



348686

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2012	.	
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The Committee on Budget Subcommittee on Health and Human Services Appropriations (Oelrich) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (2) through (7) of section 465.189, Florida Statutes, are renumbered as subsections (4) through (9), respectively, and new subsections (1), (2), and (3) are added to that section, to read:

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

(1) In accordance with guidelines of the Centers for Disease Control and Prevention for each recommended immunization



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13 or vaccine, a pharmacist may administer the following vaccines
14 within the framework of an established protocol under a
15 supervising physician licensed under chapter 458 or chapter 459:

16 (a) Influenza vaccine.

17 (b) Pneumococcal vaccine.

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

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

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

35 (4)(2) A pharmacist may not enter into a protocol unless he
36 or she maintains at least \$200,000 of professional liability
37 insurance and has completed training in administering vaccines
38 authorized under influenza virus immunizations as provided in
39 this section.

40 (5)(3) A pharmacist administering vaccines under this
41 section influenza virus immunizations shall maintain and make



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42 available patient records using the same standards for
43 confidentiality and maintenance of such records as those that
44 are imposed on health care practitioners under s. 456.057. These
45 records shall be maintained for a minimum of 5 years.

46 (6)~~(4)~~ The decision by a supervising physician licensed
47 under chapter 458 or chapter 459 ~~supervisory practitioner~~ to
48 enter into a protocol under this section is a professional
49 decision on the part of the practitioner, and a person may not
50 interfere with a physician's ~~supervisory practitioner's~~ decision
51 as to entering into such a protocol. A pharmacist may not enter
52 into a protocol that is to be performed while acting as an
53 employee without the written approval of the owner of the
54 pharmacy. Pharmacists shall forward vaccination ~~immunization~~
55 records to the department for inclusion in the state registry of
56 immunization information.

57 (7)~~(5)~~ Any pharmacist seeking to administer vaccines
58 ~~influenza virus immunizations~~ to adults under this section must
59 be certified to administer such vaccines ~~influenza virus~~
60 ~~immunizations~~ pursuant to a certification program approved by
61 the Board of Pharmacy in consultation with the Board of Medicine
62 and the Board of Osteopathic Medicine. The certification program
63 shall, at a minimum, require that the pharmacist attend at least
64 20 hours of continuing education classes approved by the board.
65 The program shall have a curriculum of instruction concerning
66 the safe and effective administration of such vaccines ~~influenza~~
67 ~~virus immunizations~~, including, but not limited to, potential
68 allergic reactions to such vaccines ~~influenza virus~~
69 ~~immunizations~~.

70 (8)~~(6)~~ The written protocol between the pharmacist and



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

94 ~~(9)(7)~~ The pharmacist shall submit to the Board of Pharmacy
95 a copy of his or her protocol or written agreement to administer
96 vaccines under this section ~~influenza virus immunizations~~.

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

99 465.003 Definitions.—As used in this chapter, the term:



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



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129 ~~immunizations~~ to adults pursuant to s. 465.189.

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

132 465.009 Continuing professional pharmaceutical education.-

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

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

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

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

154 Section 4. Except as otherwise expressly provided in this
155 act, this act shall take effect July 1, 2012.

156
157 ===== T I T L E A M E N D M E N T =====



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158 And the title is amended as follows:

159 Delete everything before the enacting clause
160 and insert:

161 A bill to be entitled
162 An act relating to pharmacy; amending s. 465.189,
163 F.S.; revising the types of vaccines that pharmacists
164 may administer under certain circumstances;
165 authorizing pharmacists to administer an influenza
166 vaccine, an epinephrine autoinjection, or a shingles
167 vaccine within the framework of an established
168 protocol under certain circumstances; amending s.
169 465.003, F.S.; revising the definition of the term
170 "practice of the profession of pharmacy" to conform to
171 changes made by the act; amending s. 465.009, F.S.;
172 revising continuing professional pharmaceutical
173 educational requirements with respect to administering
174 such vaccines or autoinjection; providing effective
175 dates.