

REFERENCE TITLE: pharmacists; drug therapy protocols

State of Arizona
Senate
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2011

SB 1298

Introduced by
Senators Barto, Nelson; Representatives Carter, Court, Heinz, Pancrazi:
Senators Antenori, Murphy; Representatives Meyer, Stevens, Urie

AN ACT

AMENDING SECTIONS 32-1970 AND 32-1974, ARIZONA REVISED STATUTES; RELATING TO
THE STATE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1970, Arizona Revised Statutes, is amended to
3 read:

4 32-1970. Implementing, monitoring and modifying drug therapy
5 and use; conditions; definitions

6 A. A pharmacist licensed pursuant to this chapter may implement,
7 monitor and modify drug therapy and use only under the following
8 circumstances:

9 1. The patient's drug therapy and use are pursuant to a ~~diagnosis by a~~
10 ~~physician licensed pursuant to chapter 13 or 17 of this title in an inpatient~~
11 ~~setting except for health care provided pursuant to paragraph 4, subdivisions~~
12 ~~(b) and (d) of this subsection~~ PROVIDER.

13 2. The pharmacist complies with rules adopted by the state board of
14 pharmacy ~~that have been approved by the Arizona medical board and the board~~
15 ~~of osteopathic examiners in medicine and surgery.~~

16 3. The pharmacist follows the written drug therapy management
17 protocols prescribed by the ~~physician~~ PROVIDER who made the diagnosis AND
18 IMPLEMENTS, MONITORS OR MODIFIES A PERSON'S DRUG THERAPY AND USE ONLY
19 PURSUANT TO THOSE PROTOCOLS. EACH PROTOCOL DEVELOPED PURSUANT TO THE DRUG
20 THERAPY AGREEMENT SHALL CONTAIN DETAILED DIRECTIONS CONCERNING THE ACTIONS
21 THAT THE PHARMACIST MAY PERFORM FOR THAT PATIENT. THE PROTOCOL SHALL
22 SPECIFY, AT A MINIMUM, THE SPECIFIC DRUG OR DRUGS TO BE MANAGED BY THE
23 PHARMACIST, THE CONDITIONS AND EVENTS FOR WHICH THE PHARMACIST MUST NOTIFY
24 THE PROVIDER AND THE LABORATORY TESTS THAT MAY BE ORDERED. A PROVIDER WHO
25 ENTERS INTO A PROTOCOL-BASED DRUG THERAPY AGREEMENT MUST HAVE A LEGITIMATE
26 PROVIDER-PATIENT RELATIONSHIP.

27 ~~4. The pharmacist implements, monitors or modifies a person's drug~~
28 ~~therapy and use only in the following health care institutions:~~

29 ~~(a) A hospital as defined in section 32-1901.~~

30 ~~(b) A staff model of a health care services organization.~~

31 ~~(c) A nursing care institution that has a contractual relationship~~
32 ~~between a limited service pharmacy or a long term care consultant pharmacist~~
33 ~~or has an on-site pharmacy.~~

34 ~~(d) A qualifying community health center as defined in section 32-1921~~
35 ~~that has an on-site pharmacy.~~

36 ~~5. The pharmacist includes the approved guidelines and protocols in~~
37 ~~the patient's chart or file and makes the chart or file available for review~~
38 ~~by the patient's other health care providers.~~

39 B. A licensee who violates this section commits an act of
40 unprofessional conduct.

41 C. A pharmacist is responsible for the pharmacist's negligent acts
42 that are the result of the pharmacist's change of medication or that relate
43 to patient drug usage pursuant to drug therapy management protocols. This
44 subsection does not limit a ~~physician's~~ PROVIDER'S liability for negligent

acts that are not related to a pharmacist's change of medication pursuant to the protocols.

D. For the purposes of this section:

1. "Implement, monitor and modify" means that a pharmacist may perform specific acts as authorized by a ~~physician~~ PROVIDER pursuant to written guidelines and protocols. This does not include the selection of drug products not prescribed by the ~~physician~~ PROVIDER unless selection of the specific drug product is authorized by the written guidelines and protocols.

~~2. "Long term care consultant pharmacist" means a pharmacist providing consulting services to a long term care facility.~~

~~3.~~ 2. "Protocol" means a ~~physician's~~ PROVIDER'S written order, written standing medical order or other written order of protocol as defined by rules adopted by the Arizona medical board and the board of osteopathic examiners in medicine and surgery and that are patient, ~~physician~~ PROVIDER and pharmacist specific for prescriptions or orders given by the ~~physician~~ PROVIDER authorizing the written protocol.

~~4. "Staff model of a health care services organization" means an organization that is licensed pursuant to title 20 and that employs its health care providers.~~

3. "PROVIDER" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE OR A REGISTERED NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO CHAPTER 15 OF THIS TITLE AND WHO ACTS AS A PRIMARY CARE PRACTITIONER.

Sec. 2. Section 32-1974, Arizona Revised Statutes, is amended to read:

32-1974. Pharmacists: administration of immunizations, vaccines and emergency medications: certification: reporting requirements: advisory committee: definition

A. Except as prescribed pursuant to subsection ~~6~~ I of this section, a pharmacist who is licensed pursuant to this chapter and who meets the requirements of this section may administer the following to adults without a prescription order pursuant to rules and protocols adopted by the board pursuant to this section:

1. Immunizations or vaccines listed in the United States centers for disease control and prevention's recommended adult immunization schedule.

2. Immunizations or vaccines recommended by the United States centers for disease control and prevention's health information for international travel.

