

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 444*

Short Title: Expand Pharmacists' Immunizing Authority. (Public)

Sponsors: Representatives Wilkins, Parfitt, McCormick, and Avila (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Health and Human Services.

March 24, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO
3 IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF
4 IMMUNIZING PHARMACISTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-85.3(r) reads as rewritten:

7 "(r) "Practice of pharmacy" ~~means the responsibility for: interpreting and evaluating~~
8 ~~drug orders, including prescription orders; compounding, dispensing and labeling prescription~~
9 ~~drugs and devices; properly and safely storing drugs and devices; maintaining proper records;~~
10 ~~and controlling pharmacy goods and services. A pharmacist may advise and educate patients~~
11 ~~and health care providers concerning therapeutic values, content, uses and significant problems~~
12 ~~of drugs and devices; assess, record and report adverse drug and device reactions; take and~~
13 ~~record patient histories relating to drug and device therapy; monitor, record and report drug~~
14 ~~therapy and device usage; perform drug utilization reviews; and participate in drug and drug~~
15 ~~source selection and device and device source selection as provided in G.S. 90-85.27 through~~
16 ~~G.S. 90-85.31. A pharmacist who has received special training may be authorized and~~
17 ~~permitted to administer drugs pursuant to a specific prescription order in accordance with rules~~
18 ~~adopted by each of the Boards of Pharmacy, the Board of Nursing, and the North Carolina~~
19 ~~Medical Board. The rules shall be designed to ensure the safety and health of the patients for~~
20 ~~whom such drugs are administered. An approved clinical pharmacist practitioner may~~
21 ~~collaborate with physicians in determining the appropriate health care for a patient, subject to~~
22 ~~the provisions of G.S. 90-18.4. is as specified in G.S. 90-85.3A."~~

23 **SECTION 2.** Article 4A of Chapter 90 of the General Statutes is amended by
24 adding a new section to read:

25 "**§ 90-85.3A. Practice of pharmacy.**

26 (a) A pharmacist is responsible for interpreting and evaluating drug orders, including
27 prescription orders; compounding, dispensing, and labeling prescription drugs and devices;
28 properly and safely storing drugs and devices; maintaining proper records; and controlling
29 pharmacy goods and services.

30 (b) A pharmacist may advise and educate patients and health care providers concerning
31 therapeutic values, content, uses, and significant problems of drugs and devices; assess, record,
32 and report adverse drug and device reactions; take and record patient histories relating to drug
33 and device therapy; monitor, record, and report drug therapy and device usage; perform drug
34 utilization reviews; and participate in drug and drug source selection and device and device
35 source selection as provided in G.S. 90-85.27 through G.S. 90-85.31.



1 (c) A pharmacist who has received special training may be authorized and permitted to
2 administer drugs pursuant to a specific prescription order in accordance with rules adopted by
3 each of the following: The Board of Pharmacy, the Board of Nursing, and the North Carolina
4 Medical Board. The rules shall be designed to ensure the safety and health of the patients for
5 whom such drugs are administered.

6 (d) An approved clinical pharmacist practitioner may collaborate with physicians in
7 determining the appropriate health care for a patient, subject to the provisions of G.S. 90-18.4.

8 (e) A pharmacist who (i) holds a current provider level cardiopulmonary resuscitation
9 certification issued by the American Heart Association or the American Red Cross, or an
10 equivalent certification, (ii) has successfully completed a certificate program in vaccine
11 administration accredited by the Centers for Disease Control and Prevention, the Accreditation
12 Council for Pharmacy Education, or a similar health authority or professional body approved
13 by the Board, (iii) maintains documentation of three hours of continuing education every two
14 years, designed to maintain competency in the disease states, drugs, and vaccine administration,
15 and (iv) has successfully completed training approved by the Division of Public Health's
16 Immunization Branch for participation in the North Carolina Immunization Registry may
17 administer any vaccine or immunization recommended or required by the Centers for Disease
18 Control and Prevention, including a vaccine for travel outside the United States, subject to the
19 following limitations and requirements:

20 (1) A pharmacist may administer a vaccine or immunization to a minor who is
21 at least seven years of age, but less than 14 years of age, only (i) pursuant to
22 a specific prescription order and (ii) at the request of the minor's parent,
23 guardian, or person standing in loco parentis to the minor.

