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FISCAL IMPACT REPORT

SPONSOR Nava DATE TYPED 2/8/05 HB _____

SHORT TITLE Asthma Medication for Certain Students SB 275

ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	N/A				

SOURCES OF INFORMATION

LFC Files

Responses Received From
Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 275 amends Public School discipline policy [Section 22-5-4.3 NMSA 1978 (being Laws 1986, Chapter 33, Section 9)] to allow students to carry and self-administer asthma and emergency anaphylaxis medication while attending school or at school-sponsored activities under certain circumstances. These circumstances include: a healthcare provider's legal prescription; student instruction from the healthcare provider; student's demonstration of skill and understanding to the school nurse or other school personnel; a written treatment plan from the healthcare provider; parent written documentation as required by the school district; parent to provide and school must store backup medication in an accessible location; and an indemnity clause for authorized school personnel who provide back-up medication in good faith.

Significant Issues

The DOH reports SB 275 is part of a national campaign to reduce death and disability due to asthma by requiring school districts to allow students to carry and self-administer asthma medication and epinephrine auto-injectors during school hours or at school-sponsored activities, including transit to or from school or school-sponsored activities. 30 states have legislation that

allows students to self-carry asthma medication and 18 states allow students to carry epinephrine auto-injectors.

The DOH reports asthma is the most common chronic disease of childhood and results in an estimated 14 million days of school missed annually. Schools that have refused to allow students to self-carry their asthma medication have experienced student deaths and litigation as a result. Acute anaphylaxis due to allergy occurs in a small number of children annually, however it is frequently a fatal condition. Allowing students at risk for anaphylaxis to carry their epinephrine auto-injector pens is an important life saving policy.

PERFORMANCE IMPLICATIONS

SB 275 supports the DOH Strategic Plan Program Area One, Objective 6, to Prevent and Reduce Chronic Disease.

FISCAL IMPLICATIONS

Federal legislation passed by both the House and Senate (HR 2023) gives asthma program funding preference to states that require schools to allow students to self-administer medication to treat asthma or anaphylaxis. SB 275 is consistent with the Federal law HR 2023.

ADMINISTRATIVE IMPLICATIONS

Implementation of SB 275 will require support from the Office of School Health, School Health Advocates and DOH's District Health Officers. In addition to providing technical assistance to individual school districts, the School Health Advocates will work directly with school nurses to develop guidelines for implementation of the provisions of SB 275 and will disseminate that guidance through the School Nurse Advisory Committee as well as the web-based School Health Manual. The additional duties are fully consistent with the role of the School Health Advocates and will incur minimal additional program cost.

TECHNICAL ISSUES

Section 1, paragraph 4, could also include requiring an "agreement of exemption" for the parents/guardians to hold harmless and indemnify the school district's employees and staff against all claims, judgments, or liabilities arising out of the self-administration and carrying of medication by their child.

OTHER SUBSTANTIVE ISSUES

The DOH reports asthma is a chronic condition that significantly impacts the quality of life and education for children and youth in New Mexico. New Mexico School Health data reveal that 9,000 students require asthma medication at school. Asthma is responsible for 14 million days of school absence nationally and it is estimated that about 1 billion dollars is lost in parent productivity annually from loss of work.

The DOH believes allowing students to self-administer asthma medications may reduce school absences and lost parental productivity but most importantly saves lives. From 1991-2000 there were 11 recorded deaths in New Mexico from asthma in children 0-17 years old. Allowing stu-

dents to carry asthma medication and self-administer while attending school may save lives and reduce the number of asthma exacerbations that require emergency care and hospitalization. Allowing students at risk for anaphylaxis to carry an epinephrine auto-injector may save their life.

ALTERNATIVES

No alternatives noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The DOH says students will not be allowed to self-carry their asthma and anaphylaxis medication while attending school in New Mexico.

New Mexico will not be among the states with preference to receive federal asthma program-related funding.

AHO/njw