B. A PHARMACIST WHO IS LICENSED PURSUANT TO THIS CHAPTER AND WHO MEETS THE REQUIREMENTS OF THIS SECTION MAY ADMINISTER THE FOLLOWING TO A PERSON WHO IS AT LEAST SIX YEARS OF AGE BUT UNDER EIGHTEEN YEARS OF AGE WITHOUT A PRESCRIPTION ORDER PURSUANT TO RULES AND PROTOCOLS ADOPTED BY THE BOARD PURSUANT TO THIS SECTION:

1. IMMUNIZATIONS OR VACCINES FOR INFLUENZA.

2. IMMUNIZATIONS OR VACCINES IN RESPONSE TO A PUBLIC HEALTH EMERGENCY DECLARED BY THE GOVERNOR PURSUANT TO SECTION 36-787.

C. PURSUANT TO A PRESCRIPTION ORDER, A PHARMACIST WHO IS LICENSED PURSUANT TO THIS CHAPTER AND WHO MEETS THE REQUIREMENTS OF THIS SECTION MAY ADMINISTER IMMUNIZATIONS AND VACCINES TO A PERSON WHO IS AT LEAST SIX YEARS OF AGE BUT UNDER EIGHTEEN YEARS OF AGE PURSUANT TO RULES AND PROTOCOLS ADOPTED BY THE BOARD PURSUANT TO THIS SECTION.

~~B.~~ D. A pharmacist who wishes to administer immunizations and vaccines pursuant to ~~subsection A of~~ this section must be certified to do so by the board. The board shall issue a certificate to a pharmacist who meets board requirements for certification as prescribed by the board by rule.

~~C.~~ E. A pharmacist who is certified to administer immunizations and vaccines pursuant to this section may administer emergency medication to manage an acute allergic reaction to an immunization or vaccine.

~~D.~~ F. A pharmacist who administers an immunization, vaccine or emergency medication pursuant to this section must:

1. Report the administration to the person's primary care provider or physician, if the primary care provider or physician is available, within forty-eight hours after administering the immunization, vaccine or emergency medication and as prescribed by the board by rule.

2. Report information to any adult immunization information system or vaccine registry established by the department of health services.

3. Maintain a record of the immunization pursuant to title 12, chapter 13, article 7.1 and as prescribed by the board by rule.

4. Participate in any federal vaccine adverse event reporting system or successor database.

~~E.~~ G. ~~Nothing in~~ This section ~~creates~~ DOES NOT ESTABLISH a cause of action against a patient's primary care provider for any adverse reaction, complication or negative outcome arising from the administration of any immunization, vaccine or emergency medication by a pharmacist to a patient pursuant to this section IF IT IS ADMINISTERED WITHOUT A PRESCRIPTION WRITTEN BY THE PATIENT'S PRIMARY CARE PROVIDER.

~~F.~~ H. The board shall adopt rules for the administration of vaccines or immunizations pursuant to this section regarding:

1. Protocols that are based on protocols approved by the United States centers for disease control and prevention and any advisory committee appointed by the board for the purpose of recommending protocols.

2. Record keeping and reporting requirements.

3. Requirements and qualifications for pharmacist certification pursuant to this section.

4. Vaccine information and educational materials for those requesting vaccines and immunizations.

5. The administration of emergency medication pursuant to this section.

~~G.~~ I. The department of health services, by rule, shall establish and maintain a list of immunizations or vaccines that may be administered TO ADULTS by a pharmacist only pursuant to a prescription order. In adopting

1 and maintaining this list, the department is exempt from the rule making
2 requirements of title 41, chapter 6. The department shall adopt its initial
3 rules within six months after receipt of the recommendations of the advisory
4 committee appointed by the board and shall hold one public hearing before
5 implementing the rules and any amendments to the rules. The list shall
6 include those immunizations or vaccines listed in the United States centers
7 for disease control and prevention's recommended adult immunization schedule
8 or recommended by the United States centers for disease control and
9 prevention's health information for international travel that have adverse
10 reactions that could cause significant harm to a patient's health. A
11 pharmacist may not administer immunizations or vaccines without a
12 prescription order pursuant to this section before the department has
13 established the list pursuant to this subsection. The board may not
14 authorize a pharmacist to administer new immunizations or vaccines without a
15 prescription order pursuant to this section until the department reviews the
16 new immunizations and vaccines to determine if they should be added to the
17 list established pursuant to this subsection.

18 ~~H.~~ J. The board may appoint an advisory committee to assist the board
19 in adopting and amending rules and developing protocols relating to the
20 administration of immunizations, vaccines and emergency medications and
21 certification requirements.

22 K. A PHARMACY INTERN WHO IS CERTIFIED BY THE BOARD TO ADMINISTER
23 IMMUNIZATIONS AND VACCINES PURSUANT TO THIS SECTION MAY DO SO ONLY IN THE
24 PRESENCE AND UNDER THE IMMEDIATE PERSONAL SUPERVISION OF A PHARMACIST
25 CERTIFIED AS PRESCRIBED IN THIS SECTION.

26 L. THIS SECTION DOES NOT PREVENT A PHARMACIST WHO ADMINISTERS AN
27 IMMUNIZATION OR VACCINE FROM PARTICIPATING IN THE FEDERAL VACCINES FOR
28 CHILDREN PROGRAM.

29 ~~I.~~ M. For the purposes of this section, "emergency medication" means
30 emergency epinephrine and diphenhydramine.

31 Sec. 3. Scope of statutory change

32 Section 32-1974, subsection C, Arizona Revised Statutes, as added by
33 this act, is intended to allow families greater access to immunizations and
34 vaccinations and to enhance collaboration between pharmacist and primary care
35 providers by allowing immunization trained pharmacists to administer
36 immunizations and vaccinations to children when presented with a valid
37 prescription order. This coordination recognizes efficiencies and improved
38 outcomes in a model of health care delivery for children, such as
39 prescriptions for immunizations and vaccinations, delivered through a primary
40 care provider.