

1 A bill to be entitled
 2 An act relating to pharmacy; amending s. 465.189,
 3 F.S.; revising the types of vaccines that pharmacists
 4 may administer; authorizing pharmacy interns to
 5 administer certain vaccines under certain
 6 circumstances; authorizing pharmacists and pharmacy
 7 interns to administer an epinephrine autoinjection
 8 under certain circumstances; revising protocol
 9 requirements for vaccine administration and the duties
 10 of supervising physicians under such protocols;
 11 revising requirements for training programs,
 12 certifications, and patient records related to vaccine
 13 administration; amending s. 465.003, F.S.; conforming
 14 terminology; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 465.189, Florida Statutes, is amended
 19 to read:

20 465.189 Administration of vaccines and epinephrine
 21 autoinjection ~~influenza virus immunizations~~.—

22 (1) A pharmacist, and a certified pharmacy intern working
 23 under the pharmacist's supervision, Pharmacists may administer
 24 the following ~~influenza virus immunizations to adults~~ within the
 25 framework of an established protocol under a supervising
 26 ~~supervisory practitioner who is a~~ physician licensed under
 27 chapter 458 or chapter 459:

28 (a) Influenza vaccine to an adult 18 years of age or

29 older.

30 (b) Varicella zoster vaccine to an adult 60 years of age
 31 or older.

32 (c) Pneumococcal vaccine to an adult 65 years of age or
 33 older.

34 (d) Epinephrine using an autoinjector delivery system to
 35 an adult 18 years of age or older who is suffering an
 36 anaphylactic reaction.

37
 38 The ~~Each~~ protocol must shall contain specific procedures for
 39 addressing any unforeseen adverse allergic reaction to the
 40 vaccine or epinephrine autoinjection ~~influenza virus~~
 41 ~~immunizations.~~

42 (2) A pharmacist may not enter into a protocol unless he
 43 or she maintains at least \$200,000 of professional liability
 44 insurance and has completed training on administration of the
 45 vaccines and epinephrine autoinjection ~~in influenza virus~~
 46 ~~immunizations~~ as provided in this section.

47 (3) A pharmacist, or his or her intern, who administers a
 48 vaccine or epinephrine autoinjection must administering
 49 ~~influenza virus immunizations shall~~ maintain and make available
 50 patient records using the same standards for confidentiality and
 51 maintenance of such records as those that are imposed on health
 52 care practitioners under s. 456.057. These records must shall be
 53 maintained for a minimum of 5 years.

54 (4) The decision by a supervising physician ~~supervisory~~
 55 ~~practitioner~~ to enter into a protocol under this section is a
 56 professional decision on the part of the physician ~~practitioner,~~

HB 509

2012

57 | and a person may not interfere with a supervising physician's
58 | ~~supervisory practitioner's~~ decision to enter ~~as to entering~~ into
59 | such a protocol. A pharmacist or his or her intern may not enter
60 | into a protocol that is to be performed while acting as an
61 | employee without the written approval of the owner of the
62 | pharmacy. Pharmacists shall forward immunization records to the
63 | department for inclusion in the state registry of immunization
64 | information.

65 | (5) Any pharmacist or pharmacy intern seeking to
66 | administer a vaccine or epinephrine autoinjection ~~influenza~~
67 | ~~virus immunizations to adults~~ under this section must be
68 | certified to administer the vaccine or epinephrine autoinjection
69 | ~~influenza virus immunizations~~ pursuant to a certification
70 | program approved by the Board of Pharmacy in consultation with
71 | the Board of Medicine and the Board of Osteopathic Medicine. The
72 | certification program shall, at a minimum, require that the
73 | pharmacist or pharmacy intern attend at least 20 hours of
74 | continuing education classes approved by the board. The program
75 | shall have a curriculum of instruction concerning the safe and
76 | effective administration of the vaccines and epinephrine
77 | autoinjection listed in subsection (1) ~~influenza virus~~
78 | ~~immunizations~~, including, but not limited to, potential adverse
79 | ~~allergic~~ reactions to the vaccines or epinephrine autoinjection
80 | ~~influenza virus immunizations~~.

