

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

H.P. 1267 - L.D. 1715

An Act To Allow for Timely Access to and Enhanced Administration of All
Vaccines

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §13702-A, sub-§28, as amended by PL 2009, c. 308, §1, is further amended to read:

28. Practice of pharmacy. "Practice of pharmacy" means the interpretation and evaluation of prescription drug orders; the compounding, dispensing, and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices; the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records for these drugs and devices; the administration of ~~influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine and tetanus diphtheria vaccine~~ vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults; the responsibility for advising, when necessary or regulated, of therapeutic values, content, hazards and use of drugs and devices; and the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy.

Sec. 2. 32 MRSA §13755 is enacted to read:

§13755. Vaccine clinics

A pharmacy may operate a vaccine administration clinic inside, outside or off the pharmacy's premises.

Sec. 3. 32 MRSA §13831, sub-§§2 and 3, as enacted by PL 2009, c. 308, §3, are amended to read:

2. Administration of other vaccines. A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board, in

addition to influenza vaccines under subsection 1, may administer ~~pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria pertussis vaccine, tetanus diphtheria vaccine and booster tetanus diphtheria vaccine~~ vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults to a person 18 years of age or older according to a valid prescription when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State. When the person does not have an existing relationship with a primary care physician, nurse practitioner or other practitioner in this State, the pharmacist may proceed to administer according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for ~~pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus diphtheria-pertussis vaccine, tetanus diphtheria vaccine or booster tetanus diphtheria vaccine~~ vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults.

3. Emergency administration of certain drugs. A pharmacist may administer epinephrine or diphenhydramine, or both, to a person in an emergency situation resulting from an adverse reaction to ~~an immunization~~ a vaccine administered by the pharmacist.

Sec. 4. 32 MRSA §13831, sub-§4 is enacted to read:

4. Vaccine clinics. A pharmacist or pharmacy licensed under this chapter may operate a vaccine administration clinic inside, outside or off the pharmacy's premises if the pharmacist or pharmacy obtains approval from the board for the plan of operation of such clinics pursuant to rules adopted under section 13835, subsection 1.

Sec. 5. 32 MRSA §13832, first ¶, as enacted by PL 2009, c. 308, §3, is amended to read:

In order to administer a drug or ~~immunization~~ vaccine under this subchapter, a pharmacist must:

Sec. 6. 32 MRSA §13833, as enacted by PL 2009, c. 308, §3, is amended to read:

§13833. Treatment protocol

The pharmacist shall administer drugs and ~~immunizations~~ vaccines in compliance with a treatment protocol established by a practitioner authorized under the laws of this State to order administration of those drugs and ~~immunizations~~ vaccines approved by the board. A copy of the treatment protocol must be submitted to the board. At a minimum the treatment protocol must include:

1. Standards. Standards for observation of the person receiving the drug or ~~immunization~~ vaccine to determine whether the person has an adverse reaction, as adopted in rules by the board;

2. Procedures. Procedures to be followed by the pharmacist when administering epinephrine, or diphenhydramine, or both, to a person who has an adverse reaction to ~~an immunization~~ a vaccine administered by the pharmacist; and

3. Notification. Notification to the authorized practitioner who issued the prescription, standing order or protocol under section 13831, subsection 2 of the administration by the pharmacist of the drug or ~~immunization~~ vaccine, or both, within 3 business days.

Sec. 7. 32 MRSA §13834, as enacted by PL 2009, c. 308, §3, is amended to read:

§13834. Prohibited acts

1. Delegate authority. A pharmacist may not delegate the pharmacist's authority to administer drugs or ~~immunizations~~ vaccines.

2. Administer drugs. A pharmacist may not engage in the administration of drugs or ~~immunizations~~ vaccines unless the pharmacist meets the qualifications and requirements of section 13832 and the pharmacist has obtained a board-issued certificate of administration.

Sec. 8. 32 MRSA §13835, sub-§1, as enacted by PL 2009, c. 308, §3, is amended to read:

1. Criteria. Criteria for the operation of a ~~drug vaccine~~ drug vaccine administration clinic ~~within or inside, outside a or off the premises of a~~ retail pharmacy, rural health clinic or free clinic licensed under section 13751. The rules must require one-time board approval of the plan of operation for any vaccine administration clinics to be operated by a pharmacist or pharmacy and may not require board approval of each individual clinic;

Sec. 9. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 117, subchapter 13, in the subchapter headnote, the words "administration of drugs and immunizations" are amended to read "administration of drugs and vaccines" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Provides a one-time allocation in fiscal year 2012-13 for the licensing system modification costs associated with allowing a pharmacist or pharmacy to operate a vaccine administration clinic.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$2,500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$2,500</u>

Licensing and Enforcement 0352

Initiative: Provides a one-time allocation in fiscal year 2012-13 for the rulemaking costs associated with allowing a pharmacist or pharmacy to operate a vaccine administration clinic.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$2,500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$2,500</u>

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	\$5,000
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$5,000</u>

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor