

# HOUSE BILL 179

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3lr0439  
CF SB 401

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By: **Delegates Hubbard, Hammen, Bobo, Elliott, Frush, Griffith, Krebs, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Rosenberg, and V. Turner**

Introduced and read first time: January 21, 2013  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 6, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Pharmacists – Administration of Vaccinations – Expanded Authority and**  
3 **Reporting Requirements**

4 FOR the purpose of altering the authority of pharmacists to administer certain  
5 vaccinations to certain individuals; authorizing a pharmacist to administer  
6 certain vaccinations to an individual in a certain age group who has a  
7 prescription or to an adult under a written protocol that meets certain  
8 requirements; altering a certain vaccination reporting requirement; requiring a  
9 pharmacist, under certain circumstances, to document at least one effort to  
10 inform certain health care practitioners or other sources of care that a  
11 vaccination has been administered; repealing a requirement that the State  
12 Board of Pharmacy, the State Board of Physicians, and the State Board of  
13 Nursing meet periodically and take certain actions relating to certain  
14 regulations; requiring the Secretary of Health and Mental Hygiene, in  
15 consultation with a workgroup of stakeholders, to study the feasibility and  
16 desirability of requiring certain health care providers who administer  
17 vaccinations to report the vaccinations to the ImmuNet Program; requiring the  
18 study to take certain factors into account; requiring the Secretary to submit the  
19 findings and recommendations of the study to certain legislative committees on  
20 or before a certain date; making certain conforming changes; ~~providing for the~~  
21 ~~effective dates of this Act;~~ and generally relating to the authority of pharmacists  
22 to administer vaccinations and requiring reporting of vaccinations.

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### 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 BY repealing and reenacting, with amendments,  
 2 Article – Health Occupations  
 3 Section 12–508  
 4 Annotated Code of Maryland  
 5 (2009 Replacement Volume and 2012 Supplement)

6 ~~BY repealing and reenacting, with amendments,~~  
 7 ~~Article – Health Occupations~~  
 8 ~~Section 12–508(a)(4)~~  
 9 ~~Annotated Code of Maryland~~  
 10 ~~(2009 Replacement Volume and 2012 Supplement)~~  
 11 ~~(As enacted by Section 1 of this Act)~~

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

14 **Article – Health Occupations**

15 12–508.

16 (a) (1) A pharmacist may administer an influenza vaccination to an  
 17 individual who is at least 9 years old, in accordance with regulations adopted by the  
 18 Board, in consultation with the Department.

19 [(2) A pharmacist may administer a vaccination for pneumococcal  
 20 pneumonia or herpes zoster, or any vaccination that has been determined by the  
 21 Board, with the agreement of the Board of Physicians and the Board of Nursing to be  
 22 in the best health interests of the community, to an individual if:

23 (i) The individual is an adult;

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

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

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

30 (v) The vaccination is administered in accordance with  
 31 regulations adopted under subsection (c)(1) of this section.]

32 **(2) A PHARMACIST MAY ADMINISTER A VACCINATION THAT IS**  
 33 **LISTED IN THE CENTERS FOR DISEASE CONTROL AND PREVENTION’S**  
 34 **RECOMMENDED IMMUNIZATION SCHEDULE TO AN INDIVIDUAL WHO:**

1 (I) IS AT LEAST 11 YEARS OLD BUT UNDER THE AGE OF 18  
2 YEARS; AND

3 (II) HAS A PRESCRIPTION FROM AN AUTHORIZED  
4 PRESCRIBER.

5 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,  
6 A PHARMACIST MAY ADMINISTER TO AN ADULT A VACCINATION THAT IS:

7 1. LISTED IN THE CENTERS FOR DISEASE CONTROL  
8 AND PREVENTION'S RECOMMENDED IMMUNIZATION SCHEDULE; OR

9 2. RECOMMENDED IN THE CENTERS FOR DISEASE  
10 CONTROL AND PREVENTION'S HEALTH INFORMATION FOR INTERNATIONAL  
11 TRAVEL.

12 (II) A PHARMACIST SHALL ADMINISTER A VACCINATION  
13 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNDER A WRITTEN PROTOCOL  
14 THAT:

15 1. IS VACCINE SPECIFIC; AND

16 2. MEETS CRITERIA ESTABLISHED BY THE  
17 DEPARTMENT, IN CONSULTATION WITH THE BOARD, THE BOARD OF  
18 PHYSICIANS, AND THE BOARD OF NURSING, IN REGULATION.

