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No

P.L. 2003, CHAPTER 1, *approved January 27, 2003*  
Senate, No. 341 (*Second Reprint*)

1 AN ACT concerning the administration of epinephrine<sup>2</sup>, amending  
2 P.L.1992, c.143<sup>2</sup> and supplementing chapter 2K of Title 26 of the  
3 Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. <sup>2</sup>(New section)<sup>2</sup> As used in this act:

9 "Commissioner" means the Commissioner of Health and Senior  
10 Services;

11 "Emergency medical service" means a program in a hospital staffed  
12 24 hours-a-day by a licensed physician trained in emergency medicine;

13 "Emergency medical technician" means a person trained in basic life  
14 support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-  
15 21) and who is certified by the Department of Health and Senior  
16 Services to provide that level of care.

17  
18 2. <sup>2</sup>(New section)<sup>2</sup> a. An emergency medical technician who has  
19 been certified by the commissioner pursuant to subsection b. of this  
20 section to administer an epinephrine auto-injector device shall  
21 administer, maintain and dispose of the device in accordance with rules  
22 and regulations adopted by the commissioner.

23 Each administration of an auto-injector device pursuant to this act  
24 shall be reported to the Department of Health and Senior Services in  
25 a manner determined by the commissioner.

26 b. The commissioner shall establish written standards and  
27 application procedures which an emergency medical technician shall  
28 meet in order to obtain certification. The commissioner shall certify  
29 a candidate who: provides evidence of satisfactory completion of an  
30 educational program which is approved by the commissioner and  
31 includes training in the administration of epinephrine auto-injector  
32 devices; and passes an examination in the administration of the devices  
33 which is approved by the commissioner.

34 c. The commissioner shall maintain a registry of all <sup>2</sup>[applications  
35 for certification] persons certified<sup>2</sup> pursuant to this section, which  
36 shall include, but not be limited to:

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SHH committee amendments adopted May 9, 2002.

<sup>2</sup> Assembly AHH committee amendments adopted November 7, 2002.

1 (1) the <sup>2</sup>person's<sup>2</sup> name and residence <sup>2</sup>[of the applicant]<sup>2</sup>; <sup>2</sup>and<sup>2</sup>

2 (2) the date <sup>2</sup>[of the application; and

3 (3) whether the applicant was rejected or approved and the date of  
4 that action] that certification was granted<sup>2</sup>.

5 d. The commissioner shall annually compile a list of emergency  
6 medical technicians who have obtained certification to administer an  
7 epinephrine auto-injector device pursuant to this section, which shall  
8 be available to the public.

9 e. A fee may be charged to a person enrolled in an educational  
10 program approved by the department which includes training in the  
11 administration of an epinephrine auto-injector device in order to cover  
12 the cost of training and testing for certification pursuant to this  
13 section<sup>2</sup>, if the entity that provides the educational program is not  
14 reimbursed for the cost of that training and testing from the  
15 "Emergency Medical Technician Training Fund" established pursuant  
16 to section 3 of P.L.1992, c.143 (C.26:2K-56)<sup>2</sup>.

17  
18 3. <sup>2</sup>(New section)<sup>2</sup> Notwithstanding the provisions of any other  
19 law to the contrary, an emergency medical technician, first aid,  
20 ambulance or rescue squad, or other entity employing the services of  
21 an emergency medical technician certified to administer an epinephrine  
22 auto-injector device pursuant to section 2 of this act may purchase,  
23 store or transport the devices pursuant to an agreement with an  
24 emergency medical service, a hospital or a State licensed physician  
25 trained in emergency medicine, for the purpose of providing basic life  
26 support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-  
27 21).

28  
29 4. <sup>2</sup>(New section)<sup>2</sup> The commissioner, after notice and hearing,  
30 may revoke the certification granted pursuant to section 2 of this act  
31 for a violation of any provision of this act or any rule or regulation  
32 adopted by the commissioner pursuant to this act.

33  
34 5. <sup>2</sup>(New section)<sup>2</sup> A person shall not advertise or disseminate  
35 information to the public that the person is certified to use an  
36 epinephrine auto-injector device unless the person is authorized to do  
37 so pursuant to this act.

