

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0491
Prime Sponsor(s): Rep. Primavera
 Sen. Todd

Date: February 8, 2013
Bill Status: House Public Health Care and
 Human Services
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TITLE: CONCERNING THE USE OF EPINEPHRINE AUTO-INJECTORS IN EMERGENCY SITUATIONS IN SCHOOL SETTINGS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures General Fund	\$45,829	
FTE Position Change	0.5 FTE	
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: See State Appropriations section.		
Local Government Impact: See School District Impact section.		

Summary of Legislation

The bill requires the state board of education (SBE), in consultation with the Department of Public Health and Environment (DPHE), to adopt rules by December 31, 2013, for treatment plans for the management of students with life-threatening allergies that, at a minimum, include:

- education and training for personnel designated to manage students with life-threatening allergies, including school nurses;
- standards for training programs that must be completed by designated personnel in order to administer an epinephrine auto-injector;
- procedures for responding to students' life-threatening allergic reactions;
- a process for developing individualized health care and allergy action plans for students known to have life-threatening allergies;
- protocols to prevent students' exposure to allergens; and
- incident reporting protocols.

The bill allows, but does not require, public and nonpublic schools to adopt policies that authorize designated personnel to administer an epinephrine auto-injector, in accordance with standing protocol, to a student who is believed to be experiencing anaphylaxis. The standard protocol must be from a licensed physician, physician's assistant, or advance practice nurse with prescriptive authority, regardless of whether the student has a prescription for an epinephrine

auto-injector. School governing bodies are authorized to enter into agreements with manufacturers of epinephrine auto-injectors or third-party suppliers in order to obtain the injectors at fair market or reduced prices, or for free. The bill clarifies limits the liability of a school and a good-faith user of an epinephrine auto-injector in emergency situations in school settings.

State Expenditures

Expenditures in the Department of Education (CDE) will increase by \$45,829 General Fund and 0.5 FTE for FY 2013-14 only. These and other departmental impacts are discussed below.

Education. The CDE will engage the services of a School Nurse Principal Consultant (0.5 FTE) to assist the state board of education in promulgating rules for the management of students with life-threatening allergies. The fiscal note assumes that initial and follow-up training of designated personnel in the use of an epinephrine auto-injector will be provided by vendors.

Department of Public Health and Environment. CDE's consultation of DPHE is expected to be minimal, and could be limited to one time. As a result, any increase in workload will be absorbed within existing appropriations.

Law. The Department of Law will participate in the rule promulgation process required by the bill. The time involved in this process will be minimal and, as such, will be absorbed within existing appropriations.

Judicial. The bill clarifies that liability may exist in a public or nonpublic school when designated officials use an epinephrine auto-injector pen in accordance with protocol and injury is caused by willful or wanton conduct. The fiscal note assumes that few, if any, claims under the willful or wanton standard will be filed, therefore, the courts are not expected to see an increase in the number of cases filed.

Table 1 summarizes expenditures under the bill.

Table 1. Expenditures Under HB13-1171	
Cost Components	FY 2013-14
<i>Department of Education</i>	
Personal Services	\$40,176
FTE	0.5
Operating Expenses and Capital Outlay	5,653
TOTAL	\$45,829

School District Impact

The bill will impact school district expenditures to the extent that a district chooses to participate in the program created by the bill. Districts who want to participate will be required to follow SBE guidelines, designate and provide training for selected personnel, provide periodic reports, and maintain a supply of epinephrine auto-injectors.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 2.

Table 2. Expenditures Not Included Under HB13-1171*	
Cost Components	FY 2013-14
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$3,380
Supplemental Employee Retirement Payments	2,466
TOTAL	\$5,846

**More information is available at: <http://colorado.gov/fiscalnotes>*

State Appropriations

FY 2013-14, the Department of Education requires a General Fund appropriation of \$45,829 and 0.5 FTE.

Departments Contacted

Education	Public Health and Environment
Law	Office of Information Technology
Judicial	School Districts

Departmental Difference

The bill is silent on whom is to provide the training. The fiscal note assumes that the SBE's primary responsibility lies in rules promulgation and annual reporting, and not for providing training. For these reasons, the CDE's request for a full-time employee to provide initial and ongoing training for designated school district personnel is not included in the fiscal note.