

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 977

Introduced by Assembly Member Skinner

February 26, 2009

An act to amend Section 4052 of, and to add Section 4052.8 to, the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 977, as amended, Skinner. Pharmacists: immunization administration.

Existing law, the Pharmacy Law, provides for the licensing and regulation of pharmacists by the Board of Pharmacy in the Department of Consumer Affairs. A violation of the Pharmacy Law is a crime. Existing law, among other things, authorizes a pharmacist to administer immunizations pursuant to a protocol with a prescriber.

This bill would *additionally* authorize a pharmacist to ~~initiate and administer immunizations pursuant to a protocol with a prescriber or the recommended Immunization Schedules provided by the federal Centers for Disease Control and Prevention~~ *initiate and administer influenza and pneumococcal immunizations to any person 7 years of age or older*. The bill would require a pharmacist, prior to initiating and administering *those* immunizations, to complete a specified pharmacy-based immunization delivery training program. The bill would also require a pharmacist *initiating and administering immunizations* to complete 3 hours of immunization-related continuing education coursework annually and to be certified in basic life support. The bill would require ~~the~~ *a* pharmacist, at the time of administration of an immunization, to provide the patient with a Vaccine Information

Statement and to provide the patient's physician with documentation of administration of the immunization. The bill would also require a pharmacist *administering an immunization* to maintain a specified immunization administration record, ~~report any adverse event and provide documentation of administration to the California Immunization Registry, report any adverse event and assure proper storage and handling of vaccines.~~ The bill would authorize a pharmacist initiating and administering vaccines to initiate and administer epinephrine for severe allergic reactions, ~~and assure proper storage and handling of vaccines.~~ The bill would also require a pharmacist to obtain the consent of a parent or guardian before administering any immunization to a patient under 18 years of age.

Because this bill would create new requirements under the Pharmacy Law, the violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Vaccines are a safe, effective, and efficient means to prevent
- 4 sickness and death from infectious diseases as reported by the
- 5 United States Department of Health and Human Services (HHS).
- 6 (b) The National Vital Statistics Report published by HHS
- 7 reports that influenza and pneumonia combined are the eighth
- 8 leading cause of death in people of all ages, and the sixth leading
- 9 cause of death in people over 65 years of age.
- 10 (c) The federal Centers for Disease Control and Prevention
- 11 report that 220,000,000 persons should get the influenza
- 12 vaccination annually, however, fewer than 100,000,000 do.
- 13 (d) According to the California Health Care Foundation,
- 14 6,600,000 Californians are uninsured and may not have access to
- 15 immunizations.

1 (e) *Pharmacists represent the third largest health professional*
2 *group in the United States and are on the front line of preventative*
3 *care.*

4 (f) *Pharmacists are trained to screen, administer, and properly*
5 *deal with any adverse events that may arise from vaccines.*

6 (g) *Therefore, in order to achieve greater access to*
7 *immunization and to protect Californians, it is the intent of the*
8 *Legislature to provide greater access to lifesaving vaccinations*
9 *and to ensure that pharmacists may independently administer*
10 *influenza and pneumonia vaccinations.*

11 SECTION 1.

12 SEC. 2. Section 4052 of the Business and Professions Code is
13 amended to read:

14 4052. (a) Notwithstanding any other provision of law, a
15 pharmacist may:

16 (1) Furnish a reasonable quantity of compounded drug product
17 to a prescriber for office use by the prescriber.

18 (2) Transmit a valid prescription to another pharmacist.

19 (3) Administer, orally or topically, drugs and biologicals
20 pursuant to a prescriber's order.

21 (4) Perform procedures or functions in a licensed health care
22 facility as authorized by Section 4052.1.

23 (5) Perform procedures or functions as part of the care provided
24 by a health care facility, a licensed home health agency, a licensed
25 clinic in which there is a physician oversight, a provider who
26 contracts with a licensed health care service plan with regard to
27 the care or services provided to the enrollees of that health care
28 service plan, or a physician, as authorized by Section 4052.2.

29 (6) Manufacture, measure, fit to the patient, or sell and repair
30 dangerous devices or furnish instructions to the patient or the
31 patient's representative concerning the use of those devices.

32 (7) Provide consultation to patients and professional information,
33 including clinical or pharmacological information, advice, or
34 consultation to other health care professionals.

35 (8) Furnish emergency contraception drug therapy as authorized
36 by Section 4052.3.

37 (9) ~~Initiate~~ *Administer or initiate* and administer immunizations
38 pursuant to Section 4052.8.

