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Priority Briefing

EMERGENCY EPINEPHRINE ACT BECOMES LAW

The Governor has signed HB 3294, the Emergency Epinephrine Act (now P.A. 97-0361, effective August 15, 2011).

The Act amends Section 22-30 of the School Code to permit a school district or nonpublic school to authorize a school nurse to:

- provide an epinephrine auto-injector to a student, or to any personnel authorized under the student's Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or Section 504 plan, to administer to the student, that meets the prescription on file;
- administer an epinephrine auto-injector that meets the prescription on file to any student who has an Individual Health Care Action Plan, Illinois Food Allergy Emergency Action Plan and Treatment Authorization Form, or Section 504 plan that authorizes the use of same; and
- administer an epinephrine auto-injector to any student that the school nurse in good faith believes is having an anaphylactic reaction;

The Act also permits a district or nonpublic school to maintain a supply of epinephrine auto-injectors in a locked, secure location, and permits a physician to prescribe epinephrine auto-injectors in the name of the district or nonpublic school to be maintained for use by the school nurse, on an as-needed basis under the physician's standing protocol, for students who do not have an epinephrine auto-injector or prescription on file.

When a school nurse administers an epinephrine auto-injector to a student whom the school nurse in good faith, professionally believes is having an anaphylactic reaction, notwithstanding lack of notice to the student's parent, or in absence of parents' waiver of liability, the district, school nurse, school employees and agents and physician providing the prescription and protocol to the district, are immune from liability, except for willful and wanton conduct.

HB 1571, which would amend the Care of Students with Diabetes Act, has also been sent to Governor Quinn. If he signs it, this legislation will (a) make the regional superintendents responsible for arranging or conducting the all-staff training required by the CSDA; and (b) clarify that only delegated care aides must be trained by a licensed health care provider or certified diabetes educator. We will keep you updated.

If you have any questions, please call our attorneys in Oak Brook or Flossmoor.