

1 A bill to be entitled
2 An act relating to pharmacy practice; amending
3 s. 465.003, F.S.; redefining the term "practice
4 of the profession of pharmacy" to include the
5 administering of influenza virus immunizations
6 to adults by a pharmacist within an established
7 protocol and under a supervisory practitioner
8 who is a licensed physician or by written
9 agreement with a county health department;
10 providing requirements for the protocol;
11 requiring professional liability insurance,
12 training and certification in immunization, and
13 employer approval before entering into a
14 protocol; requiring a pharmacist to maintain
15 and make available patient records for a
16 certain time period; providing requirements for
17 the certification program; providing an
18 effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (13) of section 465.003, Florida
23 Statutes, is amended to read:

24 465.003 Definitions.--As used in this chapter, the
25 term:

26 (13) "Practice of the profession of pharmacy" includes
27 compounding, dispensing, and consulting concerning contents,
28 therapeutic values, and uses of any medicinal drug; consulting
29 concerning therapeutic values and interactions of patent or
30 proprietary preparations, whether pursuant to prescriptions or
31 in the absence and entirely independent of such prescriptions

1 or orders; and other pharmaceutical services. For purposes of
2 this subsection, "other pharmaceutical services" means the
3 monitoring of the patient's drug therapy and assisting the
4 patient in the management of his or her drug therapy, and
5 includes review of the patient's drug therapy and
6 communication with the patient's prescribing health care
7 provider as licensed under chapter 458, chapter 459, chapter
8 461, or chapter 466, or similar statutory provision in another
9 jurisdiction, or such provider's agent or such other persons
10 as specifically authorized by the patient, regarding the drug
11 therapy. However, nothing in this subsection may be
12 interpreted to permit an alteration of a prescriber's
13 directions, the diagnosis or treatment of any disease, the
14 initiation of any drug therapy, the practice of medicine, or
15 the practice of osteopathic medicine, unless otherwise
16 permitted by law. "Practice of the profession of pharmacy"
17 also includes any other act, service, operation, research, or
18 transaction incidental to, or forming a part of, any of the
19 foregoing acts, requiring, involving, or employing the science
20 or art of any branch of the pharmaceutical profession, study,
21 or training, and shall expressly permit a pharmacist to
22 transmit information from persons authorized to prescribe
23 medicinal drugs to their patients. "Practice of the profession
24 of pharmacy" also includes the administering to adults of
25 influenza virus immunizations by a pharmacist within the
26 framework of an established protocol under a supervisory
27 practitioner who is a physician licensed under chapter 458 or
28 chapter 459 or by written agreement with a county health
29 department. Each protocol must contain specific procedures to
30 address any unforeseen allergic reaction to an immunization. A
31 pharmacist may not enter into a protocol unless he or she

1 maintains at least \$200,000 of professional liability
2 insurance and not until the pharmacist has completed training
3 in immunizations as provided in this subsection. A pharmacist
4 administering an influenza vaccine shall maintain and make
5 available patient records using the same standards for
6 confidentiality and maintenance of such records as those that
7 are imposed on health care practitioners by s. 456.057. These
8 records must be maintained for a minimum of 5 years. The
9 decision by a supervisory practitioner to enter into such a
10 protocol is a professional decision of the practitioner, and a
11 person may not interfere with a supervisory practitioner's
12 decision as to whether to enter into such a protocol. A
13 pharmacist may not enter into a protocol that is to be
14 performed while acting as an employee without the written
15 approval of the owner of the pharmacy. Any pharmacist seeking
16 to immunize patients under this subsection must be certified
17 to administer immunizations pursuant to a certification
18 program approved by the Board of Pharmacy upon consultation
19 with the Board of Medicine. The certification program must, at
20 a minimum, require that a pharmacist attend at least 20 hours
21 of continuing education classes approved by the Board of
22 Pharmacy. The program must have a curriculum of instruction
23 concerning the safe and effective administration of
24 immunizations, including, but not limited to, potential
25 allergic reactions to immunizations. The certification to
26 perform inactivated influenza vaccinations shall include, but
27 need not be limited to, the following compliance criteria:
28 (a) Compliance with all provisions of s. 381.003
29 relating to communicable disease and AIDS prevention and
30 control;
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1 (b) Compliance with all provisions of s. 381.0031
2 relating to reporting of diseases of public health
3 significance to the department;

4 (c) Compliance with all provisions of s. 381.0098
5 relating to biomedical waste;

6 (d) Compliance with all Occupational Safety and Health
7 Administration standards for management, handling, and
8 disposal of sharps; and

9 (e) Completion of and compliance with the Centers for
10 Disease Control Influenza Update for the year in which
11 influenza vaccinations will be offered.

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13 The pharmacist's certification must be obtained prior to
14 advertising to the public and administering inactivated
15 influenza vaccinations. The pharmacist shall submit to the
16 Board of Pharmacy a copy of the protocol or written agreement
17 to administer inactivated influenza vaccine.

18 Section 2. This act shall take effect July 1, 2005.
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