

AMENDED IN SENATE JUNE 1, 2010
AMENDED IN ASSEMBLY JANUARY 25, 2010
AMENDED IN ASSEMBLY JANUARY 13, 2010
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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 add and repeal Section 4052.8 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law, the Pharmacy Law, provides for the licensing and regulation of pharmacists by the California State Board of Pharmacy. 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, until January 1, 2015, would additionally authorize a pharmacist *associated with an independent community pharmacy, as defined*, to initiate and administer influenza immunizations to any person 18 years of age or older pursuant to standardized protocols developed

and approved by the Medical Board of California in consultation with public health officers. The bill would, with respect to the development and approval of those standardized protocols, authorize the Medical Board of California to consult with the board. 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 those immunizations to complete 3 hours of immunization-related continuing education coursework annually and to be certified in basic life support. The bill would require a pharmacist, at the time of administration of that immunization, to provide the patient with a Vaccine Information Statement and to provide the patient and the patient's physician with documentation of administration of the immunization. The bill would also require a pharmacist administering that immunization to maintain a specified immunization record, provide documentation of administration to the appropriate immunization registry, report any adverse event and ensure proper storage and handling of vaccines. The bill would authorize a pharmacist initiating and administering vaccines under these provisions to initiate and administer epinephrine for severe allergic reactions.

This bill would require the board and the Medical Board of California to complete an evaluation of influenza immunizations initiated and administered under the standardized protocols authorized by the bill, and would require the board to report to the appropriate policy committees of the Legislature by January 1, 2014.

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:

1 (a) Vaccines are a safe, effective, and efficient means to prevent
2 sickness and death from infectious diseases as reported by the
3 United States Department of Health and Human Services (HHS).

4 (b) The federal Centers for Disease Control and Prevention
5 report that 220,000,000 persons should get the influenza
6 vaccination annually, however, fewer than 100,000,000 do.

7 (c) According to the California Health Care Foundation,
8 6,600,000 Californians are uninsured and may not have access to
9 immunizations.

10 (d) Pharmacists represent the third largest health professional
11 group in the United States and are on the front line of preventative
12 care.

13 (e) Pharmacists are trained to screen, administer, and properly
14 deal with any adverse events that may arise from vaccines.

15 (f) Primary care physicians play an integral role in preventative
16 health care for Californians. This act will provide an adjunct to
17 that preventative health care.

18 (g) Therefore, in order to achieve greater access to immunization
19 and to protect Californians, it is the intent of the Legislature to
20 provide greater access to lifesaving vaccinations and to ensure that
21 pharmacists *associated with independent community pharmacies*
22 may administer influenza vaccinations.

23 SEC. 2. Section 4052.8 is added to the Business and Professions
24 Code, to read:

25 4052.8. (a) A pharmacist may initiate and administer influenza
26 immunizations, pursuant to standardized protocols developed and
27 approved by the Medical Board of California in consultation with
28 public health officers, to any person 18 years of age or older. With
29 respect to the development and approval of those standardized
30 protocols, the Medical Board of California may consult with the
31 board. The standardized protocols shall be consistent with protocols
32 developed by the Advisory Committee on Immunization Practices
33 of the federal Centers for Disease Control and Prevention. *This*
34 *section shall apply only to a pharmacist associated with an*
35 *independent community pharmacy, as defined in Section 4001.*

36 (b) Prior to initiating and administering immunizations, a
37 pharmacist shall complete the American Pharmacists Association's
38 Pharmacy-Based Immunization Delivery Certificate Training
39 Program or another pharmacy-based immunization training
40 certificate program endorsed by the federal Centers for Disease

1 Control and Prevention or the Accreditation Council for
2 Pharmaceutical Education.

3 (c) (1) A pharmacist initiating and administering any
4 immunization pursuant to this section shall also complete three
5 hours of immunization-related continuing education coursework
6 annually.

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

13 (3) The three hours of immunization-related continuing
14 education may be applied toward the continuing education
15 requirement described in Section 4231.

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

19 (e) At the time of administration of an immunization, the
20 pharmacist shall do all of the following:

21 (1) Provide the patient or the patient's agent with the appropriate
22 Vaccine Information Statement, produced by the federal Centers
23 for Disease Control and Prevention, for each immunization
24 administered.

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

28 (3) Provide documentation of administration of the
29 immunization to the appropriate immunization registry.

30 (f) The pharmacist shall maintain an immunization
31 administration record, which shall include, but not be limited to,
32 the name of the vaccine, the expiration date, the date of
33 administration, the manufacturer and lot number, the administration
34 site and route, the Vaccine Information Statement date, and the
35 name and title of the person administering, for 10 years from the
36 date of administration.

37 (g) Any pharmacist initiating and administering vaccines may
38 initiate and administer epinephrine by injection for severe allergic
39 reactions.

1 (h) Any adverse event shall be reported to the Vaccine Adverse
2 Event Reporting System within the United States Department of
3 Health and Human Services.

4 (i) Upon receipt of a vaccine as authorized by this section, a
5 pharmacist is responsible for ensuring that proper vaccine
6 temperatures are maintained during subsequent storage and
7 handling to preserve the potency of the vaccine.

8 (j) The board and the Medical Board of California shall evaluate
9 the effectiveness of the initiation and administration of
10 immunizations pursuant to this section, and the board shall report
11 to the appropriate policy committees of the Legislature by January
12 1, 2014.

13 (k) This section shall remain in effect only until January 1, 2015,
14 and as of that date is repealed, unless a later enacted statute, that
15 is enacted before January 1, 2015, deletes or extends that date.

16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.