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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
01/26/2012	.	
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The Committee on Health Regulation (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(1) A pharmacist ~~Pharmacists~~ may administer the following ~~influenza virus immunizations to adults~~ within the framework of an established protocol under a supervising ~~supervisory~~ ~~practitioner who is~~ a physician licensed under chapter 458 or



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13 chapter 459:

14 (a) Influenza vaccine to an adult 18 years of age or older.

15 (b) Shingles vaccine to an adult 60 years of age or older.

16 (c) Pneumococcal vaccine to an adult 65 years of age or
17 older.

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

21
22 The ~~Each~~ protocol ~~must~~ shall contain specific procedures for
23 addressing any unforeseen adverse ~~allergic~~ reaction to the
24 vaccine or epinephrine autoinjection ~~influenza virus~~
25 ~~immunizations~~.

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

31 (3) A pharmacist who administers a vaccine or epinephrine
32 autoinjection ~~must~~ administering influenza virus immunizations
33 ~~shall~~ maintain and make available patient records using the same
34 standards for confidentiality and maintenance of such records as
35 those that are imposed on health care practitioners under s.
36 456.057. These records must ~~shall~~ be maintained for a minimum of
37 5 years.

38 (4) The decision by a supervising physician ~~supervisory~~
39 ~~practitioner~~ to enter into a protocol under this section is a
40 professional decision on the part of the physician ~~practitioner~~,
41 and a person may not interfere with a supervising physician's



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42 ~~supervisory practitioner's~~ decision to enter ~~as to entering~~ into
43 such a protocol. A pharmacist may not enter into a protocol that
44 is to be performed while acting as an employee without the
45 written approval of the owner of the pharmacy. Pharmacists shall
46 forward immunization records to the department for inclusion in
47 the state registry of immunization information.

48 (5) Any pharmacist seeking to administer a vaccine or
49 epinephrine autoinjection ~~influenza virus immunizations to~~
50 ~~adults~~ under this section must be certified to administer the
51 vaccine or epinephrine autoinjection ~~influenza virus~~
52 ~~immunizations~~ pursuant to a certification program approved by
53 the Board of Pharmacy in consultation with the Board of Medicine
54 and the Board of Osteopathic Medicine. The certification program
55 shall, at a minimum, require that the pharmacist attend at least
56 20 hours of continuing education classes approved by the board.
57 The program shall have a curriculum of instruction concerning
58 the safe and effective administration of the vaccines and
59 epinephrine autoinjection listed in subsection (1) ~~influenza~~
60 ~~virus immunizations~~, including, but not limited to, potential
61 adverse allergic reactions to the vaccines or epinephrine
62 autoinjection ~~influenza virus immunizations~~.

63 (6) The written protocol between the pharmacist and
64 supervising physician must include particular terms and
65 conditions imposed by the supervising physician upon the
66 pharmacist relating to the administration of a vaccine or
67 epinephrine autoinjection ~~influenza virus immunizations~~ by the
68 pharmacist. The written protocol must ~~shall~~ include, at a
69 minimum, specific categories and conditions among patients for
70 whom the supervising physician authorizes the pharmacist to



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71 administer a vaccine or epinephrine autoinjection ~~influenza~~
72 ~~virus immunizations~~. The terms, scope, and conditions set forth
73 in the written protocol between the pharmacist and the
74 supervising physician must be appropriate to the pharmacist's
75 training and certification for the vaccine or epinephrine
76 autoinjection immunization. ~~A pharmacist~~ ~~Pharmacists~~ who ~~is~~ ~~have~~
77 ~~been~~ delegated the authority to administer a vaccine or
78 epinephrine autoinjection ~~influenza virus immunizations~~ by the
79 supervising physician must ~~shall~~ provide evidence of current
80 certification by the Board of Pharmacy to the supervising
81 physician. A supervising physician must ~~physicians shall~~ review
82 the administration of the vaccine or epinephrine autoinjection
83 ~~influenza virus immunizations~~ by the pharmacist ~~pharmacists~~
84 under such physician's supervision pursuant to the written
85 protocol, and this review shall take place as outlined in the
86 written protocol. The process and schedule for the review shall
87 be outlined in the written protocol between the pharmacist and
88 the supervising physician.

89 (7) The pharmacist shall submit to the Board of Pharmacy a
90 copy of his or her protocol or written agreement to administer
91 the vaccine or epinephrine autoinjection ~~influenza virus~~
92 ~~immunizations~~.

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

95 465.003 Definitions.—As used in this chapter, the term:

96 (13) "Practice of the profession of pharmacy" includes
97 compounding, dispensing, and consulting concerning contents,
98 therapeutic values, and uses of any medicinal drug; consulting
99 concerning therapeutic values and interactions of patent or



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100 proprietary preparations, whether pursuant to prescriptions or
101 in the absence and entirely independent of such prescriptions or
102 orders; and other pharmaceutical services. For purposes of this
103 subsection, "other pharmaceutical services" means the monitoring
104 of the patient's drug therapy and assisting the patient in the
105 management of his or her drug therapy, and includes review of
106 the patient's drug therapy and communication with the patient's
107 prescribing health care provider as licensed under chapter 458,
108 chapter 459, chapter 461, or chapter 466, or similar statutory
109 provision in another jurisdiction, or such provider's agent or
110 such other persons as specifically authorized by the patient,
111 regarding the drug therapy. However, ~~nothing in~~ this subsection
112 does not ~~may be interpreted to~~ permit an alteration of a
113 prescriber's directions, the diagnosis or treatment of any
114 disease, the initiation of any drug therapy, the practice of
115 medicine, or the practice of osteopathic medicine, unless
116 otherwise permitted by law. The term "practice of the profession
117 of pharmacy" ~~also~~ includes any other act, service, operation,
118 research, or transaction incidental to, or forming a part of,
119 any of the foregoing acts, requiring, involving, or employing
120 the science or art of any branch of the pharmaceutical
121 profession, study, or training, and shall expressly permit a
122 pharmacist to transmit information from persons authorized to
123 prescribe medicinal drugs to their patients. The term practice
124 ~~of the profession of pharmacy~~ also includes the administration
125 of certain vaccines and epinephrine autoinjection influenza
126 ~~virus immunizations~~ to adults pursuant to s. 465.189.

127 Section 3. This act shall take effect July 1, 2012.
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129 ===== T I T L E A M E N D M E N T =====

130 And the title is amended as follows:

131 Delete everything before the enacting clause

132 and insert:

133 A bill to be entitled

134 An act relating to pharmacy; amending s. 465.189,
135 F.S.; revising the types of vaccines that pharmacists
136 may administer; authorizing pharmacists to administer
137 an epinephrine autoinjection under certain
138 circumstances; revising protocol requirements for
139 vaccine administration and the duties of supervising
140 physicians under such protocols; revising requirements
141 for training programs, certifications, and patient
142 records related to vaccine administration; amending s.
143 465.003, F.S.; conforming terminology; providing an
144 effective date.