

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Logan offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Subsections (2) through (7) of section 465.189,
8 Florida Statutes, are renumbered as subsections (4) through (9),
9 respectively, and new subsections (1), (2), and (3) are added to
10 that section to read:

11 465.189 Administration of vaccines and epinephrine
12 autoinjection influenza virus immunizations.-

13 (1) In accordance with guidelines of the Centers for
14 Disease Control and Prevention for each recommended immunization
15 or vaccine, a pharmacist may administer the following vaccines
16 within the framework of an established protocol under a
17 supervising physician licensed under chapter 458 or chapter 459:

18 (a) Influenza vaccine.

19 (b) Pneumococcal vaccine.

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20 (2) In accordance with guidelines of the Centers for
21 Disease Control and Prevention, a pharmacist may administer the
22 shingles vaccine within the framework of an established protocol
23 and pursuant to a written or electronic prescription issued to
24 the patient by a physician licensed under chapter 458 or chapter
25 459.

26 (3) In order to address any unforeseen allergic reaction,
27 a pharmacist may administer epinephrine using an autoinjector
28 delivery system within the framework of an established protocol
29 under a supervising physician licensed under chapter 458 or
30 chapter 459.

31 ~~(1) Pharmacists may administer influenza virus~~
32 ~~immunizations to adults within the framework of an established~~
33 ~~protocol under a supervisory practitioner who is a physician~~
34 ~~licensed under chapter 458 or chapter 459. Each protocol shall~~
35 ~~contain specific procedures for addressing any unforeseen~~
36 ~~allergic reaction to influenza virus immunizations.~~

37 (4)-(2) A pharmacist may not enter into a protocol unless
38 he or she maintains at least \$200,000 of professional liability
39 insurance and has completed training in administering vaccines
40 authorized under ~~influenza virus immunizations as provided in~~
41 this section.

42 (5)-(3) A pharmacist administering vaccines under this
43 section ~~influenza virus immunizations~~ shall maintain and make
44 available patient records using the same standards for
45 confidentiality and maintenance of such records as those that
46 are imposed on health care practitioners under s. 456.057. These
47 records shall be maintained for a minimum of 5 years.

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48 ~~(6)(4)~~ The decision by a supervising physician licensed
49 under chapter 458 or chapter 459 ~~supervisory practitioner~~ to
50 enter into a protocol under this section is a professional
51 decision on the part of the practitioner, and a person may not
52 interfere with a physician's ~~supervisory practitioner's~~ decision
53 as to entering into such a protocol. A pharmacist may not enter
54 into a protocol that is to be performed while acting as an
55 employee without the written approval of the owner of the
56 pharmacy. Pharmacists shall forward vaccination ~~immunization~~
57 records to the department for inclusion in the state registry of
58 immunization information.

59 ~~(7)(5)~~ Any pharmacist seeking to administer vaccines
60 ~~influenza virus immunizations~~ to adults under this section must
61 be certified to administer such vaccines ~~influenza virus~~
62 ~~immunizations~~ pursuant to a certification program approved by
63 the Board of Pharmacy in consultation with the Board of Medicine
64 and the Board of Osteopathic Medicine. The certification program
65 shall, at a minimum, require that the pharmacist attend at least
66 20 hours of continuing education classes approved by the board.
67 The program shall have a curriculum of instruction concerning
68 the safe and effective administration of such vaccines ~~influenza~~
69 ~~virus immunizations~~, including, but not limited to, potential
70 allergic reactions to such vaccines ~~influenza virus~~
71 ~~immunizations~~.

72 ~~(8)(6)~~ The written protocol between the pharmacist and
73 supervising physician under this section must include particular
74 terms and conditions imposed by the supervising physician upon
75 the pharmacist relating to the administration of vaccines

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76 ~~influenza virus immunizations~~ by the pharmacist pursuant to this
77 section. The written protocol shall include, at a minimum,
78 specific categories and conditions among patients for whom the
79 supervising physician authorizes the pharmacist to administer
80 such vaccines ~~influenza virus immunizations~~. The terms, scope,
81 and conditions set forth in the written protocol between the
82 pharmacist and the supervising physician must be appropriate to
83 the pharmacist's training and certification for administering
84 such vaccines ~~immunization~~. Pharmacists who have been delegated
85 the authority to administer vaccines under this section
86 ~~influenza virus immunizations~~ by the supervising physician under
87 the protocol shall provide evidence of current certification by
88 the Board of Pharmacy to the supervising physician. A
89 supervising physician ~~physicians~~ shall review the administration
90 of such vaccines ~~influenza virus immunizations~~ by the pharmacist
91 ~~pharmacists under such physician's supervision~~ pursuant to the
92 written protocol between them, and this review shall take place
93 as outlined in the written protocol. The process and schedule
94 for the review shall be outlined in the written protocol between
95 the pharmacist and the supervising physician.

