

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL 246
PROPOSED COMMITTEE SUBSTITUTE S246-CSSQ-31 [v.5]

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Short Title: Expand Pharmacists' Immunizing Authority.

(Public)

Sponsors:

Referred to:

March 8, 2011

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO
IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF
IMMUNIZING PHARMACISTS.

The General Assembly of North Carolina enacts:

SECTION 1. Not later than January 1, 2012, the Commission for Public Health shall adopt rules to provide standards for the administration of immunizations by pharmacists in accordance with G.S. 90-85.15. The rules shall include the following:

(a) A uniform protocol for any vaccine or immunization recommended or required by the Centers for Disease Control and Prevention, and its application to specified categories of individuals eligible to receive the vaccine. The protocol shall include any contraindications, emergency procedures, information to be disclosed to patients, and a procedure for annual updates on vaccine administration.

(b) Responsibilities of the local health department overseeing the immunizing pharmacist. These responsibilities shall include recording keeping procedures for all registrations and protocols pertaining to immunizing pharmacists registered at the local health department, accessibility to the immunizing pharmacist for consultation, assistance, direction and back-up coverage, annual review of qualifications of the immunizing pharmacist with the ability to make revisions if necessary, and periodic status reports on patients seen by the immunizing pharmacist.

(c) Registration of all immunizing pharmacists with a local supervising health department and qualifications for maintaining status as an immunizing pharmacist.

(d) Procedures for record keeping and reporting by immunizing pharmacists.

(e) Procedures for the handling and disposal of drugs, used or contaminated equipment or supplies.

SECTION 2. G.S. 90-85.3 is amended by adding the following new subsections to read:

"(i) "Immunizing pharmacist" means a licensed pharmacist who meets all of the following qualifications:

(1) Holds a current provider level cardiopulmonary resuscitation certification issued by the American Heart Association or the American Red Cross, or an equivalent certification.

(2) Has successfully completed a certificate program in vaccine administration accredited by the Centers for Disease Control and Prevention, the



1 Accreditation Council for Pharmacy Education, or a similar health authority
2 or professional body approved by the Board.

3 (3) Maintains documentation of three hours of continuing education every two
4 years, designed to maintain competency in the disease states, drugs, and
5 vaccine administration.

6 (4) Has successfully completed training approved by the Division of Public
7 Health's Immunization Branch for participation in the North Carolina
8 Immunization Registry.

9 (5) Registers with a local supervising health department and pays an annual
10 registration fee.

11 (6) Administers vaccines or immunizations in accordance with G.S. 90-18.15B."

12 **SECTION 2.** G.S. 90-85.3(r) reads as rewritten:

13 "(r) ~~"Practice of pharmacy" means the responsibility for: interpreting and evaluating~~
14 ~~drug orders, including prescription orders; compounding, dispensing and labeling prescription~~
15 ~~drugs and devices; properly and safely storing drugs and devices; maintaining proper records;~~
16 ~~and controlling pharmacy goods and services. A pharmacist may advise and educate patients~~
17 ~~and health care providers concerning therapeutic values, content, uses and significant problems~~
18 ~~of drugs and devices; assess, record and report adverse drug and device reactions; take and~~
19 ~~record patient histories relating to drug and device therapy; monitor, record and report drug~~
20 ~~therapy and device usage; perform drug utilization reviews; and participate in drug and drug~~
21 ~~source selection and device and device source selection as provided in G.S. 90-85.27 through~~
22 ~~G.S. 90-85.31. A pharmacist who has received special training may be authorized and~~
23 ~~permitted to administer drugs pursuant to a specific prescription order in accordance with rules~~
24 ~~adopted by each of the Boards of Pharmacy, the Board of Nursing, and the North Carolina~~
25 ~~Medical Board. The rules shall be designed to ensure the safety and health of the patients for~~
26 ~~whom such drugs are administered. An approved clinical pharmacist practitioner may~~
27 ~~collaborate with physicians in determining the appropriate health care for a patient, subject to~~
28 ~~the provisions of G.S. 90-18.4, is as specified in G.S. 90-85.3A."~~