38  
39 6. <sup>2</sup>(New section)<sup>2</sup> An emergency medical technician certified to  
40 administer an epinephrine auto-injector device pursuant to section 2  
41 of this act, licensed physician, hospital or its board of trustees, officers  
42 and members of the medical staff, nurses, paramedics or other  
43 employees of the hospital, or officers and members of a first aid,  
44 ambulance or rescue squad shall not be liable for any civil damages as  
45 the result of an act or the omission of an act committed while in  
46 training to administer, or in the administration of, the device in good

1 faith and in accordance with the provisions of this act.

2

3 7. <sup>2</sup>(New section)<sup>2</sup> A person who violates the provisions of this  
4 act is liable to a penalty of \$200 for the first offense and \$500 for each  
5 subsequent offense. If the violation of this act is of a continuing  
6 nature, each day during which it continues shall constitute a separate  
7 offense for the purposes of this section. The penalty shall be collected  
8 and enforced by summary proceedings under the "Penalty Enforcement  
9 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

10

11 8. <sup>2</sup>(New section)<sup>2</sup> Nothing in this act shall be construed to:

12 a. permit a person certified to administer an epinephrine auto-  
13 injector device pursuant to section 2 of this act to perform the duties  
14 or fill the position of another health care professional employed by a  
15 hospital;

16 b. interfere with an emergency service training program authorized  
17 and operated under the provisions of the "New Jersey Highway Traffic  
18 Safety Act of 1987," P.L.1987, c.284 (C.27:5F-18 et seq.);

19 c. prohibit the administration of an epinephrine auto-injector device  
20 by a person acting pursuant to a lawful prescription; or

21 d. prevent a licensed and qualified member of a health care  
22 profession from administering an epinephrine auto-injector device if  
23 the duties are consistent with the accepted standards of the member's  
24 profession.

25

26 <sup>2</sup>9. Section 4 of P.L.1992, 143 (C.26:2K-57) is amended to read  
27 as follows

28 4. The commissioner, in accordance with recommendations  
29 adopted by the council, and within the limits of those monies in the  
30 fund, shall annually reimburse any private agency, organization or  
31 entity which is certified by the commissioner to provide training and  
32 testing for volunteer ambulance, first aid and rescue squad personnel  
33 who are seeking emergency medical technician-ambulance, or EMT-A,  
34 or emergency medical technician-defibrillation, or EMT-D,  
35 certification or recertification, or an entity which provides an  
36 educational program in the administration of epinephrine auto-injector  
37 devices that is approved by the commissioner pursuant to P.L. , c.  
38 (C. \_\_\_\_\_)(pending before the Legislature as this bill), and for which  
39 that entity is not otherwise reimbursed.

40 The priority for reimbursement from the fund to an agency,  
41 organization or entity for training and testing of volunteer ambulance,  
42 first aid and rescue squad personnel shall be in the following order:  
43 EMT-A certification, EMT-A recertification, EMT-D certification  
44 [and], EMT-D recertification and certification to administer  
45 epinephrine auto-injector devices pursuant to P.L. , c. (C. )

1 (pending before the Legislature as this bill).<sup>2</sup>

2 (cf: P.L.1992, c.143, s.4)

3

4 <sup>2</sup>[9.] 10. (New section) Pursuant to the "Administrative  
5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the  
6 Commissioner of Health and Senior Services shall adopt rules and  
7 regulations to effectuate the purposes of this act<sup>2</sup>, including medical  
8 protocols for the administration of epinephrine auto-injector devices,  
9 in consultation with the State mobil intensive care advisory council and  
10 the New Jersey State First Aid Council, Inc.<sup>2</sup> <sup>1</sup>The rules and  
11 regulations shall address age appropriateness in the administration of  
12 epinephrine<sup>1</sup>.

13

14 <sup>2</sup>[10.] 11.<sup>2</sup> This act shall take effect on the 120th day after  
15 enactment, but the Commissioner of Health and Senior Services may  
16 take such anticipatory administrative action in advance as shall be  
17 necessary for the implementation of the act.