24 (2) A pharmacist may administer a vaccine or immunization without a specific
25 prescription order to a minor who is at least 14 years of age, but less than 18
26 years of age, only at the request of the minor's parent, guardian, or person
27 standing in loco parentis to the minor.

28 (3) A pharmacist may administer a vaccine or immunization without a specific
29 prescription order to any patient 18 years of age or older, at the patient's
30 request.

31 (4) A pharmacist who administers a vaccine or immunization to any patient
32 pursuant to this subsection shall do all of the following:

33 a. Maintain a record of any vaccine or immunization administered to
34 the patient in a patient profile.

35 b. If the patient has identified a primary care provider, notify the
36 patient's primary care provider of any vaccine or immunization
37 administered to the patient within 24 hours after administration.

38 c. Record any vaccine or immunization administered to the patient in
39 the North Carolina Immunization Registry within 24 hours after
40 administration."

41 **SECTION 3.** G.S. 130A-153 reads as rewritten:

42 "(a) The required immunization may be obtained from a physician licensed to practice
43 medicine or from medicine; a local health department—department; or a pharmacist, in
44 accordance with the provisions of G.S. 90-85.3A(e). Local health departments shall administer
45 required and State-supplied immunizations at no cost to uninsured or underinsured patients
46 with family incomes below two hundred percent (200%) of the federal poverty level. A local
47 health department may redistribute these vaccines only in accordance with the rules of the
48 Commission.

49 (b) Local health departments shall file monthly immunization reports with the
50 Department. The report shall be filed on forms prepared by the Department and shall state, at a
51 minimum, each patient's age and the number of doses of each type of vaccine administered.

1 (c) Immunization certificates and information concerning immunizations contained in
2 medical or other records shall, upon request, be shared with the Department, local health
3 departments, a pharmacist administering the required immunization in accordance with
4 G.S. 90-85.3A(e), and the patient's attending physician. In addition, an insurance institution,
5 agent, or insurance support organization, as those terms are defined in G.S. 58-39-15, may
6 share immunization information with the Department. The Commission may, for the purpose of
7 assisting the Department in enforcing this Part, provide by rule that other persons may have
8 access to immunization information, in whole or in part.

9 (d) A ~~physician~~physician, pharmacist, or local health department may immunize a
10 minor with the consent of a parent, guardian, or person standing in loco parentis to the minor. A
11 ~~physician~~physician, pharmacist, or local health department may also immunize a minor who is
12 presented for immunization by an adult who signs a statement that he or she is authorized by a
13 parent, guardian, or person standing in loco parentis to the minor to obtain the immunization
14 for the minor. Notwithstanding any other provision of this Chapter, a pharmacist's authority to
15 administer vaccines or immunizations to a minor is limited to the authority specified in
16 G.S. 90-85.3A(e)."

17 **SECTION 4.** G.S. 130A-154(a) reads as rewritten:

18 "(a) A ~~physician~~physician, pharmacist, or local health department administering a
19 required vaccine shall give a certificate of immunization to the person who presented the child
20 for immunization. The certificate shall state the name of the child, the name of the child's
21 parent, guardian, or person responsible for the child obtaining the required immunization, the
22 address of the child and the parent, guardian or responsible person, the date of birth of the
23 child, the sex of the child, the number of doses of the vaccine given, the date the doses were
24 given, the name and address of the ~~physician~~physician, pharmacist, or local health department
25 administering the required immunization and other relevant information required by the
26 Commission."

27 **SECTION 5.** This act becomes effective October 1, 2011.