

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Mar 27, 2013
S.B. 500
PRINCIPAL CLERK

S

D

SENATE DRS75241-MN-11A (03/13)

Short Title: Expand Pharmacists' Immunizing Authority. (Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

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) Has notified the North Carolina Board of Pharmacy and the North Carolina
24 Medical Board of immunizing pharmacist status.
25 (6) Administers vaccines or immunizations in accordance with G.S. 90-18.15B."

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

27 ~~"(r) "Practice of pharmacy" means the responsibility for: interpreting and evaluating~~
28 ~~drug orders, including prescription orders; compounding, dispensing and labeling prescription~~
29 ~~drugs and devices; properly and safely storing drugs and devices; maintaining proper records;~~
30 ~~and controlling pharmacy goods and services. A pharmacist may advise and educate patients~~
31 ~~and health care providers concerning therapeutic values, content, uses and significant problems~~
32 ~~of drugs and devices; assess, record and report adverse drug and device reactions; take and~~
33 ~~record patient histories relating to drug and device therapy; monitor, record and report drug~~
34 ~~therapy and device usage; perform drug utilization reviews; and participate in drug and drug~~
35 ~~source selection and device and device source selection as provided in G.S. 90-85.27 through~~
36 ~~G.S. 90-85.31. A pharmacist who has received special training may be authorized and~~



* D R S 7 5 2 4 1 - M N - 1 1 A *

1 permitted to administer drugs pursuant to a specific prescription order in accordance with rules
2 adopted by each of the Boards of Pharmacy, the Board of Nursing, and the North Carolina
3 Medical Board. The rules shall be designed to ensure the safety and health of the patients for
4 whom such drugs are administered. An approved clinical pharmacist practitioner may
5 collaborate with physicians in determining the appropriate health care for a patient, subject to
6 the provisions of G.S. 90-18.4 is as specified in G.S. 90-85.3A."

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

9 **"§ 90-85.3A. Practice of pharmacy.**

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

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

20 (c) An immunizing pharmacist is authorized and permitted to administer drugs as
21 provided in G.S. 90-85.15B.

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

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

26 **"§ 90-85.15B. Immunizing pharmacists.**

27 (a) Except as provided in subsection (b) of this section, an immunizing pharmacist shall
28 only administer vaccines or immunizations recommended or required by the Centers for
29 Disease Control and Prevention to persons at least 18 years of age pursuant to a specific
30 prescription order.

31 (b) An immunizing pharmacist may administer the following vaccinations or
32 immunizations pursuant to a standing order or protocols developed with and overseen by a
33 physician licensed in and whose practice is physically located in North Carolina:

34 (1) Pneumococcal polysaccharide or pneumococcal conjugate vaccines.

35 (2) Herpes zoster vaccine.

36 (3) Hepatitis B vaccine.

37 (4) Meningococcal polysaccharide or meningococcal conjugate vaccines.

38 (5) Tetanus-diphtheria, tetanus and diphtheria toxoids and pertussis, tetanus and
39 diphtheria toxoids and acellular pertussis, or tetanus toxoid vaccines.

40 (6) Influenza vaccine pursuant to 21 NCAC 46 .2507 and 21 NCAC 32U .101,
41 which may be administered to patients aged 14 years and older.

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

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

46 (2) Notify within 72 hours after administration the patient's primary care
47 provider, if the patient has identified a primary care provider, and either the
48 prescribing physician or the physician who issued the standing order or
49 protocol. If the patient does not have a primary care provider, the
50 immunizing pharmacist shall direct the patient to information describing the
51 benefits to a patient of having a primary care physician, prepared by any of

1 the following: North Carolina Medical Board, North Carolina Academy of
2 Family Physicians, North Carolina Medical Society, or Community Care of
3 North Carolina.

- 4 (3) Except for influenza administered pursuant to G.S. 90-85.15B(b)(6), access
5 the North Carolina Immunization Registry prior to administering the vaccine
6 or immunization and record any vaccine or immunization administered to
7 the patient in the registry within 72 hours after the administration."

8 **SECTION 5.** G.S. 130A-153 reads as rewritten:

9 "**§ 130A-153. Obtaining immunization; reporting by local health departments; access to**
10 **immunization information in patient records; immunization of minors.**

11 (a) The required immunization may be obtained from a physician licensed to practice
12 ~~medicine or medicine~~, from a local health ~~department~~, or in the case of a person at
13 least 18 years of age, from an immunizing pharmacist. Local health departments shall
14 administer required and State-supplied immunizations at no cost to uninsured or underinsured
15 patients with family incomes below two hundred percent (200%) of the federal poverty level. A
16 local health department may redistribute these vaccines only in accordance with the rules of the
17 Commission.

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

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

28 (d) A physician or local health department may immunize a minor with the consent of a
29 parent, guardian, or person standing in loco parentis to the minor. A physician or local health
30 department may also immunize a minor who is presented for immunization by an adult who
31 signs a statement that he or she is authorized by a parent, guardian, or person standing in loco
32 parentis to the minor to obtain the immunization for the minor."

33 **SECTION 6.** G.S. 130A-154(a) reads as rewritten:

34 "(a) A ~~physician or physician~~, immunizing pharmacist acting pursuant to
35 G.S. 90-85.15B, or local health department administering a required vaccine shall give a
36 certificate of immunization to the person who presented the child for immunization. The
37 certificate shall state the name of the child, the name of the child's parent, guardian, or person
38 responsible for the child obtaining the required immunization, the address of the child and the
39 parent, guardian or responsible person, the date of birth of the child, the sex of the child, the
40 number of doses of the vaccine given, the date the doses were given, the name and address of
41 the ~~physician or physician~~, immunizing pharmacist, or local health department administering
42 the required immunization and other relevant information required by the Commission."

43 **SECTION 7.** 21 NCAC 46 .2507 shall govern the administration of influenza,
44 pneumococcal, and zoster vaccines by an immunizing pharmacist; provided, however, an
45 immunizing pharmacist shall be granted the authority to administer influenza vaccine to
46 patients aged 14 years and older. Acting in cooperation with the North Carolina Board of
47 Pharmacy, the North Carolina Medical Board shall similarly amend 21 NCAC 32U .101 to
48 grant immunizing pharmacists the authority to administer influenza vaccine to patients aged 14
49 years and older.

50 **SECTION 8.** This act becomes effective July 1, 2013.