

By the Committee on Banking and Insurance; and Senator Bennett

597-2065-06

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 for  
30 addressing any unforeseen allergic reaction to an  
31 immunization. A pharmacist may not enter into a protocol

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 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 standards of the Occupational  
7 Safety and Health Administration for management, handling, and  
8 disposal of sharps; and

9           (e) Compliance with any continuing education courses  
10 on influenza offered by the Centers for Disease Control and  
11 Prevention for health care practitioners who administer  
12 influenza vaccines.

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

19           Section 2. This act shall take effect July 1, 2006.

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21           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
22           COMMITTEE SUBSTITUTE FOR  
23           Senate Bill 570

24 Requires pharmacists providing influenza vaccinations to be in  
25 compliance with specified continuing education courses.  
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