Florida Senate - 2006

By Senator Bennett

21-548-06

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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 DefinitionsAs 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
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1 or orders; and other pharmaceutical services. For purposes of 2 this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the 3 patient in the management of his or her drug therapy, and 4 includes review of the patient's drug therapy and 5 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 as specifically authorized by the patient, regarding the drug 10 therapy. However, nothing in this subsection may be 11 12 interpreted to permit an alteration of a prescriber's 13 directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or 14 the practice of osteopathic medicine, unless otherwise 15 permitted by law. "Practice of the profession of pharmacy" 16 17 also includes any other act, service, operation, research, or 18 transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science 19 or art of any branch of the pharmaceutical profession, study, 20 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 of pharmacy" also includes the administering to adults of 2.4 influenza virus immunizations by a pharmacist within the 25 framework of an established protocol under a supervisory 26 27 practitioner who is a physician licensed under chapter 458 or 2.8 chapter 459 or by written agreement with a county health department. Each protocol must contain specific procedures for 29 addressing any unforeseen allergic reaction to an 30 immunization. A pharmacist may not enter into a protocol 31

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1	unless he or she maintains at least \$200,000 of professional
2	liability insurance and not until the pharmacist has completed
3	training in immunizations as provided in this subsection. A
4	pharmacist administering an influenza vaccine shall maintain
5	and make available patient records using the same standards
6	for confidentiality and maintenance of such records as those
7	that are imposed on health care practitioners under s.
8	456.057. These records must be maintained for a minimum of 5
9	years. The decision by a supervisory practitioner to enter
10	into such a protocol is a professional decision of the
11	practitioner, and a person may not interfere with a
12	supervisory practitioner's decision as to whether to enter
13	into such a protocol. A pharmacist may not enter into a
14	protocol that is to be performed while acting as an employee
15	without the written approval of the owner of the pharmacy. Any
16	pharmacist seeking to immunize patients under this subsection
17	must be certified to administer immunizations pursuant to a
18	certification program approved by the Board of Pharmacy upon
19	consultation with the Board of Medicine. The certification
20	program must, at a minimum, require that a pharmacist attend
21	at least 20 hours of continuing education classes approved by
22	the Board of Pharmacy. The program must have a curriculum of
23	instruction concerning the safe and effective administration
24	of 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	<u>control;</u>
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1 (b) Compliance with all provisions of s. 381.0031 2 relating to reporting of diseases of public health significance to the department; 3 4 (c) Compliance with all provisions of s. 381.0098 5 relating to biomedical waste; б (d) Compliance with all standards of the Occupational 7 Safety and Health Administration 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 influenza vaccinations will be offered. 11 12 13 The pharmacist's certification must be obtained before advertising to the public and administering inactivated 14 influenza vaccinations. The pharmacist shall submit to the 15 Board of Pharmacy a copy of the protocol or written agreement 16 17 to administer inactivated influenza vaccine. 18 Section 2. This act shall take effect July 1, 2006. 19 20 21 SENATE SUMMARY Provides for a pharmacist to administer the influenza virus immunization to adults under an established 22 23 protocol with a licensed physician or the county health department. Provides requirements for liability insurance and training. Requires that the Board of Pharmacy 2.4 establish a certification program for pharmacists seeking 25 to administer immunizations. Provides recordkeeping requirements. 26 27 28 29 30 31

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