



GOV. MSG. NO. 1142

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 20, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

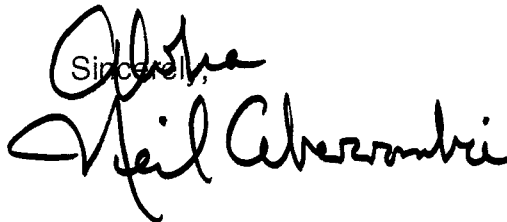
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 20, 2012, the following bill was signed into law:

SB2229 SD2 HD1

RELATING TO VACCINATIONS.
Act 042 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on APR 20 2012

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 042

S.B. NO. 2229
S.D. 2
H.D. 1

A BILL FOR AN ACT

RELATING TO VACCINATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Act 125, Session
2 Laws of Hawaii 2010, was adopted to form a task force convened
3 by the Hawaii state board of pharmacy to research, assess, plan,
4 and evaluate, among other things:

- 5 (1) The potential benefits and drawbacks of reducing the
6 age restrictions that prevent children from receiving
7 vaccines from pharmacists;
- 8 (2) The most effective means to reduce such age
9 restrictions;
- 10 (3) Whether additional education or certification
11 requirements would be necessary or recommended to
12 allow pharmacists to administer vaccines to children;
- 13 (4) Schemas of vaccination age restrictions of other
14 states that allow vaccination of minors by pharmacists
15 in all or limited circumstances; and
- 16 (5) The feasibility of implementing recommended changes.

17 The task force developed the recommendation that with a
18 physician's prescription, and provided that certain educational

SB2229 HD1 HMS 2012-3044



1 requirements are met, pharmacists be allowed to administer the
2 influenza vaccine to a person between fourteen and seventeen
3 years of age.

4 The purpose of this Act is to enact a recommendation made
5 by the immunizations task force established pursuant to Act 125,
6 Session Laws of Hawaii 2010, to allow pharmacists to administer
7 the influenza vaccine to persons between fourteen and seventeen
8 years of age, under certain conditions.

9 SECTION 2. Chapter 461, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§461- Influenza vaccinations; children. (a) A
13 pharmacist may administer the influenza vaccine to persons
14 between fourteen and seventeen years of age pursuant to a valid
15 prescription. The pharmacist shall verify that the prescriber
16 or the prescriber's authorized agent is the patient's medical
17 home.

18 (b). After the vaccination is administered, the pharmacist
19 shall immediately provide to the patient a vaccination record
20 including but not limited to the following information:

21 (1) The patient's name and date of birth;

22 (2) The type of vaccine administered; and



1 (3) The date and location on which the vaccine was
2 administered.

3 (c) The pharmacist shall provide within seventy-two hours
4 to the medical home and within five business days to the
5 department of health immunization registry the same information
6 provided to the patient pursuant to subsection (b) as well as
7 the following:

8 (1) The name of the vaccine product that was administered,
9 including the manufacturer, lot number, and expiration
10 date;

11 (2) The method of administration; and

12 (3) The anatomical site of administration.

13 (d) All pharmacists who administer the influenza vaccine
14 to persons between the ages of fourteen and seventeen years
15 shall complete a training program approved by the Accreditation
16 Council of Pharmacy Education for which a certificate of
17 completion is issued. The pharmacist shall complete the
18 training program and submit the completion certificate for the
19 training program to the board prior to administering the
20 influenza vaccine to persons between the ages of fourteen and
21 seventeen years.



1 (e) For the purposes of this section, "medical home" means
2 the primary care physician who, working in collaboration with
3 the family, oversees the acute, chronic, and preventive health
4 needs of the patient in a comprehensive, coordinated, and
5 continuous fashion."

