

Chapter 256

(House Bill 179)

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority and Reporting Requirements

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

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

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

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

Article – Health Occupations

12–508.

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

[(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)(1) of this section.]

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

- (I) IS AT LEAST 11 YEARS OLD BUT UNDER THE AGE OF 18 YEARS; AND**
- (II) HAS A PRESCRIPTION FROM AN AUTHORIZED PRESCRIBER.**

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

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

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

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

1. IS VACCINE SPECIFIC; AND

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

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

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

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

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

(b) The Board shall [set]:

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

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

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

(2) ADOPT REGULATIONS THAT 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 the Laws of Maryland read as follows:~~

~~Article — Health Occupations~~

~~12-508.~~

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

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

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

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

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

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

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

(c) The study shall take into account:

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

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

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

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

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

Approved by the Governor, May 2, 2013.