18

19

20

21

22 Provides for certification for emergency medical technicians to  
23 administer epinephrine.

# SENATE, No. 341

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Senator MARTHA W. BARK**

**District 8 (Burlington)**

**Senator JOSEPH CONIGLIO**

**District 38 (Bergen)**

**Co-Sponsored by:**

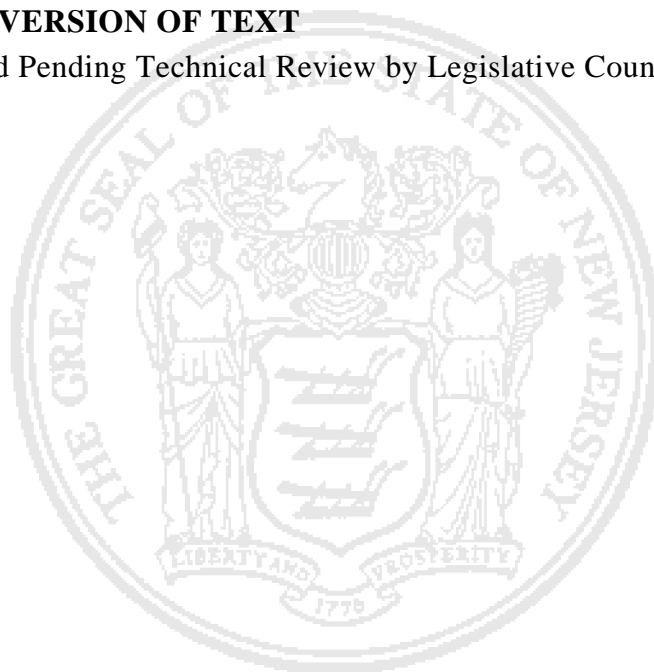
**Senators Cardinale and Gormley**

**SYNOPSIS**

Provides for certification for emergency medical technicians to administer epinephrine.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/10/2002)**

1 AN ACT concerning the administration of epinephrine and  
2 supplementing chapter 2K of Title 26 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. As used in this act:

8 "Commissioner" means the Commissioner of Health and Senior  
9 Services;

10 "Emergency medical service" means a program in a hospital staffed  
11 24 hours-a-day by a licensed physician trained in emergency medicine;

12 "Emergency medical technician" means a person trained in basic life  
13 support services as defined in section 1 of P.L.1985, c. 351 (C.26:2K-  
14 21) and who is certified by the Department of Health and Senior  
15 Services to provide that level of care.

16

17 2. a. An emergency medical technician who has been certified by  
18 the commissioner pursuant to subsection b. of this section to  
19 administer an epinephrine auto-injector device shall administer,  
20 maintain and dispose of the device in accordance with rules and  
21 regulations adopted by the commissioner.

22 Each administration of an auto-injector device pursuant to this act  
23 shall be reported to the Department of Health and Senior Services in  
24 a manner determined by the commissioner.

25 b. The commissioner shall establish written standards and  
26 application procedures which an emergency medical technician shall  
27 meet in order to obtain certification. The commissioner shall certify  
28 a candidate who: provides evidence of satisfactory completion of an  
29 educational program which is approved by the commissioner and  
30 includes training in the administration of epinephrine auto-injector  
31 devices; and passes an examination in the administration of the devices  
32 which is approved by the commissioner.

33 c. The commissioner shall maintain a registry of all applications for  
34 certification pursuant to this section, which shall include, but not be  
35 limited to:

36 (1) the name and residence of the applicant;

37 (2) the date of the application; and

38 (3) whether the applicant was rejected or approved and the date of  
39 that action.

40 d. The commissioner shall annually compile a list of emergency  
41 medical technicians who have obtained certification to administer an  
42 epinephrine auto-injector device pursuant to this section, which shall  
43 be available to the public.

44 e. A fee may be charged to a person enrolled in an educational  
45 program approved by the department which includes training in the  
46 administration of an epinephrine auto-injector device in order to cover



1 the cost of training and testing for certification pursuant to this  
2 section.

3  
4 3. Notwithstanding the provisions of any other law to the contrary,  
5 an emergency medical technician, first aid, ambulance or rescue squad,  
6 or other entity employing the services of an emergency medical  
7 technician certified to administer an epinephrine auto-injector device  
8 pursuant to section 2 of this act may purchase, store or transport the  
9 devices pursuant to an agreement with an emergency medical service,  
10 a hospital or a State licensed physician trained in emergency medicine,  
11 for the purpose of providing basic life support services as defined in  
12 section 1 of P.L.1985, c.351 (C.26:2K-21).

13  
14 4. The commissioner, after notice and hearing, may revoke the  
15 certification granted pursuant to section 2 of this act for a violation of  
16 any provision of this act or any rule or regulation adopted by the  
17 commissioner pursuant to this act.

