

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

A BILL ENTITLED

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 to inform certain health care practitioners that a vaccination has
10 been administered; repealing a requirement that the State Board of Pharmacy,
11 the State Board of Physicians, and the State Board of Nursing meet periodically
12 and take certain actions relating to certain regulations; requiring the Secretary
13 of Health and Mental Hygiene, in consultation with a workgroup of
14 stakeholders, to study the feasibility and desirability of requiring certain health
15 care providers who administer vaccinations to report the vaccinations to the
16 ImmuNet Program; requiring the study to take certain factors into account;
17 requiring the Secretary to submit the findings and recommendations of the
18 study to certain legislative committees on or before a certain date; making
19 certain conforming changes; providing for the effective dates of this Act; and
20 generally relating to the authority of pharmacists to administer vaccinations
21 and requiring reporting of vaccinations.

22 BY repealing and reenacting, with amendments,
23 Article – Health Occupations
24 Section 12–508
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2012 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Health Occupations
29 Section 12–508(a)(4)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2012 Supplement)
3 (As enacted by Section 1 of this Act)

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

6 **Article – Health Occupations**

7 12–508.

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

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

15 (i) The individual is an adult;

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

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

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

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

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

27 **(I) IS AT LEAST 11 YEARS OLD BUT UNDER THE AGE OF 18**
28 **YEARS; AND**

29 **(II) HAS A PRESCRIPTION FROM AN AUTHORIZED**
30 **PRESCRIBER.**

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

1 **1. LISTED IN THE CENTERS FOR DISEASE CONTROL**
2 **AND PREVENTION’S RECOMMENDED IMMUNIZATION SCHEDULE; OR**

3 **2. RECOMMENDED IN THE CENTERS FOR DISEASE**
4 **CONTROL AND PREVENTION’S HEALTH INFORMATION FOR INTERNATIONAL**
5 **TRAVEL.**

6 **(II) A PHARMACIST SHALL ADMINISTER A VACCINATION**
7 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNDER A WRITTEN PROTOCOL**
8 **THAT:**

9 **1. IS VACCINE SPECIFIC; AND**

10 **2. MEETS CRITERIA ESTABLISHED BY THE**
11 **DEPARTMENT, IN CONSULTATION WITH THE BOARD, THE BOARD OF**
12 **PHYSICIANS, AND THE BOARD OF NURSING, IN REGULATION.**

13 **[(3)] (4) A pharmacist shall [report]:**

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

19 **(II) IF THE VACCINATION HAS BEEN ADMINISTERED IN**
20 **ACCORDANCE WITH A PRESCRIPTION, INFORM THE INDIVIDUAL’S AUTHORIZED**
21 **PRESCRIBER THAT THE VACCINATION HAS BEEN ADMINISTERED; AND**

22 **(III) IF THE AUTHORIZED PRESCRIBER IS NOT THE**
23 **INDIVIDUAL’S PRIMARY CARE PROVIDER OR IF THE VACCINATION HAS NOT**
24 **BEEN ADMINISTERED IN ACCORDANCE WITH A PRESCRIPTION, MAKE A**
25 **REASONABLE EFFORT TO INFORM THE INDIVIDUAL’S PRIMARY CARE PROVIDER**
26 **THAT THE VACCINATION HAS BEEN ADMINISTERED.**

27 **(b) The Board shall [set]:**

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

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

1 (c) The study shall take into account:

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

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

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

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

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