

JAN 20 2012

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



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 pursuant to Act 125, Session
6 Laws of Hawaii 2010, to allow pharmacists to administer the
7 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 provide immediately 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 for which a certificate of
16 completion is issued; provided that the program is approved by
17 the board, The Hawaii Pharmacists Association, and the American
18 Academy of Pediatrics, Hawaii Chapter, Inc. The pharmacist
19 shall submit the completion certificate for the training program
20 to the board.

21 (e) For the purposes of this section, "medical home" means
22 the primary care physician who, working in collaboration with



1 the family, oversees the acute, chronic, and preventive health
2 needs of the patient in a comprehensive, coordinated, and
3 continuous fashion."

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

7 "Practice of pharmacy" means:

8 (1) The interpretation and evaluation of prescription
9 orders; the compounding, dispensing, and labeling of
10 drugs and devices (except labeling by a manufacturer,
11 packer, or distributor of nonprescription drugs and
12 commercially legend drugs and devices); the
13 participation in drug selection and drug utilization
14 reviews; the proper and safe storage of drugs and
15 devices and the maintenance of proper records
16 therefore; the responsibility for advising when
17 necessary or where regulated, of therapeutic values,
18 content, hazards, and use of drugs and devices;

19 (2) Performing the following procedures or functions as
20 part of the care provided by and in concurrence with a
21 "health care facility" and "health care service" as
22 defined in section 323D-2, or a "pharmacy" or a



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

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



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

10 (E) Administering ~~[immunizations]~~:

11 (i) Immunizations orally, by injection, or by
12 intranasal delivery, to persons eighteen
13 years of age or older~~[7]~~ by a pharmacist
14 having appropriate training that includes
15 programs approved by the ACPE, curriculum-
16 based programs from an ACPE-accredited
17 college of pharmacy, state or local health
18 department programs, or programs recognized
19 by the board of pharmacy; and

20 (ii) The influenza vaccine to persons between
21 fourteen and seventeen years of age pursuant
22 to section 461-_____.



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

13 (G) Transmitting a valid prescription to another
14 pharmacist for the purpose of filling or
15 dispensing; or

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

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



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

3 **"§461-8 Renewal of licenses; continuing education**
4 **requirement.** (a) All licenses issued by the board, except
5 temporary licenses issued under section 461-7, shall be renewed
6 biennially on or before December 31 of each odd-numbered year.
7 Failure to pay the biennial fee and, beginning with the renewal
8 for the licensing biennium commencing on January 1, 2008, to
9 satisfy the continuing education requirement on or before
10 December 31 of each odd-numbered year, shall constitute a
11 forfeiture of the license as of the date of expiration.

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

19 (c) In the event that the pharmacist has not engaged in
20 the practice of pharmacy in this State or in another state or
21 territory of the United States within the past five years, the
22 board may require the pharmacist to satisfy additional



1 requirements, as specified in rules adopted pursuant to chapter
2 91, to demonstrate that the pharmacist is competent to practice
3 in this State.

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

- 16 (1) Illness, as certified by a physician or osteopathic
17 physician licensed under chapter 453 or licensed in
18 the jurisdiction in which the licensee was treated;
- 19 (2) Military service under extended active duty with the
20 armed forces of the United States;



1 (3) Lack of access to continuing education courses due to
2 the practice of pharmacy in geographically isolated
3 areas; and

4 (4) Inability to undertake continuing education due to
5 incapacity, undue hardship, or other extenuating
6 circumstances.

7 (e) A pharmacist who administers the influenza vaccine to
8 persons between the ages of fourteen and seventeen years shall
9 complete a course described in section 461- (d) within each of
10 the biennial renewal periods and submit proof of successful
11 completion of the course to the board.

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

20 ~~[(f)]~~ (g) The board may conduct random audits to determine
21 compliance with the continuing education requirement. The board
22 shall provide written notice of an audit to a licensee randomly



1 selected for audit. Within sixty days of notification, the
2 licensee shall provide the board with documentation verifying
3 compliance with the continuing education requirement."

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

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

- 12 (1) Procuring a license through fraud, misrepresentation,
13 or deceit;
- 14 (2) Professional misconduct, gross carelessness, or
15 manifest incapacity;
- 16 (3) Permitting an unlicensed person to perform activities
17 which require a license under this chapter;
- 18 (4) Violation of any of the provisions of this chapter or
19 the rules adopted pursuant thereto;
- 20 (5) Violation of any state or federal drug, controlled
21 substance, or poison law;
- 22 (6) False, fraudulent, or deceptive advertising;



- 1 (7) Any other conduct constituting fraudulent or dishonest
- 2 dealings;
- 3 (8) Failure to comply with a board order;
- 4 (9) Making a false statement on any document submitted or
- 5 required to be filed by this chapter, including a
- 6 false certification of compliance with the continuing
- 7 education requirement; [~~or~~]
- 8 (10) Habitual intemperance or addiction to the use of
- 9 habit- forming drugs[~~-~~]; or
- 10 (11) Administering the influenza vaccine to a person
- 11 between fourteen and seventeen years of age without
- 12 complying with the appropriate training requirement in
- 13 section 461- (d), reporting requirements in section
- 14 461- (c), or both."

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect on July 1, 2012.

18

INTRODUCED BY: *J. L. H.*
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Report Title:

Vaccinations; Children

Description:

Allows pharmacists, per a physician's prescription, to administer the influenza vaccine to persons aged fourteen to seventeen provided that the pharmacist has fulfilled certain requirements.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

