

BILL ANALYSIS

C.S.H.B. 4407
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, no treatment for anaphylaxis is available at Texas public schools in which a nurse serves in a part-time or full-time capacity.

Anaphylaxis is a severe and potentially life-threatening allergic reaction. It can affect various areas of the body including the skin, respiratory tract, gastrointestinal tract, and cardiovascular system. Anaphylaxis can happen at any time to those with or without a history of allergic reactions. While many people experience only mild irritation, some people can experience an allergic reaction, including potentially life-threatening symptoms. Therefore, early recognition and prompt treatment is essential to preserve life.

Symptoms of anaphylaxis usually begin quickly after an exposure, minutes after a sting or bite and within 30 to 60 minutes following ingestion or exposure to an allergen. Oftentimes, a first reaction occurs and is diagnosed during childhood. Therefore, availability of anaphylaxis treatment in Texas public schools is necessary.

C.S.H.B. 4407 requires the commissioner of education to adopt procedures for school personnel to follow if a person on campus experiences an anaphylactic reaction, to require each school district to maintain a physician's standing order authorizing a school nurse to administer anaphylaxis medicine to such a person, and to require a district to maintain at each campus with a school nurse a supply of such medicine for administration to a person experiencing a reaction for the first time.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4407 amends the Education Code to require the commissioner of education by rule to adopt standardized procedures for school personnel to follow if a person on campus experiences an anaphylactic reaction, to require each school district to maintain a physician's standing order under which a school nurse is authorized to administer anaphylaxis medicine to a person on campus experiencing an anaphylactic reaction, and to require a district to maintain at each campus at which a school nurse serves on a part-time or full-time basis a supply of anaphylactic medicine for administration to a person on campus experiencing an anaphylactic reaction for the first time. The bill requires the commissioner, in adopting such rules, to consult with one or more physicians experienced in treating persons experiencing an anaphylactic reaction.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4407 adds a provision not in the original requiring the commissioner by rule to adopt standardized procedures for school personnel to follow if a person on campus experiences an anaphylactic reaction and to require each school district to maintain a physician's standing order under which a school nurse is authorized to administer anaphylaxis medicine to a person on campus experiencing an anaphylactic reaction.

C.S.H.B. 4407 differs from the original by requiring the commissioner by rule to require a school district to maintain at each campus at which a school nurse serves a supply of anaphylaxis medicine, whereas the original requires a district to do so without commissioner rule, and adds a provision not in the original specifying that the supply of medicine is for administration to a person experiencing an anaphylactic reaction for the first time.

C.S.H.B. 4407 removes a provision in the original prohibiting such medicine from having an expiration date that has passed and a provision requiring the commissioner by rule to establish the amount of medicine required to be maintained at such a campus.

C.S.H.B. 4407 removes a provision in the original making its provisions applicable beginning with the 2009-2010 school year.