81 | (6) The written protocol between the pharmacist and
82 | supervising physician must include particular terms and
83 | conditions imposed by the supervising physician upon the
84 | pharmacist relating to the administration of a vaccine or

HB 509

2012

85 epinephrine autoinjection ~~influenza virus immunizations~~ by the
86 pharmacist or his or her intern. The written protocol must ~~shall~~
87 include, at a minimum, specific categories and conditions among
88 patients for whom the supervising physician authorizes the
89 pharmacist or pharmacy intern to administer a vaccine or
90 epinephrine autoinjection ~~influenza virus immunizations~~. The
91 terms, scope, and conditions set forth in the written protocol
92 between the pharmacist and the supervising physician must be
93 appropriate to the pharmacist's or pharmacy intern's training
94 and certification for the vaccine or epinephrine autoinjection
95 ~~immunization~~. A pharmacist or his or her intern ~~Pharmacists~~ who
96 is ~~have been~~ delegated the authority to administer a vaccine or
97 epinephrine autoinjection ~~influenza virus immunizations~~ by the
98 supervising physician must ~~shall~~ provide evidence of current
99 certification by the Board of Pharmacy to the supervising
100 physician. A supervising physician must ~~physicians shall~~ review
101 the administration of the vaccine or epinephrine autoinjection
102 ~~influenza virus immunizations~~ by the pharmacist or his or her
103 intern ~~pharmacists~~ under such physician's supervision pursuant
104 to the written protocol, and this review shall take place as
105 outlined in the written protocol. The process and schedule for
106 the review shall be outlined in the written protocol between the
107 pharmacist and the supervising physician.

108 (7) The pharmacist shall submit to the Board of Pharmacy a
109 copy of his or her protocol or written agreement to administer
110 the vaccine or epinephrine autoinjection ~~influenza virus~~
111 ~~immunizations~~.

HB 509

2012

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

114 465.003 Definitions.—As used in this chapter, the term:

115 (13) "Practice of the profession of pharmacy" includes
116 compounding, dispensing, and consulting concerning contents,
117 therapeutic values, and uses of any medicinal drug; consulting
118 concerning therapeutic values and interactions of patent or
119 proprietary preparations, whether pursuant to prescriptions or
120 in the absence and entirely independent of such prescriptions or
121 orders; and other pharmaceutical services. For purposes of this
122 subsection, "other pharmaceutical services" means the monitoring
123 of the patient's drug therapy and assisting the patient in the
124 management of his or her drug therapy, and includes review of
125 the patient's drug therapy and communication with the patient's
126 prescribing health care provider as licensed under chapter 458,
127 chapter 459, chapter 461, or chapter 466, or similar statutory
128 provision in another jurisdiction, or such provider's agent or
129 such other persons as specifically authorized by the patient,
130 regarding the drug therapy. However, ~~nothing in~~ this subsection
131 does not ~~may be interpreted to~~ permit an alteration of a
132 prescriber's directions, the diagnosis or treatment of any
133 disease, the initiation of any drug therapy, the practice of
134 medicine, or the practice of osteopathic medicine, unless
135 otherwise permitted by law. The term "practice of the profession
136 of pharmacy" ~~also~~ includes any other act, service, operation,
137 research, or transaction incidental to, or forming a part of,
138 any of the foregoing acts, requiring, involving, or employing
139 the science or art of any branch of the pharmaceutical

HB 509

2012

140 | profession, study, or training, and shall expressly permit a
141 | pharmacist to transmit information from persons authorized to
142 | prescribe medicinal drugs to their patients. The term practice
143 | ~~of the profession of pharmacy~~ also includes the administration
144 | of certain vaccines and epinephrine autoinjection influenza
145 | ~~virus immunizations~~ to adults pursuant to s. 465.189.

146 | Section 3. This act shall take effect July 1, 2012.