

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

D

SENATE BILL 246
PROPOSED COMMITTEE SUBSTITUTE S246-PCS85219-SQ-47

Short Title: Expand Pharmacists' Immunizing Authority.

(Public)

Sponsors:

Referred to:

March 8, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO
3 IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF
4 IMMUNIZING PHARMACISTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-85.3 is amended by adding the following new subsection to
7 read:

8 "(i1) "Immunizing pharmacist" means a licensed pharmacist who meets all of the
9 following qualifications:

- 10 (1) Holds a current provider level cardiopulmonary resuscitation certification
11 issued by the American Heart Association or the American Red Cross, or an
12 equivalent certification.
13 (2) Has successfully completed a certificate program in vaccine administration
14 accredited by the Centers for Disease Control and Prevention, the
15 Accreditation Council for Pharmacy Education, or a similar health authority
16 or professional body approved by the Board.
17 (3) Maintains documentation of three hours of continuing education every two
18 years, designed to maintain competency in the disease states, drugs, and
19 vaccine administration.
20 (4) Has successfully completed training approved by the Division of Public
21 Health's Immunization Branch for participation in the North Carolina
22 Immunization Registry.
23 (5) Enrolls with a local supervising health department and pays an annual
24 enrollment fee.
25 (6) Registers with the North Carolina Board of Pharmacists as an immunizing
26 pharmacist.
27 (7) Administers vaccines or immunizations in accordance with G.S. 90-18.15B."

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

29 "(r) ~~"Practice of pharmacy" means the responsibility for: interpreting and evaluating~~
30 ~~drug orders, including prescription orders; compounding, dispensing and labeling prescription~~
31 ~~drugs and devices; properly and safely storing drugs and devices; maintaining proper records;~~
32 ~~and controlling pharmacy goods and services. A pharmacist may advise and educate patients~~
33 ~~and health care providers concerning therapeutic values, content, uses and significant problems~~
34 ~~of drugs and devices; assess, record and report adverse drug and device reactions; take and~~



* S 2 4 6 - P C S 8 5 2 1 9 - S Q - 4 7 *

1 record patient histories relating to drug and device therapy; monitor, record and report drug
2 therapy and device usage; perform drug utilization reviews; and participate in drug and drug
3 source selection and device and device source selection as provided in G.S. 90-85.27 through
4 G.S. 90-85.31. A pharmacist who has received special training may be authorized and
5 permitted to administer drugs pursuant to a specific prescription order in accordance with rules
6 adopted by each of the Boards of Pharmacy, the Board of Nursing, and the North Carolina
7 Medical Board. The rules shall be designed to ensure the safety and health of the patients for
8 whom such drugs are administered. An approved clinical pharmacist practitioner may
9 collaborate with physicians in determining the appropriate health care for a patient, subject to
10 the provisions of G.S. 90-18.4, as specified in G.S. 90-85.3A."

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

13 "**§ 90-85.3A. Practice of pharmacy.**

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

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

24 (c) An immunizing pharmacist may be authorized and permitted to administer drugs as
25 provided in G.S. 90-85.15B.

26 (d) A pharmacist who has received special training may be authorized and permitted to
27 administer drugs pursuant to a specific prescription order in accordance with rules adopted by
28 each of the Boards of Pharmacy, the Board of Nursing, and the North Carolina Medical Board.
29 The rules shall be designed to ensure the safety and health of the patients for whom such drugs
30 are administered.

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

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

35 "**§ 90-85.15B. Immunizing pharmacists.**

36 (a) An immunizing pharmacist may administer vaccines or immunizations
37 recommended or required by the Centers for Disease Control and Prevention, including
38 vaccines recommended or required for travel outside the United States, with the following
39 limitations:

40 (1) Vaccines or immunizations shall not be administered to patients under the
41 age of 14.

42 (2) For patients at least 14 years of age, but less than 18 years of age, vaccines
43 or immunizations shall be administered (i) with a specific prescription order,
44 and (ii) at the request of the patient's parent, guardian, or person standing in
45 loco parentis to the minor.

46 (3) For patients at least 14 years of age, influenza vaccines shall be administered
47 only pursuant to protocol as provided in 21 NCAC 46 .2507 and, if the
48 patient is less than 18 years of age, at the request of the minor's parent,
49 guardian, or person standing in loco parentis to the minor.

50 (4) For patients at least 18 years of age, vaccines or immunizations shall be
51 administered with a specific prescription order, with a standing order, or

1 pursuant to protocols developed by the State Health Director, in consultation
2 with the Commission for Public Health, and implemented by rules adopted
3 by the North Carolina Board of Pharmacy and the North Carolina Medical
4 Board.

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

7 (1) Maintain a record of any vaccine or immunization administered to the
8 patient in a patient profile.

9 (2) Notify within 24 hours after administration the patient's primary care
10 provider, if the patient has identified a primary care provider and, dependent
11 upon the authority under which the vaccine or immunization was
12 administered, (i) the prescribing physician, (ii) the physician who issued the
13 standing order, or (iii) the local health department.