6 SECTION 3. Section 461-1, Hawaii Revised Statutes, is
7 amended by amending the definition of "practice of pharmacy" to
8 read as follows:

9 "Practice of pharmacy" means:

- 10 (1) The interpretation and evaluation of prescription
11 orders; the compounding, dispensing, and labeling of
12 drugs and devices (except labeling by a manufacturer,
13 packer, or distributor of nonprescription drugs and
14 commercially legend drugs and devices); the
15 participation in drug selection and drug utilization
16 reviews; the proper and safe storage of drugs and
17 devices and the maintenance of proper records
18 therefore; the responsibility for advising when
19 necessary or where regulated, of therapeutic values,
20 content, hazards, and use of drugs and devices;
- 21 (2) Performing the following procedures or functions as
22 part of the care provided by and in concurrence with a



1 "health care facility" and "health care service" as
2 defined in section 323D-2, or a "pharmacy" or a
3 licensed physician, or a "managed care plan" as
4 defined in section 432E-1, in accordance with
5 policies, procedures, or protocols developed
6 collaboratively by health professionals, including
7 physicians and surgeons, pharmacists, and registered
8 nurses, and for which a pharmacist has received
9 appropriate training required by these policies,
10 procedures, or protocols:

- 11 (A) Ordering or performing routine drug therapy
12 related patient assessment procedures;
- 13 (B) Ordering drug therapy related laboratory tests;
- 14 (C) Initiating emergency contraception oral drug
15 therapy in accordance with a written
16 collaborative agreement approved by the board,
17 between a licensed physician and a pharmacist who
18 has received appropriate training that includes
19 programs approved by the American Council of
20 Pharmaceutical Education (ACPE), curriculum-based
21 programs from an ACPE-accredited college of
22 pharmacy, state or local health department



1 programs, or programs recognized by the board of
2 pharmacy;

3 (D) Administering drugs orally, topically, by
4 intranasal delivery, or by injection, pursuant to
5 the patient's licensed physician's order, by a
6 pharmacist having appropriate training that
7 includes programs approved by the ACPE,
8 curriculum-based programs from an ACPE-accredited
9 college of pharmacy, state or local health
10 department programs, or programs recognized by
11 the board of pharmacy;

12 (E) Administering [~~immunizations~~]:
13 (i) Immunizations orally, by injection, or by
14 intranasal delivery, to persons eighteen
15 years of age or older[-] by a pharmacist
16 having appropriate training that includes
17 programs approved by the ACPE, curriculum-
18 based programs from an ACPE-accredited
19 college of pharmacy, state or local health
20 department programs, or programs recognized
21 by the board of pharmacy; and

1 (ii) The influenza vaccine to persons between
2 fourteen and seventeen years of age pursuant
3 to section 461- ;

4 (F) As authorized by a licensed physician's written
5 instructions, initiating or adjusting the drug
6 regimen of a patient pursuant to an order or
7 authorization made by the patient's licensed
8 physician and related to the condition for which
9 the patient has been seen by the licensed
10 physician; provided that the pharmacist shall
11 issue written notification to the patient's
12 licensed physician or enter the appropriate
13 information in an electronic patient record
14 system shared by the licensed physician, within
15 twenty-four hours;

16 (G) Transmitting a valid prescription to another
17 pharmacist for the purpose of filling or
18 dispensing; or

19 (H) Providing consultation, information, or education
20 to patients and health care professionals based
21 on the pharmacist's training and for which no
22 other licensure is required; and



1 (3) The offering or performing of those acts, services,
2 operations, or transactions necessary in the conduct,
3 operation, management, and control of pharmacy."

4 SECTION 4. Section 461-8, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§461-8 Renewal of licenses; continuing education**

7 **requirement.** (a) All licenses issued by the board, except
8 temporary licenses issued under section 461-7, shall be renewed
9 biennially on or before December 31 of each odd-numbered year.
10 Failure to pay the biennial fee and, beginning with the renewal
11 for the licensing biennium commencing on January 1, 2008, to
12 satisfy the continuing education requirement on or before
13 December 31 of each odd-numbered year, shall constitute a
14 forfeiture of the license as of the date of expiration.

15 (b) Any license forfeited pursuant to subsection (a) may
16 be restored within three years upon payment of any penalty fee,
17 the current biennial fees, and the renewal fee for the next
18 biennium, if applicable, upon submission of proof of compliance
19 with the continuing education requirement for the prior
20 biennium, and upon meeting any other requirements specified in
21 rules adopted pursuant to chapter 91.