29 **SECTION 3.** Article 4A of Chapter 90 of the General Statutes is amended by
30 adding a new section to read:

31 **"§ 90-85.3A. Practice of pharmacy.**

32 (a) A pharmacist is responsible for interpreting and evaluating drug orders, including
33 prescription orders; compounding, dispensing, and labeling prescription drugs and devices;
34 properly and safely storing drugs and devices; maintaining proper records; and controlling
35 pharmacy goods and services.

36 (b) A pharmacist may advise and educate patients and health care providers concerning
37 therapeutic values, content, uses, and significant problems of drugs and devices; assess, record,
38 and report adverse drug and device reactions; take and record patient histories relating to drug
39 and device therapy; monitor, record, and report drug therapy and device usage; perform drug
40 utilization reviews; and participate in drug and drug source selection and device and device
41 source selection as provided in G.S. 90-85.27 through G.S. 90-85.31.

42 (c) An immunizing pharmacist may be authorized and permitted to administer drugs
43 pursuant to a specific prescription order or pursuant to protocol in accordance with rules
44 adopted by the Commission for Public Health. The rules shall be designed to ensure the safety
45 and health of the patients for whom such drugs are administered.

46 (d) An approved clinical pharmacist practitioner may collaborate with physicians in
47 determining the appropriate health care for a patient, subject to the provisions of G.S. 90-18.4.

48 **SECTION 4.** Article 4A of Chapter 90 of the General Statutes is amended by
49 adding a new section to read:

50 **"§ 90-85.15B Immunizing pharmacists**

1 (a) An immunizing pharmacist may administer vaccines or immunizations in
 2 accordance to rules adopted by the Commission for Public Health with the following
 3 limitations:

- 4 (1) Vaccines or immunizations shall not be administered to patients under the
 5 age of seven.
 6 (2) For patients at least seven years of age, but less than 14 years of age,
 7 influenza vaccines shall only be administered (i) pursuant to protocol, and
 8 (ii) at the request of the minor's parent, guardian, or person standing in loco
 9 parentis to the minor.
 10 (3) For patients at least seven years of age, but less than 14 years of age,
 11 vaccines or immunizations other than influenza vaccine shall only be
 12 administered (i) pursuant to a specific prescription order, (ii) pursuant to
 13 protocol, and (iii) at the request of the patient's parent, guardian, or person
 14 standing in loco parentis to the minor.
 15 (4) For patients at least 14 years of age, but less than 18 years of age, vaccines
 16 or immunizations shall be administered pursuant to protocol, at the request
 17 of the of the patient's parent, guardian, or person standing in loco parentis to
 18 the minor either with or without a specific prescription order.
 19 (5) For patients at least 18 years of age, vaccines or immunizations shall be
 20 administered pursuant to protocol, at the request of the patient either with or
 21 without a specific prescription order.

22 (c) An immunizing pharmacist who administers a vaccine or immunization to any
 23 patient pursuant to this section shall do all of the following:

- 24 (1). Maintain a record of any vaccine or immunization administered to the
 25 patient in a patient profile.
 26 (2). If the patient has identified a primary care provider, notify the patient's
 27 primary care provider of any vaccine or immunization administered to the
 28 patient within 24 hours after administration.
 29 (3). Record any vaccine or immunization administered to the patient in the North
 30 Carolina Immunization Registry within 24 hours after administration."

31 **SECTION 5.** G.S. 130A-29(c) is amended by adding a new subdivision to read:

32 "(11) Implementing the administration of vaccines and immunizations by
 33 immunizing pharmacists in accordance with G.S.90-85.15B.