18  
19 5. A person shall not advertise or disseminate information to the  
20 public that the person is certified to use an epinephrine auto-injector  
21 device unless the person is authorized to do so pursuant to this act.

22  
23 6. An emergency medical technician certified to administer an  
24 epinephrine auto-injector device pursuant to section 2 of this act,  
25 licensed physician, hospital or its board of trustees, officers and  
26 members of the medical staff, nurses, paramedics or other employees  
27 of the hospital, or officers and members of a first aid, ambulance or  
28 rescue squad shall not be liable for any civil damages as the result of  
29 an act or the omission of an act committed while in training to  
30 administer, or in the administration of, the device in good faith and in  
31 accordance with the provisions of this act.

32  
33 7. A person who violates the provisions of this act is liable to a  
34 penalty of \$200 for the first offense and \$500 for each subsequent  
35 offense. If the violation of this act is of a continuing nature, each day  
36 during which it continues shall constitute a separate offense for the  
37 purposes of this section. The penalty shall be collected and enforced  
38 by summary proceedings under the "Penalty Enforcement Law of  
39 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

40  
41 8. Nothing in this act shall be construed to:

42 a. permit a person certified to administer an epinephrine auto-  
43 injector device pursuant to section 2 of this act to perform the duties  
44 or fill the position of another health care professional employed by a  
45 hospital;

1 b. interfere with an emergency service training program authorized  
2 and operated under the provisions of the "New Jersey Highway Traffic  
3 Safety Act of 1987," P.L.1987, c.284 (C.27:5F-18 et seq.);

4 c. prohibit the administration of an epinephrine auto-injector device  
5 by a person acting pursuant to a lawful prescription; or

6 d. prevent a licensed and qualified member of a health care  
7 profession from administering an epinephrine auto-injector device if  
8 the duties are consistent with the accepted standards of the member's  
9 profession.

10  
11 9. Pursuant to the "Administrative Procedure Act," P.L.1968,  
12 c.410 (C.52:14B-1 et seq.), the Commissioner of Health and Senior  
13 Services shall adopt rules and regulations to effectuate the purposes  
14 of this act.

15  
16 10. This act shall take effect on the 120th day after enactment, but  
17 the Commissioner of Health and Senior Services may take such  
18 anticipatory administrative action in advance as shall be necessary for  
19 the implementation of the act.

20  
21  
22 STATEMENT

23  
24 This bill provides for the training and certification of emergency  
25 medical technicians in the administration of an epinephrine auto-  
26 injector device. Each administration of an epinephrine auto-injector  
27 device under the provisions of this bill must be reported to the  
28 Department of Health and Senior Services.

29 The bill provides that the Commissioner of Health and Senior  
30 Services shall establish the written standards and procedures necessary  
31 to meet in order to obtain certification. Certification shall require a  
32 candidate to: provide evidence of satisfactory completion of an  
33 educational program which is approved by the commissioner and  
34 includes training in the administration of epinephrine auto-injector  
35 devices; and pass an examination approved by the commissioner. The  
36 bill also requires the commissioner to maintain a registry of all  
37 applications for certification and compile a list of persons who have  
38 obtained certification. The bill also permits the charging of a fee for  
39 the training program in order to cover the cost of training and testing  
40 for certification.

41 In addition, the bill provides that:

42 -- the commissioner may revoke certification for violations of the  
43 bill;

44 -- a person may not advertise that he is certified to administer an  
45 epinephrine auto-injector device unless authorized to do so;

**S341 BARK, CONIGLIO**

5

1 -- there shall be no liability to an emergency medical technician  
2 certified to administer an epinephrine auto-injector device pursuant to  
3 the bill, or to a licensed physician, hospital or its board of trustees,  
4 officers and members of the medical staff, nurses, paramedics or other  
5 employees of the hospital, or officers and members of a first aid,  
6 ambulance or rescue squad for any civil damages as the result of an act  
7 or the omission of an act committed while in training to administer, or  
8 in the administration of, the device; and

9 -- there is a \$200 penalty for the first offense and \$500 for each  
10 subsequent offense for violations under the bill.

11 Lastly, the bill has a delayed effective date to permit time for the  
12 adoption of regulations to implement the provisions of the bill.

# ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 341**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 7, 2002

The Assembly Health and Human Services Committee reports favorably and with committee amendments Senate Bill No. 341 (1R).

