

# CHAPTER 304

(Senate Bill 700)

AN ACT concerning

## **Pharmacists – Administration of Vaccinations – Expanded Authority**

FOR the purpose of expanding the authority of pharmacists to administer certain vaccinations to individuals under certain circumstances; requiring the Board of Pharmacy, the Board of Physicians, and the Board of Nursing to meet at least annually to jointly develop, adopt, and review certain regulations; requiring that certain regulations require a pharmacist to submit a certain registration form to the Board of Pharmacy that includes certain information; altering a certain definition; and generally relating to the expansion of the authority of pharmacists to administer vaccinations to individuals.

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 12–101(s) and 12–508  
Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

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

### **Article – Health Occupations**

12–101.

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

- (i) Providing pharmaceutical care;
- (ii) Compounding, dispensing, or distributing prescription drugs or devices;
- (iii) Compounding or dispensing nonprescription drugs or devices;
- (iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;

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

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

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

(viii) Administering an influenza vaccination, **A VACCINATION FOR PNEUMOCOCCAL PNEUMONIA OR HERPES ZOSTER, OR ANY VACCINATION THAT HAS BEEN DETERMINED BY THE BOARD, WITH THE AGREEMENT OF THE BOARD OF PHYSICIANS AND THE BOARD OF NURSING, TO BE IN THE BEST HEALTH INTERESTS OF THE COMMUNITY** in accordance with § 12–508 of this title;

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

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

(2) “Practice pharmacy” does not include the operations of a person who holds a permit issued under § 12–602 of this title.

12–508.

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

(2) A pharmacist may administer a vaccination for pneumococcal pneumonia or herpes zoster, **OR ANY VACCINATION THAT HAS BEEN DETERMINED BY THE BOARD, WITH THE AGREEMENT OF THE BOARD OF PHYSICIANS AND THE BOARD OF NURSING TO BE IN THE BEST HEALTH INTERESTS OF THE COMMUNITY,** to an individual if:

(i) The individual is an adult;

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

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

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

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

~~(3) A PHARMACIST MAY ADMINISTER A VACCINATION TO AN INDIVIDUAL, IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION, THAT HAS BEEN DETERMINED BY THE BOARD, WITH THE BOARD OF PHYSICIANS AND THE BOARD OF NURSING, TO BE IN THE BEST HEALTH INTERESTS OF THE COMMUNITY.~~

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

(c) (1) The Board, ~~with~~ the Board of Physicians, and the Board of Nursing, shall MEET AT LEAST ANNUALLY TO jointly develop ~~and~~, adopt, AND REVIEW regulations to provide for patient safety and to implement this section.

(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REQUIRE A PHARMACIST TO SUBMIT A REGISTRATION FORM TO THE BOARD THAT INCLUDES VERIFICATION THAT THE PHARMACIST:

(I) HAS SUCCESSFULLY COMPLETED A CERTIFICATION COURSE APPROVED BY THE BOARD THAT INCLUDED INSTRUCTION IN THE GUIDELINES AND RECOMMENDATIONS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION REGARDING VACCINATIONS; AND

(II) IS CERTIFIED IN BASIC CARDIOPULMONARY RESUSCITATION AND OBTAINED THE CERTIFICATION THROUGH IN-PERSON CLASSROOM INSTRUCTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

**Approved by the Governor, May 7, 2009.**