

By Senator Oelrich

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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 are authorized to administer; authorizing pharmacy
5 interns to administer the 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.; revising
14 terminology to conform to changes made by the act;
15 providing an effective date.

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

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

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

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

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

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

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

34 (d) Epinephrine using an autoinjector delivery system to an
35 adult 18 years of age or older who is suffering an anaphylactic
36 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 or
43 she maintains at least \$200,000 of professional liability
44 insurance and has completed training on the vaccines and
45 epinephrine autoinjection ~~in influenza virus immunizations~~ as
46 provided in this section.

47 (3) A pharmacist who administers, or whose pharmacy intern
48 administers, a vaccine or epinephrine autoinjection must
49 ~~administering influenza virus immunizations shall~~ maintain and
50 make available patient records using the same standards for
51 confidentiality and maintenance of such records as those that
52 are imposed on health care practitioners under s. 456.057. These
53 records must ~~shall~~ be 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,
57 and a person may not interfere with a supervising physician's
58 ~~supervisory practitioner's~~ decision to enter ~~as to entering~~ into

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59 such a protocol. A pharmacist may not enter into a protocol that
60 is to be performed while acting as an employee without the
61 written approval of the owner of the pharmacy. Pharmacists shall
62 forward immunization records to the department for inclusion in
63 the state registry of immunization information.

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

80 (6) The written protocol between the pharmacist and
81 supervising physician must include particular terms and
82 conditions imposed by the supervising physician upon the
83 pharmacist relating to the administration of a vaccine or
84 epinephrine autoinjection ~~influenza virus immunizations~~ by the
85 pharmacist or pharmacy intern working under the pharmacist's
86 supervision. The written protocol must ~~shall~~ include, at a
87 minimum, specific categories and conditions among patients for

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

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

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

116 465.003 Definitions.—As used in this chapter, the term:

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

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146 of certain vaccines and epinephrine autoinjection influenza
147 ~~virus immunizations~~ to adults pursuant to s. 465.189.

148 Section 3. This act shall take effect July 1, 2011.