96 (9) ~~(7)~~ The pharmacist shall submit to the Board of
97 Pharmacy a copy of his or her protocol or written agreement to
98 administer vaccines under this section ~~influenza virus~~
99 ~~immunizations~~.

100 Section 2. Subsection (13) of section 465.003, Florida
101 Statutes, is amended to read:

102 465.003 Definitions.—As used in this chapter, the term:

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103 (13) "Practice of the profession of pharmacy" includes
104 compounding, dispensing, and consulting concerning contents,
105 therapeutic values, and uses of any medicinal drug; consulting
106 concerning therapeutic values and interactions of patent or
107 proprietary preparations, whether pursuant to prescriptions or
108 in the absence and entirely independent of such prescriptions or
109 orders; and other pharmaceutical services. For purposes of this
110 subsection, "other pharmaceutical services" means the monitoring
111 of the patient's drug therapy and assisting the patient in the
112 management of his or her drug therapy, and includes review of
113 the patient's drug therapy and communication with the patient's
114 prescribing health care provider as licensed under chapter 458,
115 chapter 459, chapter 461, or chapter 466, or similar statutory
116 provision in another jurisdiction, or such provider's agent or
117 such other persons as specifically authorized by the patient,
118 regarding the drug therapy. However, nothing in this subsection
119 may be interpreted to permit an alteration of a prescriber's
120 directions, the diagnosis or treatment of any disease, the
121 initiation of any drug therapy, the practice of medicine, or the
122 practice of osteopathic medicine, unless otherwise permitted by
123 law. "Practice of the profession of pharmacy" also includes any
124 other act, service, operation, research, or transaction
125 incidental to, or forming a part of, any of the foregoing acts,
126 requiring, involving, or employing the science or art of any
127 branch of the pharmaceutical profession, study, or training, and
128 shall expressly permit a pharmacist to transmit information from
129 persons authorized to prescribe medicinal drugs to their
130 patients. The practice of the profession of pharmacy also

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131 includes the administration of vaccines ~~influenza virus~~
132 ~~immunizations~~ to adults pursuant to s. 465.189.

133 Section 3. Effective October 1, 2012, subsection (6) is
134 added to section 465.009, Florida Statutes, to read:

135 465.009 Continuing professional pharmaceutical education.—

136 (6) Notwithstanding subsections (1)-(5):

137 (a) Each pharmacist certified to administer a vaccine or
138 epinephrine autoinjection under s. 465.189 must complete a 3-
139 hour continuing education course, which shall be offered by a
140 statewide professional association of physicians in this state
141 accredited to provide educational activities designated for the
142 American Medical Association Physician's Recognition Award (AMA
143 PRA) Category I credit, on the safe and effective administration
144 of vaccines and epinephrine autoinjection as part of biennial
145 relicensure or recertification. This course may be offered in a
146 distance-learning format and must be included in the 30 hours of
147 continuing professional pharmaceutical education specified in
148 subsection (1).

149 (b) Each pharmacist must submit confirmation of having
150 completed the course specified in paragraph (a) on a form
151 provided by the board when submitting fees for license renewal.

152 (c) Failure to comply with paragraphs (a) and (b) results
153 in the revocation of the authorization for a pharmacist to
154 administer a vaccine or epinephrine autoinjection under s.
155 465.189. Such authorization may be restored upon completion of
156 such requirements.

157 Section 4. Except as otherwise specifically provided in
158 this act, this act shall take effect July 1, 2012.

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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to pharmacy; amending s. 465.189,
F.S.; revising the types of vaccines that pharmacists
may administer under certain circumstances;
authorizing pharmacists to administer a vaccine or
epinephrine autoinjection within the framework of an
established protocol; amending s. 465.003, F.S.;
conforming terminology; amending s. 465.009, F.S.;
revising continuing professional pharmaceutical
educational requirements with respect to administering
such vaccines or autoinjection; providing effective
dates.