As amended by the committee, this bill provides for the training and certification of emergency medical technicians (EMTs) in the administration of an epinephrine auto-injector device. Each administration of an epinephrine auto-injector device under the provisions of this bill must be reported to the Department of Health and Senior Services.

The bill directs the Commissioner of Health and Senior Services to establish the written standards and procedures that an EMT must meet in order to obtain certification. A candidate for certification is required to: provide evidence of satisfactory completion of an educational program which is approved by the commissioner and includes training in the administration of epinephrine auto-injector devices; and pass an examination approved by the commissioner. The bill also requires the commissioner to maintain a registry of all persons certified to administer epinephrine auto-injector devices pursuant to the bill, and to compile a list of persons who have obtained certification that will be made available to the public.

The bill permits the use of monies in the "Emergency Medical Technician Training Fund" (EMTTF) to reimburse an entity which provides an educational program in the administration of epinephrine auto-injector devices that is approved by the commissioner pursuant to this bill, and for which that entity is not otherwise reimbursed. The bill provides that a fee may be charged to an enrollee in a training program in order to cover the cost of training and testing for certification, if the entity providing the program is not reimbursed for the cost of that training and testing from the EMTTF.

In addition, the bill provides that:

-- the commissioner may revoke certification for violations of the bill;

-- a person may not advertise that he is certified to administer an epinephrine auto-injector device unless authorized to do so;

-- there will be no liability to an EMT certified to administer an epinephrine auto-injector device pursuant to the bill, or to a licensed physician, hospital or its board of trustees, officers and members of the medical staff, nurses, paramedics or other employees of the hospital, or officers and members of a first aid, ambulance or rescue squad for any civil damages as the result of an act or the omission of an act committed while in training to administer, or in the administration of, the device;

-- a person who violates the provisions of the bill is liable to a penalty of \$200 for the first offense and \$500 for each subsequent offense; and

-- the Commissioner of Health and Senior Services is to adopt rules and regulations to effectuate the purposes of the bill, including medical protocols for the administration of epinephrine auto-injector devices, in consultation with the State mobil intensive care advisory council and the New Jersey State First Aid Council, Inc.

Finally, the bill includes a delayed effective date (the 120th day after enactment) to permit time for the adoption of regulations to implement its provisions.

As reported by the committee, this bill is identical to Assembly Bill No. 667 Aca (Chatzidakis/Bodine/Vandervalk), which the committee also reported on this date.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- C require the Commissioner of Health and Senior Services to maintain a registry of all persons certified to administer epinephrine auto-injector devices pursuant to the bill (rather than all applicants for certification);
- C permit the use of monies in the "Emergency Medical Technician Training Fund" (which was established under N.J.S.A.26:2K-56) to reimburse an entity which provides an educational program in the administration of epinephrine auto-injector devices that is approved by the commissioner pursuant to this bill, and for which that entity is not otherwise reimbursed; and
- C require that the rules and regulations adopted by the commissioner to effectuate the purposes of this bill include medical protocols for the administration of epinephrine auto-injector devices, in consultation with the State mobil intensive care advisory council and the New Jersey State First Aid Council, Inc.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 341**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 9, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments, Senate Bill No. 341.

As amended by the committee, this bill provides for the training and certification of emergency medical technicians in the administration of an epinephrine auto-injector device. Each administration of an epinephrine auto-injector device under the provisions of this bill must be reported to the Department of Health and Senior Services.

The bill provides that the Commissioner of Health and Senior Services shall establish the written standards and procedures necessary to meet in order to obtain certification. Certification shall require a candidate to: provide evidence of satisfactory completion of an educational program which is approved by the commissioner and includes training in the administration of epinephrine auto-injector devices; and pass an examination approved by the commissioner. The bill also requires the commissioner to maintain a registry of all applications for certification and compile a list of persons who have obtained certification. The bill also permits the charging of a fee for the training program in order to cover the cost of training and testing for certification.

In addition, the bill provides that:

-- the commissioner may revoke certification for violations of the bill;

-- a person may not advertise that he is certified to administer an epinephrine auto-injector device unless authorized to do so;

-- there shall be no liability to an emergency medical technician certified to administer an epinephrine auto-injector device pursuant to the bill, or to a licensed physician, hospital or its board of trustees, officers and members of the medical staff, nurses, paramedics or other employees of the hospital, or officers and members of a first aid, ambulance or rescue squad for any civil damages as the result of an act or the omission of an act committed while in training to administer, or

in the administration of, the device; and

-- there is a \$200 penalty for the first offense and \$500 for each subsequent offense for violations under the bill.

