

Emergency Epinephrine Act

Louisiana Act 624

• THE LAW

The Emergency Epinephrine Act (Act 624), found within the Louisiana School Code, R.S. 17:436.1(K), specifically authorizes physicians licensed in Louisiana to "...prescribe epinephrine auto-injectors in the name of a public or individual nonpublic school to be maintained for use when deemed necessary." R.S. 17:436.1(K).

Once the school district or individual school has a prescription, it may take that prescription to be filled at any pharmacy. Public schools and nonpublic schools must maintain this supply of epinephrine auto-injectors in a secured, locked location. R.S. 17:436.1(K).

The Act permits this **emergency supply** of epinephrine auto-injectors to be used in a school under the following circumstances:

1. **Administration of an epinephrine auto-injector to a student, with an unknown allergy, or having a first-time anaphylactic reaction**

- When a student does not have an epinephrine auto-injector or a prescription for an epinephrine auto-injector on file, Sub-Section 436.1 (K) of the Louisiana Title 17- Education School Code provides that the school nurse (RN) or trained school employee (TSE) may utilize the school district or individual school supply of epinephrine auto-injectors to respond to anaphylactic reactions, under a standing protocol from a physician licensed to practice medicine in all its branches and the requirements of this Section. R.S. 17:436.1(K).
- A school nurse or trained school employee may administer an epinephrine auto-injector, as provided for in the standing protocol, to any student that he or she "...in good faith professionally believes is having an anaphylactic reaction."

2. **Administration of an epinephrine auto-injector to a student with a known allergy**

- Subsection 436.1(K) of the Louisiana Title 17- Education School Code permits the use of emergency epinephrine dose according to a student's Individual Health Care Action Plan, or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 to administer an epinephrine auto-injector to the student [having an anaphylactic reaction], that meets the [student's] prescription on file.

• LIABILITY PROTECTION

The Act provides specific liability protections regardless of whether a student has a prescription for epinephrine on file with the school.

If a parent or guardian provides his or her child's school with a prescription for epinephrine:

The public or nonpublic school may inform the parents or guardians of the pupil, in writing, that the school district or nonpublic school and its employees, agents, and consultants **including a physician providing standing protocol or prescription for school epinephrine auto-injectors**, are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the administration of medication or use of an epinephrine auto-injector regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician. [Louisiana Act 1975, No. 600, §1 R.S.9:2793(A-C)].

The parent or guardian may sign a statement acknowledging this release of liability upon surrendering epinephrine autoinjector to school RN or TSE.

If a student does not have a prescription for epinephrine on file with the school and the:

... school nurse or trained school employee administers an epinephrine auto injector to a student whom the school nurse or trained school employee, in good faith, professionally believes is having an anaphylactic reaction, notwithstanding the lack of notice to the parents or guardians of the pupil or the absence of the parents or guardians signed statement acknowledging no liability, except for willful and wanton conduct, the school district, chartered or independent school and its employees, agents, and consultants **including a physician providing standing protocol or prescription for school epinephrine auto injectors**, are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the use of an epinephrine auto injector regardless of whether authorization was given by the pupil's parents or guardians or by the pupil's physician. [Louisiana Act 624 R.S.17:436.1(K); Louisiana Act 1975, No. 600, §1R.S.9:2793(A-C)].

In addition, physicians should check with their professional liability insurer for coverage information specific to their personal policy.