

SENATE BILL 401

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3lr1476
CF HB 179

By: **Senator Dyson**

Introduced and read first time: January 28, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2013

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.

23 BY repealing and reenacting, with amendments,
24 Article – Health Occupations

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 Section 12-508
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2012 Supplement)

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

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

12 **Article – Health Occupations**

13 12-508.

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

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

21 (i) The individual is an adult;

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

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

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

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

30 **(2) A PHARMACIST MAY ADMINISTER A VACCINATION THAT IS**
31 **LISTED IN THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S**
32 **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:

Governor.

President of the Senate.

Speaker of the House of Delegates.