

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 may administer; authorizing pharmacists to administer
 5 an epinephrine autoinjection under certain
 6 circumstances; revising protocol requirements for
 7 vaccine administration and the duties of supervising
 8 physicians under such protocols; revising requirements
 9 for training programs, certifications, and patient
 10 records related to vaccine administration; amending s.
 11 465.003, F.S.; conforming terminology; providing an
 12 effective date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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

18 465.189 Administration of vaccines and epinephrine
 19 autoinjection influenza virus immunizations.—

20 (1) A pharmacist ~~Pharmacists~~ may administer the following
 21 ~~influenza virus immunizations to adults~~ within the framework of
 22 an established protocol under a supervising ~~supervisory~~
 23 ~~practitioner who is a~~ physician licensed under chapter 458 or
 24 chapter 459:

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

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

28 (c) Pneumococcal vaccine to an adult 65 years of age or

29 | older.

30 | (d) Epinephrine using an autoinjector delivery system to
 31 | an adult 18 years of age or older who is suffering an
 32 | anaphylactic reaction.

33 |
 34 | The ~~Each~~ protocol must shall contain specific procedures for
 35 | addressing any unforeseen adverse allergic reaction to the
 36 | vaccine or epinephrine autoinjection ~~influenza virus~~
 37 | ~~immunizations.~~

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

43 | (3) A pharmacist who administers a vaccine or epinephrine
 44 | autoinjection must administering influenza virus immunizations
 45 | ~~shall~~ maintain and make available patient records using the same
 46 | standards for confidentiality and maintenance of such records as
 47 | those that are imposed on health care practitioners under s.
 48 | 456.057. These records must shall be maintained for a minimum of
 49 | 5 years.

50 | (4) The decision by a supervising physician ~~supervisory~~
 51 | ~~practitioner~~ to enter into a protocol under this section is a
 52 | professional decision on the part of the physician ~~practitioner,~~
 53 | and a person may not interfere with a supervising physician's
 54 | ~~supervisory practitioner's~~ decision to enter ~~as to entering~~ into
 55 | such a protocol. A pharmacist may not enter into a protocol that
 56 | is to be performed while acting as an employee without the

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57 written approval of the owner of the pharmacy. Pharmacists shall
58 forward immunization records to the department for inclusion in
59 the state registry of immunization information.

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

75 (6) The written protocol between the pharmacist and
76 supervising physician must include particular terms and
77 conditions imposed by the supervising physician upon the
78 pharmacist relating to the administration of a vaccine or
79 epinephrine autoinjection ~~influenza virus immunizations~~ by the
80 pharmacist. The written protocol must ~~shall~~ include, at a
81 minimum, specific categories and conditions among patients for
82 whom the supervising physician authorizes the pharmacist to
83 administer a vaccine or epinephrine autoinjection ~~influenza~~
84 ~~virus immunizations~~. The terms, scope, and conditions set forth

85 | in the written protocol between the pharmacist and the
 86 | supervising physician must be appropriate to the pharmacist's
 87 | training and certification for the vaccine or epinephrine
 88 | autoinjection immunization. A pharmacist ~~Pharmacists~~ who is ~~have~~
 89 | ~~been~~ delegated the authority to administer a vaccine or
 90 | epinephrine autoinjection ~~influenza virus immunizations~~ by the
 91 | supervising physician must ~~shall~~ provide evidence of current
 92 | certification by the Board of Pharmacy to the supervising
 93 | physician. A supervising physician must ~~physicians shall~~ review
 94 | the administration of the vaccine or epinephrine autoinjection
 95 | ~~influenza virus immunizations~~ by the pharmacist ~~pharmacists~~
 96 | under such physician's supervision pursuant to the written
 97 | protocol, and this review shall take place as outlined in the
 98 | written protocol. The process and schedule for the review shall
 99 | be outlined in the written protocol between the pharmacist and
 100 | the supervising physician.

101 | (7) The pharmacist shall submit to the Board of Pharmacy a
 102 | copy of his or her protocol or written agreement to administer
 103 | the vaccine or epinephrine autoinjection ~~influenza virus~~
 104 | ~~immunizations~~.

105 | Section 2. Subsection (13) of section 465.003, Florida
 106 | Statutes, is amended to read:

107 | 465.003 Definitions.—As used in this chapter, the term:

108 | (13) "Practice of the profession of pharmacy" includes
 109 | compounding, dispensing, and consulting concerning contents,
 110 | therapeutic values, and uses of any medicinal drug; consulting
 111 | concerning therapeutic values and interactions of patent or
 112 | proprietary preparations, whether pursuant to prescriptions or

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

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