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CS/CS/HB 509, Engrossed 1

2012 Legislature

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 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:

15
 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 to an adult within the framework of an established protocol
 24 under a supervising physician licensed under chapter 458 or
 25 chapter 459:

- 26 (a) Influenza vaccine.
- 27 (b) Pneumococcal vaccine.

28 (2) In accordance with guidelines of the Centers for

CODING: Words **stricken** are deletions; words **underlined** are additions.

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29 Disease Control and Prevention, a pharmacist may administer the
 30 shingles vaccine within the framework of an established protocol
 31 and pursuant to a written or electronic prescription issued to
 32 the patient by a physician licensed under chapter 458 or chapter
 33 459.

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

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

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

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

56 (6)(4) The decision by a supervising physician licensed

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57 | under chapter 458 or chapter 459 ~~supervisory practitioner~~ to
 58 | enter into a protocol under this section is a professional
 59 | decision on the part of the practitioner, and a person may not
 60 | interfere with a physician's ~~supervisory practitioner's~~ decision
 61 | as to entering into such a protocol. A pharmacist may not enter
 62 | into a protocol that is to be performed while acting as an
 63 | employee without the written approval of the owner of the
 64 | pharmacy. Pharmacists shall forward vaccination ~~immunization~~
 65 | records to the department for inclusion in the state registry of
 66 | immunization information.

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

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

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

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

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

110 465.003 Definitions.—As used in this chapter, the term:

111 (13) "Practice of the profession of pharmacy" includes
 112 compounding, dispensing, and consulting concerning contents,

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

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

143 465.009 Continuing professional pharmaceutical education.—

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

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

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

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

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