

**TITLE 22. SOCIAL SECURITY
DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES
CHAPTER 1.9 LAY RESCUER EPHINEPHRINE AUTO-INJECTOR TRAINING
CERTIFICATION STANDARDS**

[Notice published on March 6, 2015]

NOTICE OF PROPOSED RULEMAKING

The Emergency Medical Services Authority (“EMSA”) proposes to adopt regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

EMSA will hold a public hearing on April 21, 2015. The hearing will begin at 10:00 am and end at 12:00 pm. The location of the public hearing is: 10901 Gold Center Drive, Suite 400, Rancho Cordova, CA 95670. EMSA requests that persons making oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the EMSA. Comments may also be submitted by facsimile (FAX) at (916) 324-2875 or by e-mail to corrine.fishman@emsa.ca.gov. The written comment period closes at **5:00 p.m.** on April 20, 2015. The EMSA will consider only comments received at the EMSA offices by that time. Submit comments to:

Corrine Fishman, Program Analyst
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670

AUTHORITY AND REFERENCE

The EMSA proposes to add Chapter 1.9 to Division 9, of Title 22. The Health and Safety Code, Section 1797.107 authorizes the EMSA to adopt the proposed regulations, which would implement, interpret, or make specific Section 1797.197a of the Health and Safety Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Senate Bill 669 (Chapter 725, Statutes of 2013), requires the EMSA to adopt minimum standards for training and certification of prehospital emergency medical care persons and lay rescuers in the use and administration of the epinephrine auto-injector to render emergency care to another person as defined in Section 1797.197a of the Health and Safety Code. The statute also directs the EMSA to adopt reasonable fees for review and approval of epinephrine auto-injector training programs and establishes the Specialized First Aid Training Program Approval Fund into which these fees shall be deposited.

This rulemaking action clarifies and makes specific the minimum training and certification standards and requirements for the use and administration of epinephrine auto-injectors.

The regulations proposed in this rulemaking action intend to: Establish the procedures required to become an EMSA approved training program; specify subject matter areas that must be covered by a training program; specify requirements of a program director or instructor; specify the notification process for program approval and withdrawal and specify all fees. The regulations will also specify the certification requirements, application of training and fees required for a lay person to be certified to use and administer an epinephrine auto-injector.

Anticipated Benefits of the Proposed Regulation:

The broad objective of the regulation is anticipated to provide the lay person training in the use and administration of an epinephrine auto-injector. The specific benefit from the regulation is to protect the health and safety of the public by allowing the lay person, who meets the prescribed qualifications, to use and administer an epinephrine auto-injector to any person suffering from an allergic emergency while also providing civil liability protection.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

EMSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, EMSA has concluded that these are the only regulations that concern the use and administration of an epinephrine auto-injector by a lay person.

DISCLOSURES REGARDING THE PROPOSED ACTION

The EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None
- Other nondiscretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None
- Cost impacts on a representative private person or business: There will be a cost to a private person representing the cost of the training course and the cost of the epinephrine auto-injector. Because this training is not required, there is no obligation that any individual should incur these costs. There will be administrative costs for a business that chooses to develop a course of training as prescribed by these regulations.
- Significant, statewide adverse economic directly impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Significant effect on housing costs: None
- The proposed regulations may affect small businesses.

Results of the Economic Impact Analysis/Assessment

The EMSA concludes that it is (1) unlikely that the proposal will eliminate any jobs public safety personnel or epinephrine training providers, (2) likely that the proposal will create an unknown number of jobs for providers of epinephrine auto-injector training, (3) likely that the proposal will create an unknown number of new businesses providing training in epinephrine auto-injector use and administration, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: The proposed regulations will benefit California residents by allowing a person suffering an allergic emergency to receive potentially lifesaving medical care by providing the lay person with a process to obtain a prescription for an epinephrine auto-injector that they may use and administer to any person in an allergic emergency situation. The regulations also increase public safety by specifying the minimum training standards and requirements to be met in order to use and administer an epinephrine auto-injector.

CONSIDERATION OF ALTERNATIVES

In accordance with Government code section 11346.5, subdivision (a)(13), EMSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

EMSA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Corrine Fishman, program analyst
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670
(916) 431-3727
Corrine.fishman@emsa.ca.gov

The backup contact person for these inquiries is:

Alternate Contact Person:
Lisa Witchey, Manager
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670
Lisa.witchey@emsa.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Corrine Fishman at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial

statement of reasons. Copies may be obtained by contacting Corrine Fishman at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the EMSA may adopt the proposed regulations substantially as described in this notice. If the EMSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the EMSA adopts the regulation as revised. Please send requests for copies of the modified regulations to the attention of Corrine Fishman at the address indicated on the previous page. The EMSA will accept written comments on the modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Corrine Fishman at the address listed on the previous page.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.emsa.ca.gov.