39 (b) A pharmacist who is authorized to issue an order to initiate
40 or adjust a controlled substance therapy pursuant to this section

1 shall personally register with the federal Drug Enforcement
2 Administration.

3 (c) Nothing in this section shall affect the requirements of
4 existing law relating to maintaining the confidentiality of medical
5 records.

6 (d) Nothing in this section shall affect the requirements of
7 existing law relating to the licensing of a health care facility.

8 ~~SEC. 2.~~

9 *SEC. 3.* Section 4052.8 is added to the Business and Professions
10 Code, to read:

11 4052.8. (a) A pharmacist may ~~initiate and administer~~
12 ~~immunizations pursuant to~~ *do* either of the following:

13 (1) ~~A Administer any immunization pursuant to a~~ protocol with
14 a prescriber.

15 ~~(2) The recommended Immunization Schedules for persons~~
16 ~~aged 7 through 18 years of age and adults provided by the federal~~
17 ~~Centers for Disease Control and Prevention, as they may be~~
18 ~~amended from time to time.~~

19 (2) *Initiate and administer influenza or pneumococcal*
20 *immunizations to any person seven years of age or older.*

21 (b) Prior to initiating and administering immunizations, a
22 pharmacist shall complete the American Pharmacists Association's
23 Pharmacy-Based Immunization Delivery Certificate Training
24 Program or another pharmacy-based immunization training
25 certificate program endorsed by the federal Centers for Disease
26 Control and Prevention or the Accreditation Council for
27 Pharmaceutical Education.

28 (c) (1) A pharmacist initiating and administering any
29 immunization pursuant to this section shall also complete three
30 hours of immunization-related continuing education coursework
31 annually.

32 (2) If a pharmacist fails to satisfy this requirement, he or she
33 shall, in addition to any other applicable disciplinary action, retake
34 the training identified in subdivision (b) and also complete the
35 three hours of immunization-related continuing education
36 coursework described in paragraph (1) prior to initiating and
37 administering any further immunizations.

38 (3) The three hours of immunization-related continuing
39 education may be applied toward the continuing education
40 requirement described in Section 4231.

1 (d) A pharmacist initiating and administering any immunization
2 pursuant to this section shall at all times be certified in basic life
3 support.

4 (e) *A pharmacist shall obtain the consent of a parent or*
5 *guardian before administering an immunization to a patient under*
6 *18 years of age.*

7 ~~(e)~~

8 (f) At the time of administration of an immunization, the
9 pharmacist shall do ~~both~~ all of the following:

10 (1) Provide the patient or the patient's agent with the appropriate
11 Vaccine Information Statement, produced by the Centers for
12 Disease Control and Prevention, for each immunization
13 administered.

14 (2) Provide documentation of administration of the
15 immunization to the patient and the patient's physician or primary
16 care provider, if one can be identified.

17 (3) *Provide documentation of administration of the immunization*
18 *to the California Immunization Registry (CAIR).*

19 ~~(f)~~

20 (g) The pharmacist shall maintain an immunization
21 administration record, which shall include, but not be limited to,
22 the name of the vaccine, the expiration date, the date of
23 administration, the manufacturer and lot number, the administration
24 site and route, the Vaccine Information Statement date, and the
25 name and title of the person administering, for the longer of the
26 following periods:

27 (1) Ten years from the date of administration.

28 (2) If the patient is younger than 18 years of age at the time of
29 administration, three years beyond the patient's 18th birthday.

30 ~~(g)~~

31 (h) Any pharmacist initiating and administering vaccines may
32 initiate and administer epinephrine by injection for severe allergic
33 reactions.

34 ~~(h)~~

35 (i) Any adverse event shall be reported to the Vaccine Adverse
36 Event Reporting System within the U.S. Department of Health
37 and Human Services.

38 ~~(i)~~

39 (j) Upon receipt of a vaccine as authorized by this section, a
40 pharmacist is responsible for assuring that proper vaccine

1 temperatures are maintained during subsequent storage and
 2 handling to preserve the potency of the vaccine.

3 ~~SEC. 3.~~

4 *SEC. 4.* No reimbursement is required by this act pursuant to
 5 Section 6 of Article XIII B of the California Constitution because
 6 the only costs that may be incurred by a local agency or school
 7 district will be incurred because this act creates a new crime or
 8 infraction, eliminates a crime or infraction, or changes the penalty
 9 for a crime or infraction, within the meaning of Section 17556 of
 10 the Government Code, or changes the definition of a crime within
 11 the meaning of Section 6 of Article XIII B of the California
 12 Constitution.

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15 **CORRECTIONS:**

16 **Text—Pages 3 and 4.**

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