19 [(3)] (4) A pharmacist shall [report]:

20 (I) REPORT ALL VACCINATIONS ADMINISTERED BY THE  
21 PHARMACIST to the [Maryland Immunization Registry an influenza vaccination  
22 administered by the pharmacist to individuals who are from 9 to 18 years of age]  
23 IMMUNET PROGRAM ESTABLISHED UNDER § 18-109 OF THE HEALTH -  
24 GENERAL ARTICLE;

25 (II) IF THE VACCINATION HAS BEEN ADMINISTERED IN  
26 ACCORDANCE WITH A PRESCRIPTION, DOCUMENT AT LEAST ONE EFFORT TO  
27 INFORM THE INDIVIDUAL'S AUTHORIZED PRESCRIBER THAT THE VACCINATION  
28 HAS BEEN ADMINISTERED; AND

29 (III) ~~IF~~ FOR A VACCINATION ADMINISTERED UNDER  
30 PARAGRAPH (2) OR (3) OF THIS SUBSECTION, IF THE AUTHORIZED PRESCRIBER  
31 IS NOT THE INDIVIDUAL'S PRIMARY CARE PROVIDER OR IF THE VACCINATION  
32 HAS NOT BEEN ADMINISTERED IN ACCORDANCE WITH A PRESCRIPTION, ~~MAKE A~~  
33 REASONABLE DOCUMENT AT LEAST ONE EFFORT TO INFORM THE INDIVIDUAL'S

1 PRIMARY CARE PROVIDER OR OTHER USUAL SOURCE OF CARE THAT THE  
 2 VACCINATION HAS BEEN ADMINISTERED.

3 (b) The Board shall [set]:

4 (1) SET reasonable fees for the administration of vaccinations [in  
 5 accordance with subsection (a) of] UNDER this section[.

6 (c) (1) The Board, the Board of Physicians, and the Board of Nursing  
 7 shall meet at least annually to jointly develop, adopt, and review regulations to  
 8 provide for patient safety and to implement subsection (a)(2) of this section.

9 (2) The regulations adopted under subsection (a)(1) of this section and  
 10 paragraph (1) of this subsection shall]; AND

11 (2) ADOPT REGULATIONS THAT require a pharmacist to submit a  
 12 registration form to the Board that includes verification that the pharmacist:

13 (i) Has successfully completed a certification course approved  
 14 by the Board that included instruction in the guidelines and recommendations of the  
 15 Centers for Disease Control and Prevention regarding vaccinations; and

16 (ii) Is certified in basic cardiopulmonary resuscitation and  
 17 obtained the certification through in-person classroom instruction.

18 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
 19 ~~read as follows:~~

20 ~~Article — Health Occupations~~

21 ~~12-508.~~

22 (a) (4) A pharmacist shall]:

23 (i) Report] ~~REPORT all vaccinations administered by the~~  
 24 ~~pharmacist to the ImmuNet Program established under § 18-109 of the Health~~  
 25 ~~General Article];~~

26 (ii) ~~If the vaccination has been administered in accordance with~~  
 27 ~~a prescription, inform the individual's authorized prescriber that the vaccination has~~  
 28 ~~been administered; and~~

29 (iii) ~~If the authorized prescriber is not the individual's primary~~  
 30 ~~care provider or if the vaccination has not been administered in accordance with a~~  
 31 ~~prescription, make a reasonable effort to inform the individual's primary care provider~~  
 32 ~~that the vaccination has been administered];~~

1 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That:

2 (a) The Secretary of Health and Mental Hygiene shall study the feasibility  
3 and desirability of requiring all health care providers who administer vaccinations to  
4 report the vaccinations to the ImmuNet Program.

5 (b) In carrying out the study, the Secretary shall consult with a workgroup of  
6 stakeholders, including representatives of health care providers, pharmacies, health  
7 insurance carriers, the State Board of Physicians, the State Board of Nursing, and the  
8 State Board of Pharmacy.

9 (c) The study shall take into account:

10 (1) the costs and benefits of comprehensive reporting; and

11 (2) the time frame in which the ImmuNet Program will become  
12 accessible to all health care providers who administer vaccinations.

13 (d) On or before January 1, 2014, the Secretary shall submit the findings and  
14 recommendations of the study, in accordance with § 2-1246 of the State Government  
15 Article, to the Senate Education, Health, and Environmental Affairs Committee and  
16 the House Health and Government Operations Committee.

17 ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall~~  
18 ~~take effect October 1, 2015.~~

19 SECTION ~~5~~ 3. AND BE IT FURTHER ENACTED, That, ~~except as provided in~~  
20 ~~Section 4 of this Act,~~ this Act shall take effect October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.