Lastly, the bill has a delayed effective date to permit time for the adoption of regulations to implement the provisions of the bill.

The committee amended the bill to require that the rules and regulations adopted by the Commissioner of Health and Senior Services address age appropriateness in the administration of epinephrine.

This bill is similar to Assembly Bill No. 667 (Chatzidakis/Bodine), which is pending before the Assembly Health and Human Services Committee.

This bill was prefiled for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

# **ASSEMBLY, No. 667**

## **STATE OF NEW JERSEY**

### **210th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Assemblyman LARRY CHATZIDAKIS**

**District 8 (Burlington)**

**Assemblyman FRANCIS L. BODINE**

**District 8 (Burlington)**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**Co-Sponsored by:**

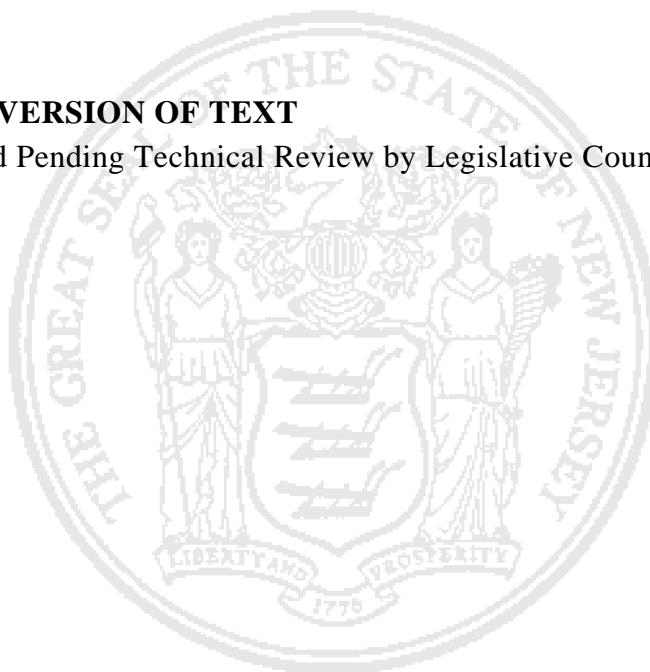
**Assemblymen Biondi, Azzolina, Pennacchio, Blee, Geist and McKeon**

**SYNOPSIS**

Provides for certification for emergency medical technicians to administer epinephrine.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 9/24/2002)**



1 AN ACT concerning the administration of epinephrine and  
2 supplementing chapter 2K of Title 26 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. As used in this act:

8 "Commissioner" means the Commissioner of Health and Senior  
9 Services;

10 "Emergency medical service" means a program in a hospital staffed  
11 24 hours-a-day by a licensed physician trained in emergency medicine;

12 "Emergency medical technician" means a person trained in basic life  
13 support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-  
14 21) and who is certified by the Department of Health and Senior  
15 Services to provide that level of care.

16

17 2. a. An emergency medical technician who has been certified by  
18 the commissioner pursuant to subsection b. of this section to  
19 administer an epinephrine auto-injector device shall administer,  
20 maintain and dispose of the device in accordance with rules and  
21 regulations adopted by the commissioner.

22 Each administration of an auto-injector device pursuant to this act  
23 shall be reported to the Department of Health and Senior Services in  
24 a manner determined by the commissioner.

25 b. The commissioner shall establish written standards and  
26 application procedures which an emergency medical technician shall  
27 meet in order to obtain certification. The commissioner shall certify  
28 a candidate who: provides evidence of satisfactory completion of an  
29 educational program which is approved by the commissioner and  
30 includes training in the administration of epinephrine auto-injector  
31 devices; and passes an examination in the administration of the devices  
32 which is approved by the commissioner.

33 c. The commissioner shall maintain a registry of all applications for  
34 certification pursuant to this section, which shall include, but not be  
35 limited to:

36 (1) the name and residence of the applicant;

37 (2) the date of the application; and

38 (3) whether the applicant was rejected or approved and the date of  
39 that action.

