

SENATE BILL 713

J2

11r2224

By: **Senator Klausmeier**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacists – Administration of Vaccines – Regulations**

3 FOR the purpose of repealing certain provisions of law that require the State Board of
4 Pharmacy to meet annually with the State Board of Physicians and the State
5 Board of Nursing to jointly develop and adopt certain regulations; altering the
6 definition of “practice pharmacy” as it relates to the regulation of pharmacists
7 who administer vaccines; requiring the State Board of Pharmacy to adopt
8 certain regulations; requiring the State Board of Pharmacy to consult with
9 certain boards regarding certain determinations; requiring the State Board of
10 Pharmacy to meet annually with certain boards to review certain regulations;
11 and generally relating to regulations regarding the administration of vaccines
12 by pharmacists.

13 BY repealing and reenacting, without amendments,
14 Article – Health Occupations
15 Section 12–101(a)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 12–101(t) and 12–508
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2010 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Health Occupations**

26 12–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this title the following words have the meanings indicated.

2 (t) (1) “Practice pharmacy” means to engage in any of the following
3 activities:

4 (i) Providing pharmaceutical care;

5 (ii) Compounding, dispensing, or distributing prescription drugs
6 or devices;

7 (iii) Compounding or dispensing nonprescription drugs or
8 devices;

9 (iv) Monitoring prescriptions for prescription and
10 nonprescription drugs or devices;

11 (v) Providing information, explanation, or recommendations to
12 patients and health care practitioners about the safe and effective use of prescription
13 or nonprescription drugs or devices;

14 (vi) Identifying and appraising problems concerning the use or
15 monitoring of therapy with drugs or devices;

16 (vii) Acting within the parameters of a therapy management
17 contract, as provided under Subtitle 6A of this title;

18 (viii) Administering an influenza vaccination, a vaccination for
19 pneumococcal pneumonia or herpes zoster, or any vaccination that has been
20 determined by the Board, **IN CONSULTATION** with [the agreement of] the Board of
21 Physicians and the Board of Nursing, to be in the best health interests of the
22 community in accordance with § 12–508 of this title;

23 (ix) Delegating a pharmacy act to a registered pharmacy
24 technician, pharmacy student, or an individual engaged in a Board approved
25 pharmacy technician training program;

26 (x) Supervising a delegated pharmacy act performed by a
27 registered pharmacy technician, pharmacy student, or an individual engaged in a
28 Board approved pharmacy technician training program; or

29 (xi) Providing drug therapy management in accordance with §
30 19–713.6 of the Health – General Article.

31 (2) “Practice pharmacy” does not include the operations of a person
32 who holds a permit issued under § 12–6C–03 of this title.

1 12-508.

2 (a) (1) A pharmacist may administer an influenza vaccination to an
3 individual, in accordance with regulations adopted under subsection (c) of this section.

4 (2) A pharmacist may administer a vaccination for pneumococcal
5 pneumonia or herpes zoster, or any vaccination that has been determined by the
6 Board, **IN CONSULTATION** with [the agreement of] the Board of Physicians and the
7 Board of Nursing to be in the best health interests of the community, to an individual
8 if:

9 (i) The individual is an adult;

10 (ii) The individual has a prescription from a physician;

11 (iii) The pharmacist informs the prescribing physician that the
12 vaccination has been administered;

13 (iv) If the prescribing physician is not the patient's primary care
14 physician, the pharmacist has made a reasonable effort to inform the patient's
15 primary care physician that the vaccination has been administered; and

16 (v) The vaccination is administered in accordance with
17 regulations adopted under subsection (c) of this section.

18 (b) The Board shall set reasonable fees for the administration of vaccinations
19 in accordance with subsection (a) of this section.

20 (c) **(1) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT**
21 **THIS SECTION.**

22 **[(1)] (2)** The Board, the Board of Physicians, and the Board of
23 Nursing shall meet at least annually to [jointly develop, adopt, and] review
24 regulations **ADOPTED BY THE BOARD UNDER PARAGRAPH (1) OF THIS**
25 **SUBSECTION** [to provide for patient safety and to implement this section].

26 **[(2)] (3)** The regulations adopted under paragraph (1) of this
27 subsection shall require a pharmacist to submit a registration form to the Board that
28 includes verification that the pharmacist:

29 (i) Has successfully completed a certification course approved
30 by the Board that included instruction in the guidelines and recommendations of the
31 Centers for Disease Control and Prevention regarding vaccinations; and

32 (ii) Is certified in basic cardiopulmonary resuscitation and
33 obtained the certification through in-person classroom instruction.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2011.