

Liability: Administering Epi Pen

W. Va. Code 16-50-5

An individual trained to recognize the symptoms of an allergic reaction and administer an epi-pen to an individual they believe, in good faith, is suffering an allergic reaction will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Not practice of medicine; limits on liability

(a) The administration of an epinephrine auto-injector in accordance with this article is not the practice of medicine.

(b) An authorized health care practitioner who prescribes epinephrine auto-injectors to an authorized entity; an authorized entity that possesses and makes available epinephrine auto-injectors; and, an entity or person that conducts the training under section three [§16-50-3] of this article are not liable for civil damages that result from the administration or self-administration of an epinephrine auto-injector, the failure to administer an epinephrine auto-injector, or any other act or omission committed, in good faith, pursuant to this article.

(c) An individual employed by an authorized entity who administers or provides an epinephrine auto-injection to a person as provided in this article is immune from liability for any civil action arising out of an act or omission resulting from the administration of the epinephrine auto-injection unless the act or omission was the result of the individual's gross negligence or willful misconduct.