40 d. The commissioner shall annually compile a list of emergency  
41 medical technicians who have obtained certification to administer an  
42 epinephrine auto-injector device pursuant to this section, which shall  
43 be available to the public.

44 e. A fee may be charged to a person enrolled in an educational  
45 program approved by the department which includes training in the  
46 administration of an epinephrine auto-injector device in order to cover

1 the cost of training and testing for certification pursuant to this  
2 section.

3  
4 3. Notwithstanding the provisions of any other law to the contrary,  
5 an emergency medical technician, first aid, ambulance or rescue squad,  
6 or other entity employing the services of an emergency medical  
7 technician certified to administer an epinephrine auto-injector device  
8 pursuant to section 2 of this act may purchase, store or transport the  
9 devices pursuant to an agreement with an emergency medical service,  
10 a hospital or a State licensed physician trained in emergency medicine,  
11 for the purpose of providing basic life support services as defined in  
12 section 1 of P.L.1985, c.351 (C.26:2K-21).

13  
14 4. The commissioner, after notice and hearing, may revoke the  
15 certification granted pursuant to section 2 of this act for a violation of  
16 any provision of this act or any rule or regulation adopted by the  
17 commissioner pursuant to this act.

18  
19 5. A person shall not advertise or disseminate information to the  
20 public that the person is certified to use an epinephrine auto-injector  
21 device unless the person is authorized to do so pursuant to this act.

22  
23 6. An emergency medical technician certified to administer an  
24 epinephrine auto-injector device pursuant to section 2 of this act,  
25 licensed physician, hospital or its board of trustees, officers and  
26 members of the medical staff, nurses, paramedics or other employees  
27 of the hospital, or officers and members of a first aid, ambulance or  
28 rescue squad shall not be liable for any civil damages as the result of  
29 an act or the omission of an act committed while in training to  
30 administer, or in the administration of, the device in good faith and in  
31 accordance with the provisions of this act.

32  
33 7. A person who violates the provisions of this act is liable to a  
34 penalty of \$200 for the first offense and \$500 for each subsequent  
35 offense. If the violation of this act is of a continuing nature, each day  
36 during which it continues shall constitute a separate offense for the  
37 purposes of this section. The penalty shall be collected and enforced  
38 by summary proceedings under the "Penalty Enforcement Law of  
39 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

40  
41 8. Nothing in this act shall be construed to:

42 a. permit a person certified to administer an epinephrine auto-  
43 injector device pursuant to section 2 of this act to perform the duties  
44 or fill the position of another health care professional employed by a  
45 hospital;

46 b. interfere with an emergency service training program authorized

1 and operated under the provisions of the "New Jersey Highway Traffic  
2 Safety Act of 1987," P.L.1987, c.284 (C.27:5F-18 et seq.);

3 c. prohibit the administration of an epinephrine auto-injector device  
4 by a person acting pursuant to a lawful prescription; or

5 d. prevent a licensed and qualified member of a health care  
6 profession from administering an epinephrine auto-injector device if  
7 the duties are consistent with the accepted standards of the member's  
8 profession.

9  
10 9. Pursuant to the "Administrative Procedure Act," P.L.1968,  
11 c.410 (C.52:14B-1 et seq.), the Commissioner of Health and Senior  
12 Services shall adopt rules and regulations to effectuate the purposes  
13 of this act.

14  
15 10. This act shall take effect on the 120th day after enactment, but  
16 the Commissioner of Health and Senior Services may take such  
17 anticipatory administrative action in advance as shall be necessary for  
18 the implementation of the act.

19

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#### STATEMENT

22

23 This bill provides for the training and certification of emergency  
24 medical technicians in the administration of an epinephrine auto-  
25 injector device. Each administration of an epinephrine auto-injector  
26 device under the provisions of this bill must be reported to the  
27 Department of Health and Senior Services.

28 The bill provides that the Commissioner of Health and Senior  
29 Services shall establish the written standards and procedures necessary  
30 to meet in order to obtain certification. Certification shall require a  
31 candidate to: provide evidence of satisfactory completion of an  
32 educational program which is approved by the commissioner and  
33 includes training in the administration of epinephrine auto-injector  
34 devices; and pass an examination approved by the commissioner. The  
35 bill also requires the commissioner to maintain a registry of all  
36 applications for certification and compile a list of persons who have  
37 obtained certification. The bill also permits the charging of a fee for  
38 the training program in order to cover the cost of training and testing  
39 for certification.

