

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 under certain circumstances;  
 5           authorizing pharmacists to administer a vaccine or  
 6           epinephrine autoinjection within the framework of an  
 7           established protocol; amending s. 465.003, F.S.;  
 8           conforming terminology; amending s. 465.009, F.S.;  
 9           revising continuing professional pharmaceutical  
 10          educational requirements with respect to administering  
 11          such vaccines or autoinjection; providing effective  
 12          dates.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

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

18           465.189 Administration of vaccines and epinephrine  
 19           autoinjection ~~influenza virus immunizations.~~-

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

25           (a) Influenza vaccine.

26           (b) Pneumococcal vaccine.

27           (2) In accordance with guidelines of the Centers for  
 28           Disease Control and Prevention, a pharmacist may administer the

29 shingles vaccine within the framework of an established protocol  
 30 and pursuant to a written or electronic prescription issued to  
 31 the patient by a physician licensed under chapter 458 or chapter  
 32 459.

33 (3) In order to address any unforeseen allergic reaction,  
 34 a pharmacist may administer epinephrine using an autoinjector  
 35 delivery system within the framework of an established protocol  
 36 under a supervising physician licensed under chapter 458 or  
 37 chapter 459.

38 ~~(1) Pharmacists may administer influenza virus~~  
 39 ~~immunizations to adults within the framework of an established~~  
 40 ~~protocol under a supervisory practitioner who is a physician~~  
 41 ~~licensed under chapter 458 or chapter 459. Each protocol shall~~  
 42 ~~contain specific procedures for addressing any unforeseen~~  
 43 ~~allergic reaction to influenza virus immunizations.~~

44 (4)-(2) A pharmacist may not enter into a protocol unless  
 45 he or she maintains at least \$200,000 of professional liability  
 46 insurance and has completed training in administering vaccines  
 47 authorized under ~~influenza virus immunizations as provided in~~  
 48 this section.

49 (5)-(3) A pharmacist administering vaccines under this  
 50 section ~~influenza virus immunizations~~ shall maintain and make  
 51 available patient records using the same standards for  
 52 confidentiality and maintenance of such records as those that  
 53 are imposed on health care practitioners under s. 456.057. These  
 54 records shall be maintained for a minimum of 5 years.

55 (6)-(4) The decision by a supervising physician licensed  
 56 under chapter 458 or chapter 459 ~~supervisory practitioner to~~

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

66 |       ~~(7)-(5)~~ Any pharmacist seeking to administer vaccines  
67 | ~~influenza virus immunizations~~ to adults under this section must  
68 | be certified to administer such vaccines ~~influenza virus~~  
69 | ~~immunizations~~ pursuant to a certification program approved by  
70 | the Board of Pharmacy in consultation with the Board of Medicine  
71 | and the Board of Osteopathic Medicine. The certification program  
72 | shall, at a minimum, require that the pharmacist attend at least  
73 | 20 hours of continuing education classes approved by the board.  
74 | The program shall have a curriculum of instruction concerning  
75 | the safe and effective administration of such vaccines ~~influenza~~  
76 | ~~virus immunizations~~, including, but not limited to, potential  
77 | allergic reactions to such vaccines ~~influenza virus~~  
78 | ~~immunizations~~.

79 |       ~~(8)-(6)~~ The written protocol between the pharmacist and  
80 | supervising physician under this section must include particular  
81 | terms and conditions imposed by the supervising physician upon  
82 | the pharmacist relating to the administration of vaccines  
83 | ~~influenza virus immunizations~~ by the pharmacist pursuant to this  
84 | section. The written protocol shall include, at a minimum,

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

103 ~~(9)(7)~~ The pharmacist shall submit to the Board of  
 104 Pharmacy a copy of his or her protocol or written agreement to  
 105 administer vaccines under this section ~~influenza virus~~  
 106 ~~immunizations~~.

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

109 465.003 Definitions.—As used in this chapter, the term:

110 (13) "Practice of the profession of pharmacy" includes  
 111 compounding, dispensing, and consulting concerning contents,  
 112 therapeutic values, and uses of any medicinal drug; consulting

113 concerning therapeutic values and interactions of patent or  
114 proprietary preparations, whether pursuant to prescriptions or  
115 in the absence and entirely independent of such prescriptions or  
116 orders; and other pharmaceutical services. For purposes of this  
117 subsection, "other pharmaceutical services" means the monitoring  
118 of the patient's drug therapy and assisting the patient in the  
119 management of his or her drug therapy, and includes review of  
120 the patient's drug therapy and communication with the patient's  
121 prescribing health care provider as licensed under chapter 458,  
122 chapter 459, chapter 461, or chapter 466, or similar statutory  
123 provision in another jurisdiction, or such provider's agent or  
124 such other persons as specifically authorized by the patient,  
125 regarding the drug therapy. However, nothing in this subsection  
126 may be interpreted to permit an alteration of a prescriber's  
127 directions, the diagnosis or treatment of any disease, the  
128 initiation of any drug therapy, the practice of medicine, or the  
129 practice of osteopathic medicine, unless otherwise permitted by  
130 law. "Practice of the profession of pharmacy" also includes any  
131 other act, service, operation, research, or transaction  
132 incidental to, or forming a part of, any of the foregoing acts,  
133 requiring, involving, or employing the science or art of any  
134 branch of the pharmaceutical profession, study, or training, and  
135 shall expressly permit a pharmacist to transmit information from  
136 persons authorized to prescribe medicinal drugs to their  
137 patients. The practice of the profession of pharmacy also  
138 includes the administration of vaccines ~~influenza virus~~  
139 ~~immunizations~~ to adults pursuant to s. 465.189.

140 Section 3. Effective October 1, 2012, subsection (6) is

141 added to section 465.009, Florida Statutes, to read:

142 465.009 Continuing professional pharmaceutical education.—

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

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

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

159 (c) Failure to comply with paragraphs (a) and (b) results  
 160 in the revocation of the authorization for a pharmacist to  
 161 administer a vaccine or epinephrine autoinjection under s.  
 162 465.189. Such authorization may be restored upon completion of  
 163 such requirements.

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