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## 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;



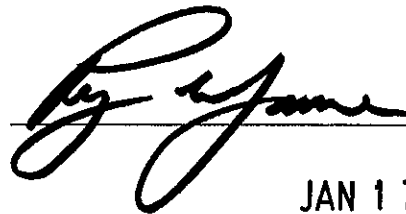
- 1 (7) Any other conduct constituting fraudulent or dishonest
- 2 dealings;
- 3 (8) Failure to comply with a board order;
- 4 (9) Making a false statement on any document submitted or
- 5 required to be filed by this chapter, including a
- 6 false certification of compliance with the continuing
- 7 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:



JAN 17 2012



**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.*

