

## Summary of Public Comments and Department's Response and List of Changes Made to the Final Rule

### EPINEPHRINE AUTO-INJECTOR TRAINING AND CERTIFICATION RULE

The Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC) published the Notice of Rulemaking and the proposed Epinephrine Auto-Injector Training and Certification Rule on August 16, 2017 on the Maine CDC rulemaking website, [mainepublichealth.gov/rules](http://mainepublichealth.gov/rules), in addition to the Public Notice being posted by the Secretary of State's Office in five major newspapers and on the Secretary of State's website. The public comment period closed on September 15, 2017. No public hearing was scheduled. This document summarizes the comments received during the public comment period and provides the Department's responses.

#### TABLE OF COMMENTERS

Date Received	Commenter Number	Commenter Name	Affiliation	Format
08/24/2017	1	John Paul Erler, Esq.	Maine Youth Camp Association	Written
08/18/2017	2	Rep. Paul B. Chace		Written

- 1. Commenter 1** submitted that camps may store auto-injectors for purposes other than immediate use, including during camp closure and for future use. Commenter 1 further stated that because the storage is to protect the auto-injectors from damage, inappropriate use or theft, such storage may not be considered "readily accessible." Commenter 1 suggested a change to language in Section 3(C) to specify that only those epinephrine auto-injectors that are *for immediate use* are required to be stored in a location readily accessible in an emergency.

**Response:** 22 M.R.S. § 2150-G(2) states, "An epinephrine auto-injector must be stored in a location readily accessible in an emergency and in accordance with the instructions for use for the epinephrine autoinjector and any additional requirements that may be established by the [D]epartment." The Department amended the final rule in Section 3(C)(1), based on this comment, by requiring the authorized entity to have a policy specific to the storage of epinephrine-auto injectors, including the location of the supply of epinephrine auto-injectors for immediate use.

- 2. Commenter 2** expressed concern that pharmacists are not included in the list of healthcare professionals. Commenter 2 submitted that pharmacists are authorized by law to administer epi-pens and that "pharmacists follow all CDC guidelines regarding the administration." Commenter 2 requested clarification around the inclusivity of listing authorized healthcare professionals and suggested that there be a provision in rule that provides for an exemption for licensed pharmacists.

**Response:** In review of the scope of practice for pharmacists, a pharmacist may administer epinephrine, in accordance with 32 M.R.S. §138 as noted by Commenter 2. Therefore, the Department amended Section 4 (A) and Appendix A of the final rule in response to this comment by adding pharmacists to the list of healthcare professionals who may be authorized to conduct anaphylaxis training.