

SENATE BILL 700

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9lr2223

By: **Senator Klausmeier**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2009

CHAPTER _____

1 AN ACT concerning

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

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

11 BY repealing and reenacting, with amendments,
12 Article – Health Occupations
13 Section 12–101(s) and 12–508
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2008 Supplement)

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

18 **Article – Health Occupations**

19 12–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (i) Providing pharmaceutical care;
- 2 (ii) Compounding, dispensing, or distributing prescription drugs
3 or devices;
- 4 (iii) Compounding or dispensing nonprescription drugs or
5 devices;
- 6 (iv) Monitoring prescriptions for prescription and
7 nonprescription drugs or devices;
- 8 (v) Providing information, explanation, or recommendations to
9 patients and health care practitioners about the safe and effective use of prescription
10 or nonprescription drugs or devices;
- 11 (vi) Identifying and appraising problems concerning the use or
12 monitoring of therapy with drugs or devices;
- 13 (vii) Acting within the parameters of a therapy management
14 contract, as provided under Subtitle 6A of this title;
- 15 (viii) Administering an influenza vaccination, **A VACCINATION
16 FOR PNEUMOCOCCAL PNEUMONIA OR HERPES ZOSTER, OR ANY VACCINATION
17 THAT HAS BEEN DETERMINED BY THE BOARD, WITH THE AGREEMENT OF THE
18 BOARD OF PHYSICIANS AND THE BOARD OF NURSING, TO BE IN THE BEST
19 HEALTH INTERESTS OF THE COMMUNITY** in accordance with § 12–508 of this title;
- 20 (ix) Delegating a pharmacy act to a registered pharmacy
21 technician, pharmacy student, or an individual engaged in a Board approved
22 pharmacy technician training program; or
- 23 (x) Supervising a delegated pharmacy act performed by a
24 registered pharmacy technician, pharmacy student, or an individual engaged in a
25 Board approved pharmacy technician training program.
- 26 (2) “Practice pharmacy” does not include the operations of a person
27 who holds a permit issued under § 12–602 of this title.
- 28 12–508.
- 29 (a) (1) A pharmacist may administer an influenza vaccination to an
30 individual, in accordance with regulations adopted under subsection (c) of this section.
- 31 (2) A pharmacist may administer a vaccination for pneumococcal
32 pneumonia or herpes zoster, **OR ANY VACCINATION THAT HAS BEEN DETERMINED
33 BY THE BOARD, WITH THE AGREEMENT OF THE BOARD OF PHYSICIANS AND**

1 THE BOARD OF NURSING TO BE IN THE BEST HEALTH INTERESTS OF THE
 2 COMMUNITY, to an individual if:

- 3 (i) The individual is an adult;
- 4 (ii) The individual has a prescription from a physician;
- 5 (iii) The pharmacist informs the prescribing physician that the
 6 vaccination has been administered;
- 7 (iv) If the prescribing physician is not the patient's primary care
 8 physician, the pharmacist has made a reasonable effort to inform the patient's
 9 primary care physician that the vaccination has been administered; and
- 10 (v) The vaccination is administered in accordance with
 11 regulations adopted under subsection (c) of this section.

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

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

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

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

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

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

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

