

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Logan offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 465.189 Administration of vaccines and epinephrine
8 autoinjection influenza virus immunizations.—

9 (1) In accordance with guidelines of the Centers for
10 Disease Control and Prevention for each recommended immunization
11 or vaccine, a pharmacist may administer the following vaccines
12 to an adult within the framework of an established protocol
13 under a supervising physician licensed under chapter 458 or
14 chapter 459:

15 (a) Influenza vaccine.

16 (b) Pneumococcal vaccine.

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

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

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

34 (4)-(2) A pharmacist may not enter into a protocol unless
35 he or she maintains at least \$200,000 of professional liability
36 insurance and has completed training in administering vaccines
37 authorized under influenza virus immunizations as provided in
38 this section.

39 (5)-(3) A pharmacist administering vaccines under this
40 section influenza virus immunizations shall maintain and make
41 available patient records using the same standards for
42 confidentiality and maintenance of such records as those that
43 are imposed on health care practitioners under s. 456.057. These
44 records shall be maintained for a minimum of 5 years.

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45 ~~(6)(4)~~ The decision by a supervising physician licensed
46 under chapter 458 or chapter 459 ~~supervisory practitioner~~ to
47 enter into a protocol under this section is a professional
48 decision on the part of the physician practitioner, and a person
49 may not interfere with a physician's ~~supervisory practitioner's~~
50 decision as to entering into such a protocol. A pharmacist may
51 not enter into a protocol that is to be performed while acting
52 as an employee without the written approval of the owner of the
53 pharmacy. Pharmacists shall forward vaccination immunization
54 records to the department for inclusion in the state registry of
55 immunization information.

56 ~~(7)(5)~~ Any pharmacist seeking to administer vaccines
57 ~~influenza virus immunizations~~ to adults under this section must
58 be certified to administer such vaccines ~~influenza virus~~
59 ~~immunizations~~ pursuant to a certification program approved by
60 the Board of Pharmacy in consultation with the Board of Medicine
61 and the Board of Osteopathic Medicine. The certification program
62 shall, at a minimum, require that the pharmacist attend at least
63 20 hours of continuing education classes approved by the board.
64 The program shall have a curriculum of instruction concerning
65 the safe and effective administration of such vaccines ~~influenza~~
66 ~~virus immunizations~~, including, but not limited to, potential
67 allergic reactions to such vaccines ~~influenza virus~~
68 ~~immunizations~~.

69 ~~(8)(6)~~ The written protocol between the pharmacist and
70 supervising physician under this section must include particular
71 terms and conditions imposed by the supervising physician upon
72 the pharmacist relating to the administration of vaccines

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

93 (9) (7) The pharmacist shall submit to the Board of
94 Pharmacy a copy of his or her protocol or written agreement to
95 administer vaccines under this section ~~influenza virus~~
96 ~~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

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128 includes the administration of vaccines ~~influenza virus~~
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.

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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to pharmacy; amending s. 465.189, F.S.; revising the types of vaccines that pharmacists may administer under certain circumstances; authorizing pharmacists to administer an influenza vaccine, an epinephrine autoinjection, or a shingles vaccine within the framework of an established protocol under certain circumstances; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy" to conform to changes made by the act; amending s. 465.009, F.S.; revising continuing professional pharmaceutical educational requirements with respect to administering such vaccines or autoinjection; providing effective dates.