34 **SECTION 6.** G.S. 130A-39(g) reads as rewritten:

35 "(g) A local board of health may impose a fee for services to be rendered by a local
 36 health department, except where the imposition of a fee is prohibited by statute or where an
 37 employee of the local health department is performing the services as an agent of the State.
 38 Notwithstanding any other provisions of law, a local board of health may impose cost-related
 39 fees for services performed pursuant to Article 11 of this Chapter, "Wastewater Systems," for
 40 services performed pursuant to Part 10, Article 8 of this Chapter, "Public Swimming Pools", for
 41 services performed pursuant to Part 11, Article 8 of this Chapter, "Tattooing", for services
 42 performed pursuant to G.S. 90-85.15B, and for services performed pursuant to G.S. 87-97. Fees
 43 shall be based upon a plan recommended by the local health director and approved by the local
 44 board of health and the appropriate county board or boards of commissioners. The fees
 45 collected under the authority of this subsection are to be deposited to the account of the local
 46 health department so that they may be expended for public health purposes in accordance with
 47 the provisions of the Local Government Budget and Fiscal Control Act."

48 **SECTION 7.** G.S. 130A-153 reads as rewritten:

49 "(a) The required immunization may be obtained from a physician licensed to practice
 50 ~~medicine or from medicine;~~ a local health ~~department.~~ department; or an immunizing
 51 pharmacist, in accordance with the provisions of G.S. 90-85.15B. Local health departments

1 shall administer required and State-supplied immunizations at no cost to uninsured or
2 underinsured patients with family incomes below two hundred percent (200%) of the federal
3 poverty level. A local health department may redistribute these vaccines only in accordance
4 with the rules of the Commission.

5 (b) Local health departments shall file monthly immunization reports with the
6 Department. The report shall be filed on forms prepared by the Department and shall state, at a
7 minimum, each patient's age and the number of doses of each type of vaccine administered.

8 (c) Immunization certificates and information concerning immunizations contained in
9 medical or other records shall, upon request, be shared with the Department, local health
10 departments, immunizing pharmacist, and the patient's attending physician. In addition, an
11 insurance institution, agent, or insurance support organization, as those terms are defined in
12 G.S. 58-39-15, may share immunization information with the Department. The Commission
13 may, for the purpose of assisting the Department in enforcing this Part, provide by rule that
14 other persons may have access to immunization information, in whole or in part.

15 (d) A ~~physician~~ physician, immunizing pharmacist, or local health department may
16 immunize a minor with the consent of a parent, guardian, or person standing in loco parentis to
17 the minor. A ~~physician~~ physician, immunizing pharmacist, or local health department may also
18 immunize a minor who is presented for immunization by an adult who signs a statement that he
19 or she is authorized by a parent, guardian, or person standing in loco parentis to the minor to
20 obtain the immunization for the minor. Notwithstanding any other provision of this Chapter, an
21 immunizing pharmacist's authority to administer vaccines or immunizations to a minor is
22 limited to the authority specified in G.S. 90-85.15B."

23 **SECTION 8.** G.S. 130A-154(a) reads as rewritten:

24 "(a) A ~~physician~~ physician, immunizing pharmacist, or local health department
25 administering a required vaccine shall give a certificate of immunization to the person who
26 presented the child for immunization. The certificate shall state the name of the child, the name
27 of the child's parent, guardian, or person responsible for the child obtaining the required
28 immunization, the address of the child and the parent, guardian or responsible person, the date
29 of birth of the child, the sex of the child, the number of doses of the vaccine given, the date the
30 doses were given, the name and address of the ~~physician~~ physician, immunizing pharmacist, or
31 local health department administering the required immunization and other relevant
32 information required by the Commission."

33 **SECTION 9.** 21 NCAC 46.2507 shall govern the administration of influenza,
34 pneumococcal and zoster vaccines by pharmacists until rules adopted to implement provisions
35 of this act become effective, provided however an immunizing pharmacists shall be granted the
36 authority to administer influenza vaccine to patients aged 14 years and older.

37 **SECTION 10.** This act becomes effective October 1, 2011.