40 In addition, the bill provides that:

41 -- the commissioner may revoke certification for violations of the  
42 bill;

43 -- a person may not advertise that he is certified to administer an  
44 epinephrine auto-injector device unless authorized to do so;

45 -- there shall be no liability to an emergency medical technician  
46 certified to administer an epinephrine auto-injector device pursuant to

**A667 CHATZIDAKIS, BODINE**

5

1 the bill, or to a licensed physician, hospital or its board of trustees,  
2 officers and members of the medical staff, nurses, paramedics or other  
3 employees of the hospital, or officers and members of a first aid,  
4 ambulance or rescue squad for any civil damages as the result of an act  
5 or the omission of an act committed while in training to administer, or  
6 in the administration of, the device; and  
7 -- there is a \$200 penalty for the first offense and \$500 for each  
8 subsequent offense for violations under the bill.  
9 Lastly, the bill has a delayed effective date to permit time for the  
10 adoption of regulations to implement the provisions of the bill.

# ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 667**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 7, 2002

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 667.

As amended by the committee, this bill provides for the training and certification of emergency medical technicians (EMTs) in the administration of an epinephrine auto-injector device. Each administration of an epinephrine auto-injector device under the provisions of this bill must be reported to the Department of Health and Senior Services.

The bill directs the Commissioner of Health and Senior Services to establish the written standards and procedures that an EMT must meet in order to obtain certification. A candidate for certification is required to: provide evidence of satisfactory completion of an educational program which is approved by the commissioner and includes training in the administration of epinephrine auto-injector devices; and pass an examination approved by the commissioner. The bill also requires the commissioner to maintain a registry of all persons certified to administer epinephrine auto-injector devices pursuant to the bill, and to compile a list of persons who have obtained certification that will be made available to the public.

The bill permits the use of monies in the "Emergency Medical Technician Training Fund" (EMTTF) to reimburse an entity which provides an educational program in the administration of epinephrine auto-injector devices that is approved by the commissioner pursuant to this bill, and for which that entity is not otherwise reimbursed. The bill provides that a fee may be charged to an enrollee in a training program in order to cover the cost of training and testing for certification, if the entity providing the program is not reimbursed for the cost of that training and testing from the EMTTF.

In addition, the bill provides that:

-- the commissioner may revoke certification for violations of the bill;

-- a person may not advertise that he is certified to administer an epinephrine auto-injector device unless authorized to do so;

-- there will be no liability to an EMT certified to administer an epinephrine auto-injector device pursuant to the bill, or to a licensed

physician, hospital or its board of trustees, officers and members of the medical staff, nurses, paramedics or other employees of the hospital, or officers and members of a first aid, ambulance or rescue squad for any civil damages as the result of an act or the omission of an act committed while in training to administer, or in the administration of, the device;

-- a person who violates the provisions of the bill is liable to a penalty of \$200 for the first offense and \$500 for each subsequent offense; and

-- the Commissioner of Health and Senior Services is to adopt rules and regulations to effectuate the purposes of the bill, including medical protocols for the administration of epinephrine auto-injector devices, in consultation with the State mobil intensive care advisory council and the New Jersey State First Aid Council, Inc.

Finally, the bill includes a delayed effective date (the 120th day after enactment) to permit time for the adoption of regulations to implement its provisions.

As reported by the committee, this bill is identical to Senate Bill No. 341 (1R) Aca (Bark/Coniglio), which the committee also reported on this date.

This bill was prefiled for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

#### COMMITTEE AMENDMENTS

The committee amendments to the bill:

- C require the Commissioner of Health and Senior Services to maintain a registry of all persons certified to administer epinephrine auto-injector devices pursuant to the bill (rather than all applicants for certification);
- C permit the use of monies in the "Emergency Medical Technician Training Fund" (which was established under N.J.S.A.26:2K-56) to reimburse an entity which provides an educational program in the administration of epinephrine auto-injector devices that is approved by the commissioner pursuant to this bill, and for which that entity is not otherwise reimbursed; and
- C require that the rules and regulations adopted by the commissioner to effectuate the purposes of this bill:
  - include medical protocols for the administration of epinephrine auto-injector devices, in consultation with the State mobil intensive care advisory council and the New Jersey State First Aid Council, Inc.; and
  - address age appropriateness in the administration of epinephrine.