TITLE 25 HEALTH SERVICES

PART 1 DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 37 MATERNAL AND INFANT HEALTH SERVICES

SUBCHAPTER V EPINEPHRINE AUTO-INJECTOR POLICIES IN INSTITUTIONS OF HIGHER EDUCATION

§37.701. Purpose.

The purpose of this subchapter is to establish minimum standards for administering, maintaining, and disposing of epinephrine auto-injectors for an institution of higher education who adopts unassigned epinephrine auto-injector policies. These standards are implemented under Texas Education Code, Chapter 51, Subchapter Y-1.

§37.702. Voluntary Unassigned Epinephrine Auto-injector Policies for an Institution of Higher Education.

An institution of higher education (institution) may adopt and implement a written policy regarding the maintenance, administration, and disposal of unassigned epinephrine auto-injectors at each institution’s campus. If a written policy is adopted under this subchapter, the policy must comply with Texas Education Code, §51.882 and this subchapter.

§37.703. Definitions.

The following terms and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Anaphylaxis--As defined in Texas Education Code, §51.881.

(2) Authorized healthcare provider--A physician, as defined in Texas Education Code, §51.881, or person who has been delegated prescriptive authority by a physician.

(3) Campus--An educational unit under the management and control of an institution of higher education and may include, in addition to the main campus, off-campus and secondary locations, such as branch campuses, teaching locations, regional centers, and where students are housed.

(4) Institution of Higher Education--As defined in Texas Education Code, §61.003.

(5) Personnel--Employees of an institution of higher education who are authorized and trained to administer epinephrine auto-injectors.

(6) Volunteer--A person who is providing services for or on behalf of an institution of higher education on the premises of the institution’s campus, at an institution of higher education-sponsored event or an institution of higher education-related activity on or off institution property, and who does not receive compensation in excess of reimbursement for expenses and is authorized and trained to administer an epinephrine auto-injector.

(7) Unassigned epinephrine auto-injector--An epinephrine auto-injector prescribed by an authorized healthcare provider in the name of the institution of higher education issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, and is issued by a physician or person who has been delegated prescriptive authority by a physician.

§37.704. Applicability.

This subchapter applies to any institution of higher education (institution) that voluntarily chooses to adopt and implement a written policy regarding the maintenance, administration and disposal of unassigned epinephrine auto-injectors on each institution’s campus.

§37.705. Maintenance, Administration, and Disposal of Unassigned Epinephrine Auto-Injectors.

(a) An institution of higher education (institution) shall obtain a prescription from an authorized healthcare provider each year to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each institution’s campus as described in Texas Education Code, §51.885. The number of additional adult packs may be determined by an individual campus assessment led by an authorized healthcare provider, based on available resources.

(1) An institution performing an assessment may consider:

(A) consultation with campus police, office of risk management, office of food services, or any department involved with student well-being;

(B) campus geography, including high risk areas; and

(C) student population size.

(b) In development of an epinephrine auto-injector policy, an institution shall include:

(1) a designated campus department to coordinate and manage policy implementation, including conducting an assessment, training of institution personnel, and acquiring or purchasing, usage, expiration, and disposing of an unassigned epinephrine auto-injectors;

(2) who can be trained to administer unassigned epinephrine auto-injectors;

(3) locations of unassigned epinephrine auto-injector;

(4) procedures for notifying local emergency medical services when a person is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered; and

(5) a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration.

(c) The policy and the locations of the unassigned epinephrine auto-injector must be publicly available.

§37.706. Training.

(a) Each institution of higher education (institution) that adopts an unassigned epinephrine auto-injector written policy under this subchapter is responsible for training institution personnel and institution volunteers in the recognizing of anaphylaxis signs and symptoms and hands-on administration of an unassigned epinephrine auto-injector.

(b) Training shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention.

(c) Each institution shall maintain training records and make available upon request a list of those institution personnel or institution volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

§37.707. Report on Administering Unassigned Epinephrine Auto-Injectors.

(a) Records relating to implementing and administrating the institution of higher education (institution) unassigned epinephrine auto-injector policy shall be retained per the record retention schedule for records of public school districts found in Title 13, Texas Administrative Code, §7.125.

(b) A report shall be submitted by the institution no later than the 10th business day after the date institution personnel or an institution volunteer administers an epinephrine auto-injector in accordance with the unassigned epinephrine auto-injector policy adopted under this subchapter. The report shall be submitted to the institution and those identified in Texas Education Code, §51.883.

(c) Notifications to the commissioner of the Department of State Health Services (DSHS) shall be submitted on the designated electronic form available on DSHS’s School Health Program website found at dshs.texas.gov.

§37.708. Immunity from Liability.

A person who in good faith takes, or fails to take, any action under this subchapter or Texas Education Code, Chapter 51, Subchapter Y-1 is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act in accordance with the Texas Education Code, §51.888.