1 (c) In the event that the pharmacist has not engaged in
2 the practice of pharmacy in this State or in another state or
3 territory of the United States within the past five years, the
4 board may require the pharmacist to satisfy additional
5 requirements, as specified in rules adopted pursuant to chapter
6 91, to demonstrate that the pharmacist is competent to practice
7 in this State.

8 (d) Beginning with the renewal for the licensing biennium
9 commencing on January 1, 2008, and every biennial renewal
10 thereafter, each licensee shall have completed thirty credit
11 hours in continuing education courses within the two-year period
12 preceding the renewal date, regardless of the licensee's initial
13 date of licensure; provided that a licensee who has graduated
14 from an accredited pharmacy school within one year of the
15 licensee's first license renewal period shall not be subject to
16 the continuing education requirement for the first license
17 renewal. The board may extend the deadline for compliance with
18 the continuing education requirement based on any of the
19 following:

20 (1) Illness, as certified by a physician or osteopathic
21 physician licensed under chapter 453 or licensed in
22 the jurisdiction in which the licensee was treated;



- 1 (2) Military service under extended active duty with the
2 armed forces of the United States;
- 3 (3) Lack of access to continuing education courses due to
4 the practice of pharmacy in geographically isolated
5 areas; and
- 6 (4) Inability to undertake continuing education due to
7 incapacity, undue hardship, or other extenuating
8 circumstances.

9 (e) A pharmacist who administers the influenza vaccine to
10 persons between the ages of fourteen and seventeen years shall
11 complete a training program approved by the board within every
12 other biennial renewal period and submit proof of successful
13 completion of the training program to the board; provided that
14 the pharmacist shall meet these requirements prior to
15 administering the influenza vaccine to persons between the ages
16 of fourteen and seventeen years.

17 [~~e~~] (f) Each licensee shall maintain the licensee's
18 continuing education records. At the time of renewal, each
19 licensee shall certify under oath that the licensee has complied
20 with the continuing education requirement of this section. The
21 board may require a licensee to submit, in addition to the
22 certification, evidence satisfactory to the board that



1 demonstrates compliance with the continuing education
2 requirement of this section.

3 [~~(f)~~] (g) The board may conduct random audits to determine
4 compliance with the continuing education requirement. The board
5 shall provide written notice of an audit to a licensee randomly
6 selected for audit. Within sixty days of notification, the
7 licensee shall provide the board with documentation verifying
8 compliance with the continuing education requirement."

9 SECTION 5. Section 461-21, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) In addition to any other actions authorized by law,
12 the board shall have the power to deny, revoke, or suspend any
13 license or permit applied for or issued by the board in
14 accordance with this chapter, and to fine or otherwise
15 discipline a licensee or permit holder for any cause authorized
16 by law, including but not limited to the following:

17 (1) Procuring a license through fraud, misrepresentation,
18 or deceit;

19 (2) Professional misconduct, gross carelessness, or
20 manifest incapacity;

21 (3) Permitting an unlicensed person to perform activities
22 [~~which~~] that require a license under this chapter;



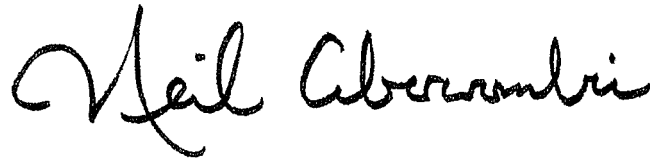
- 1 (4) Violation of any of the provisions of this chapter or
2 the rules adopted pursuant thereto;
- 3 (5) Violation of any state or federal drug, controlled
4 substance, or poison law;
- 5 (6) False, fraudulent, or deceptive advertising;
- 6 (7) Any other conduct constituting fraudulent or dishonest
7 dealings;
- 8 (8) Failure to comply with a board order;
- 9 (9) Making a false statement on any document submitted or
10 required to be filed by this chapter, including a
11 false certification of compliance with the continuing
12 education requirement; [~~or~~]
- 13 (10) Habitual intemperance or addiction to the use of
14 habit-forming drugs~~[-]~~; or
- 15 (11) Administering the influenza vaccine to a person
16 between fourteen and seventeen years of age without
17 complying with section 461- ."

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect upon its approval.

S.B. NO. 2229
S.D. 2
H.D. 1

APPROVED this 20 day of APR, 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII