
4 **on its passage.**

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