



741504

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
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, pursuant to a written or electronic prescription issued to the patient by a physician licensed under chapter 458 or chapter 459, the following ~~influenza virus immunizations to adults~~ within the



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13 framework of an established protocol under a supervising  
14 ~~supervisory practitioner who is a~~ physician licensed under  
15 chapter 458 or chapter 459:

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

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

18 (c) Pneumococcal vaccine to an adult 65 years of age or  
19 older.

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

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

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

33 (3) A pharmacist who administers a vaccine or epinephrine  
34 autoinjection must ~~administering influenza virus immunizations~~  
35 ~~shall~~ maintain and make available patient records using the same  
36 standards for confidentiality and maintenance of such records as  
37 those that are imposed on health care practitioners under s.  
38 456.057. These records must ~~shall~~ be maintained for a minimum of  
39 5 years.

40 (4) The decision by a supervising physician ~~supervisory~~  
41 ~~practitioner~~ to enter into a protocol under this section is a



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42 professional decision on the part of the physician practitioner,  
43 and a person may not interfere with a supervising physician's  
44 supervisory practitioner's decision to enter as to entering into  
45 such a protocol. A pharmacist may not enter into a protocol that  
46 is to be performed while acting as an employee without the  
47 written approval of the owner of the pharmacy. Pharmacists shall  
48 forward immunization records to the department for inclusion in  
49 the state registry of immunization information.

50 (5) Any pharmacist seeking to administer a vaccine or  
51 epinephrine autoinjection ~~influenza virus immunizations to~~  
52 ~~adults~~ under this section must first complete a 10-hour  
53 certification program on the administration of vaccines and  
54 epinephrine autoinjection offered by a statewide professional  
55 association of physicians in this state which is accredited to  
56 provide educational activities designated for AMA PRA Category 1  
57 credit ~~be certified to administer influenza virus immunizations~~  
58 ~~pursuant to a certification program approved by the Board of~~  
59 ~~Pharmacy in consultation with the Board of Medicine and the~~  
60 ~~Board of Osteopathic Medicine. The certification program must~~  
61 ~~shall, at a minimum, require that the pharmacist attend at least~~  
62 ~~20 hours of continuing education classes approved by the board.~~  
63 ~~The program shall~~ have a curriculum of instruction concerning  
64 the safe and effective administration of the vaccines and  
65 epinephrine autoinjection listed in subsection (1) influenza  
66 virus immunizations, including, but not limited to, potential  
67 adverse allergic reactions to the vaccines or epinephrine  
68 autoinjection ~~influenza virus immunizations.~~

69 (6) The written protocol between the pharmacist and  
70 supervising physician must include particular terms and



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

95 (7) The pharmacist shall submit to the Board of Pharmacy a  
96 copy of his or her protocol or written agreement to administer  
97 the vaccine or epinephrine autoinjection ~~influenza virus~~  
98 ~~immunizations~~.

99 Section 2. Subsection (13) of section 465.003, Florida



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100 Statutes, is amended to read:

101 465.003 Definitions.—As used in this chapter, the term:

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



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129 prescribe medicinal drugs to their patients. The term practice  
130 ~~of the profession of pharmacy~~ also includes the administration  
131 of certain vaccines and epinephrine autoinjection influenza  
132 ~~virus immunizations~~ to adults pursuant to s. 465.189.

133 Section 3. This act shall take effect July 1, 2012.

134  
135 ===== T I T L E A M E N D M E N T =====

136 And the title is amended as follows:

137 Delete everything before the enacting clause  
138 and insert:

139 A bill to be entitled  
140 An act relating to pharmacy; amending s. 465.189,  
141 F.S.; allowing pharmacists to administer certain  
142 vaccines or an epinephrine autoinjection pursuant to a  
143 prescription from a licensed physician; revising the  
144 types of vaccines that pharmacists may administer;  
145 authorizing pharmacists to administer an epinephrine  
146 autoinjection under certain circumstances; revising  
147 protocol requirements for vaccine administration and  
148 the duties of supervising physicians under such  
149 protocols; revising requirements for training  
150 programs, certifications, and patient records related  
151 to vaccine administration; amending s. 465.003, F.S.;  
152 conforming terminology; providing an effective date.