

BILL ANALYSIS

Senate Research Center
77R7389 JRD-D

H.B. 2648
By: Capelo (Madla)
Health & Human Services
5/8/2001
Engrossed

DIGEST AND PURPOSE

Individuals with allergies and asthma can experience a severe allergic reaction that results in anaphylactic shock, which is life-threatening. According to the American College of Allergy, Asthma, and Immunology, an estimated 50 people die each year nationally as a result of insect sting reactions, and the Journal of Allergy and Clinical Immunology documented 32 cases of fatal food allergy-induced anaphylaxis between 1994 and 1999. The preferred treatment for severe allergic reactions is the subcutaneous administration of epinephrine, also known as adrenalin. Texas has four levels of emergency medical technicians (EMTs). However, only EMTs who are paramedics are permitted to carry and administer epinephrine, while basic and intermediate EMTs may only assist an individual in administering the individual's own auto-injector of epinephrine. Fatal outcomes are most often associated with either not using epinephrine or a delay in its use. Equipping all levels of EMTs with the knowledge and authority to carry and administer epinephrine could save lives. H.B. 2648 provides for the training and use of epinephrine auto-injector devices by all EMTs and first response providers in Texas.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Health in SECTION 1 (Section 773.013, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 773A, Health and Safety Code, by adding Section 773.013, as follows:

Sec. 773.013. ADMINISTRATION OF EPINEPHRINE. (a) Authorizes an emergency medical services (EMS) provider and a first responder organization (organization) to acquire and possess epinephrine auto-injector devices (devices) in accordance with this section. Authorizes EMS personnel certified as emergency medical technicians (EMTs) or at a higher level of training to carry and administer devices in accordance with this section.

(b) Requires the Texas Department of Health (department) to adopt rules designed to protect the public health and safety to implement this section. Sets forth certain requirements for the rules adopted under this section.

(c) Authorizes an EMS provider or organization to acquire, possess, maintain, and dispose of devices, and EMS personnel certified as EMTs or at a higher level of training to carry, maintain, administer, and dispose of devices, only in accordance with certain rules and agreements.

(d) Requires an agreement described by Subsection (c)(2) to include written practice protocols to protect the public health and safety and policies and procedures that ensure compliance with this section. Requires the agreement to be filed with the department and any applicable regional advisory council before EMS personnel may

administer devices to others under this agreement.

(e) Sets forth certain requirements of EMS personnel who administer devices to others.

(f) Provides that the administration of a device to another under this section is considered to be the administration of emergency care for the purposes of any statute relating to liability for the provision of emergency care and does not constitute the unlawful practice of any health care profession.

(g) Authorizes a person otherwise authorized to sell or provide a device to another to sell or provide the devices to an EMS provider or organization authorized to acquire and possess the devices under this section.

(h) Provides that this section does not prevent EMS personnel who are also licensed health care professionals under another health care licensing law and who are authorized to acquire, possess, and administer a device under the other health care licensing law from acting under the other law.

SECTION 2. (a) Effective date: January 1, 2002, except that this Act takes effect September 1, 2001, for the limited purpose of allowing the department to adopt rules under this Act that may take effect January 1, 2002, and allowing collaborative agreements described by Section 773.013, Health and Safety Code, as added by this Act, to be adopted and filed by that date.

(b) Authorizes devices to be carried and administered before January 1, 2002, by certain EMS personnel to the extent allowed under the law that exists before September 1, 2001.