

Amendments to the Uniform Controlled Substances Act; Emergency Medication Kits in Schools; HB 2547

HB 2547 amends the state Uniform Controlled Substances Act (Act) and amends the law regarding the stock, maintenance, and administration of emergency medication kits in schools, including epinephrine and albuterol.

The bill amends the liability protections for any person who renders emergency care or treatment at a school, school-sponsored event, or school property as well as provide a level of immunity from liability for a pharmacist, physician, or a mid-level practitioner who distributes or prescribes emergency medications to a school or provides training on the administration of the emergency medicine for school personnel, and for the school personnel who administer the medications under specific circumstances.

Uniform Controlled Substances Act

Schedule I

The bill adds 35 new substances to the Act, including 23 fentanyl-related controlled substances.

Schedule II

The bill adds four additional substances to be excluded from control as Schedule II opioids: thebaine-derived butorphanol, naldemedine, naloxegol, and samidorphen.

Schedule IV

The bill adds daridorexant (brand name Quviviq), a medication used to treat insomnia, and serdexmethylphenidate, an active ingredient in medication used to treat attention-deficit/hyperactivity disorder (ADHD) to the list of Schedule IV substances. The bill removes fenfluramine (brand name Fintepla), a U.S. Food and Drug Administration (FDA)-approved medication used to treat seizures, to mirror the federal descheduling of the drug.

Schedule V

The bill adds ganaxolone (brand name Ztalmy), a medication used to treat a particular type of seizure, to the list of Schedule V substances.

Emergency Medication Kits

Definitions

The bill amends law regarding emergency medication kits to add definitions for terms used throughout the bill. Key terms include the following:

- “Albuterol” means a short-acting beta-2 agonist-inhaled medication, otherwise known as a bronchodilator, that is prescribed by a physician or mid-level practitioner for the treatment of respiratory distress;
- “Designated school personnel” means an employee, officer, agent, or volunteer of a school who has completed training, documented by the school nurse, a physician, or a mid-level practitioner, to administer emergency medication on a voluntary basis outside of the scope of employment;
- “Emergency medication” means epinephrine or albuterol;
- “Epinephrine” means a medication prescribed by a physician or mid-level practitioner for the emergency treatment of anaphylaxis prior to the arrival of emergency medical system responders;
- “Mid-level practitioner” means a certified nurse-midwife engaging in the independent practice of midwifery under the Independent Practice of Midwifery Act, an advanced practice registered nurse issued a license and who has authority to prescribe drugs, or a physician assistant licensed pursuant to the Physician Assistant Licensure Act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician;
- “Pharmacist” means any natural person licensed under the Pharmacy Act to practice pharmacy;
- “Physician” means any person licensed by the State Board of Healing Arts to practice medicine and surgery;
- “Respiratory distress” means impaired ventilation of the respiratory system or impaired oxygenation of the blood;
- “School” means any school operated by a school district organized under the laws of this state or any accredited nonpublic school that provides education to elementary or secondary students;
- “School nurse” means a registered nurse licensed by the Board of Nursing to practice nursing in Kansas or a licensed practical nurse working under a registered nurse who is employed by a school to perform nursing services in a school setting; and

- “Stock supply” means an appropriate quantity of emergency medication as recommended by a physician or mid-level practitioner.

Stock Supply of Emergency Medications in a School

The bill allows schools to maintain a stock supply of emergency medications with a prescription from a physician or mid-level practitioner in the name of the school. The bill requires a physician or mid-level practitioner to review a school’s policies and procedures regarding the use, storage, and maintenance of the stock supply prior to prescribing the emergency medication.

Type, Doses, and Administration in Emergency Situation

The bill defines the type and doses of epinephrine that may be in the stock supply as one or more standard-dose or pediatric-dose epinephrine auto-injectors. A school nurse or designated school personnel may administer the epinephrine in an emergency situation to any individual who displays the signs and symptoms of anaphylaxis at school, on school property, or at a school-sponsored event. The epinephrine is only permitted to be administered by the school nurse or designated school personnel if they reasonably believe that an individual is exhibiting the signs and symptoms of an anaphylactic reaction.

The bill defines the type and doses of albuterol that may be in the stock supply as one or more albuterol metered-dose inhalers, one or more doses of albuterol solution, and one or more spacers or nebulizers. A school nurse or designated school personnel may administer the albuterol in an emergency situation to any individual who displays the signs and symptoms of respiratory distress at school, on school property, or at a school-sponsored event. The albuterol is only permitted to be administered by the school nurse or designated school personnel if they reasonably believe that an individual is exhibiting the signs and symptoms of respiratory distress.

Policy and Procedures

The bill requires that any school that maintains a stock supply of emergency medication establish school policies and procedures on the following:

- Storage of the emergency medication, which includes storage in a safe location that is readily accessible to the school nurse or designated school personnel and meets manufacturer’s temperature recommendations;
- Periodic monitoring of the inventory and expiration dates of the emergency medication;
- Administration of emergency medication by designated school personnel; and
- Training requirements for designated school personnel, to be conducted at least annually. The training must include, at minimum:

- Recognition of the symptoms of anaphylaxis and respiratory distress;
- Administration of emergency medications;
- Calling for emergency medical system responders;
- Monitoring the condition of the individual after administration of emergency medication;
- Notification of the parent, guardian, or next of kin; and
- Safe disposal and sanitation of used equipment.

The bill also requires the school to publish information related to the school's policies and procedures regarding emergency medication and maintain training records of designated school personnel.

The bill also authorizes a school to accept monetary gifts, grants, and donations as well as donations of emergency medications authorized under the bill from a manufacturer or wholesaler.

Pharmacists

The bill allows a pharmacist to distribute a stock supply of emergency medications, including standard-dose and pediatric-dose epinephrine auto-injectors and albuterol metered-dose inhalers, albuterol solution, and spacers to a school pursuant to a prescription from a physician or mid-level practitioner in the name of the school.

The bill provides for a pharmacist that distributes a stock supply of emergency medication to not be liable for civil damages resulting from the administration of the emergency medication.

Administration of Emergency Medication

Continuing law provides that administration of epinephrine in emergency situations to a student or member of school staff when certain conditions are met is not construed to be included in the practice of the healing arts. The bill extends that exception to add the administration of albuterol in emergency situations and apply it to any individual receiving the emergency medication when certain conditions are met, including if:

- The person administering the epinephrine reasonably believes the individual is exhibiting the signs and symptoms of an anaphylactic reaction;
- The person administering the albuterol reasonably believes the individual is exhibiting the signs and symptoms of respiratory distress;
- A physician or mid-level practitioner, after reviewing the school's policies and procedures, has authorized, in writing, the school to maintain a stock supply of emergency medication; and

- The emergency medication is administered at school on school property or at a school-sponsored event.

The bill amends the current liability protections for any person who in good faith renders emergency care or treatment, without compensation, to an individual at a school, on school property, or at a school-sponsored event, and adds protection for any school that employs or contracts such person.

The bill limits the liability of a physician or mid-level practitioner who writes a prescription for the stock supply of emergency medication or provides training to school personnel on the administration of emergency medication in that the medical professional would not be liable for civil damages resulting from the administration of the emergency medication.