14 (3) Access the North Carolina Immunization Registry prior to administering the
15 vaccine or immunization and record any vaccine or immunization
16 administered to the patient in the registry within 24 hours after
17 administration."

18 **SECTION 5.** G.S. 130A-39(g) reads as rewritten:

19 "(g) A local board of health may impose a fee for services to be rendered by a local
20 health department, except where the imposition of a fee is prohibited by statute or where an
21 employee of the local health department is performing the services as an agent of the State.
22 Notwithstanding any other provisions of law, a local board of health may impose cost-related
23 fees for services performed pursuant to Article 11 of this Chapter, "Wastewater Systems," for
24 services performed pursuant to Part 10, Article 8 of this Chapter, "Public Swimming Pools", for
25 services performed pursuant to Part 11, Article 8 of this Chapter, "Tattooing", for services
26 performed pursuant to G.S. 90-85.15B, and for services performed pursuant to G.S. 87-97. Fees
27 shall be based upon a plan recommended by the local health director and approved by the local
28 board of health and the appropriate county board or boards of commissioners. The fees
29 collected under the authority of this subsection are to be deposited to the account of the local
30 health department so that they may be expended for public health purposes in accordance with
31 the provisions of the Local Government Budget and Fiscal Control Act."

32 **SECTION 6.** G.S. 130A-153 reads as rewritten:

33 "(a) The required immunization may be obtained from a physician licensed to practice
34 ~~medicine or from~~ medicine; a local health department. ~~department; or an immunizing~~
35 pharmacist, in accordance with the provisions of G.S. 90-85.15B. Local health departments
36 shall administer required and State-supplied immunizations at no cost to uninsured or
37 underinsured patients with family incomes below two hundred percent (200%) of the federal
38 poverty level. A local health department may redistribute these vaccines only in accordance
39 with the rules of the Commission.

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

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

50 (d) ~~A physician~~ physician, immunizing pharmacist, or local health department may
51 immunize a minor with the consent of a parent, guardian, or person standing in loco parentis to

1 the minor. A ~~physician~~physician, immunizing pharmacist, or local health department may also
2 immunize a minor who is presented for immunization by an adult who signs a statement that he
3 or she is authorized by a parent, guardian, or person standing in loco parentis to the minor to
4 obtain the immunization for the minor. Notwithstanding any other provision of this Chapter, an
5 immunizing pharmacist's authority to administer vaccines or immunizations to a minor is
6 limited to the authority specified in G.S. 90-85.15B."

7 **SECTION 7.** G.S. 130A-154(a) reads as rewritten:

8 "(a) A ~~physician~~physician, immunizing pharmacist, or local health department
9 administering a required vaccine shall give a certificate of immunization to the person who
10 presented the child for immunization. The certificate shall state the name of the child, the name
11 of the child's parent, guardian, or person responsible for the child obtaining the required
12 immunization, the address of the child and the parent, guardian or responsible person, the date
13 of birth of the child, the sex of the child, the number of doses of the vaccine given, the date the
14 doses were given, the name and address of the ~~physician~~physician, immunizing pharmacist, or
15 local health department administering the required immunization and other relevant
16 information required by the Commission."

17 **SECTION 8.** 21 NCAC 46 .2507 shall govern the administration of influenza,
18 pneumococcal, and zoster vaccines by an immunizing pharmacist; provided, however, an
19 immunizing pharmacist shall be granted the authority to administer influenza vaccine to
20 patients aged 14 years and older.

21 **SECTION 9.** Not later than January 1, 2012, the State Health Director, in
22 consultation with the Commission for Public Health, shall establish standards for the
23 administration of immunizations by pharmacists in accordance with G.S. 90-85.15. The
24 standards shall include the following:

- 25 (1) Record-keeping procedures for all vaccines or immunizations administered
26 by an immunizing pharmacist.
- 27 (2) Physician accessibility to the immunizing pharmacist.
- 28 (3) A protocol establishing the oversight of the immunizing pharmacist by the
29 local health department and the process for the administration of any vaccine
30 or immunization to an individual at least 18 years of age when that vaccine
31 or immunization is administered without a specific prescription order and
32 without a standing order.
- 33 (4) A uniform protocol specific to each vaccine or immunization recommended
34 or required by the Centers for Disease Control and Prevention. The protocol
35 shall include, but not be limited to, the following:
 - 36 a. Any contraindications of the specific vaccine.
 - 37 b. Emergency procedures associated with the administration of the
38 specific vaccine.
 - 39 c. Information to be disclosed to patients regarding the specific vaccine.
 - 40 d. A procedure for annual updates on vaccine administration.

41 The North Carolina Board of Pharmacy and the North Carolina Medical Board shall adopt rules
42 to implement the standards under this section by the State Health Director in consultation with
43 the Commission for Public Health.

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