

BILL ANALYSIS

H.B. 2243
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised over incidents in which students have asthma flare-ups at school but do not have medication readily available. H.B. 2243 seeks to address these concerns by authorizing a physician to prescribe asthma medication in the name of a public school district, open-enrollment charter school, or private school and by providing for a school nurse's administration of that medication to applicable students.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

ANALYSIS

H.B. 2243 amends the Education Code to authorize each public school district, open-enrollment charter school, and private school to adopt and implement a policy authorizing a school nurse to maintain and administer asthma medicine at each campus in the district or school. A district or school that implements such a policy is required to provide written notice to a parent or guardian of each student enrolled in the district or school before the policy is implemented and before the start of each school year. The bill requires an adopted policy to provide that the school nurse may administer prescription asthma medicine to a student only if the school nurse has written notification from the student's parent or guardian that the student has been diagnosed as having asthma and stating that the school nurse may administer prescription asthma medicine to the student. The bill limits the locations at which a school nurse may administer the prescription asthma medicine to a school campus and requires the supply of asthma medicine at each campus to be stored in a secure location and to be easily accessible to the school nurse.

H.B. 2243 prohibits a policy adopted under the bill's provisions from requiring a district, charter school, or private school to purchase prescription asthma medicine or requiring any other expenditure related to the maintenance or administration of asthma medicine that would result in a negative fiscal impact on the district or school. The bill includes rules regarding the maintenance and administration of asthma medicine at a school campus subject to such a policy among the rules the executive commissioner of the Health and Human Services Commission is required to adopt in consultation with the commissioner of education and requires the rules to establish the amount of prescription asthma medicine available at each campus and the process for each district and school to check the inventory of asthma medicine at regular intervals for expiration and replacement.

H.B. 2243 authorizes a physician or person who has been delegated prescriptive authority to prescribe asthma medicine in the name of a district, charter school, or private school and requires a person who does so to provide the district or school with a standing order for the administration of asthma medicine to a person reasonably believed to be experiencing a symptom of asthma and who has provided written notification and permission as required by the bill. Such an order is not required to be patient-specific, and the asthma medicine may be administered to a person without a previously established physician-patient relationship. The bill requires such an order to contain the quantity of asthma medicine to be obtained and maintained under the order, in addition to certain other information. The bill authorizes a pharmacist to dispense asthma medicine to a district, charter school, or private school without requiring the name or any other identifying information relating to the user.

H.B. 2243 makes provisions relating to the immunity from civil or criminal liability or disciplinary action granted to a person who in good faith takes or fails to take certain actions relating to the maintenance, administration, and disposal of epinephrine auto-injectors applicable with regard to asthma medicine.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.