

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Allow Pharmacists To Administer Certain Immunizations**

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

**Sec. 1. 32 MRSA §13702-A, sub-§28**, as enacted by PL 2007, c. 402, Pt. DD, §2, is amended to read:

**28. Practice of pharmacy.** "Practice of pharmacy" means the interpretation and evaluation of prescription drug orders; the compounding, dispensing, 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, tetanus-diphtheria vaccine and hepatitis B vaccine; 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 c. 117, sub-c. 13** is enacted to read:

### **SUBCHAPTER 13**

#### **ADMINISTRATION OF DRUGS AND IMMUNIZATIONS**

##### **§ 13831. Authority**

**1. Pharmacist.** A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board may administer topically or by injection or by inhalation influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine, tetanus-diphtheria vaccine and hepatitis B vaccine to a person according to a valid prescription, treatment protocol established by a physician or a written standing order from a physician or a person authorized under the laws of this State to issue an order, a prescription or a protocol to a person 12 years of age or older.

**2. 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 administered by the pharmacist.

##### **§ 13832. Qualifications; requirements**

In order to administer a drug or immunization under this subchapter, a pharmacist must meet the following requirements.

**1. Didactic; practical course.** The pharmacist must satisfactorily complete a didactic and practical course approved by the board that includes the current guidelines and recommendations of the federal Department of Health and Human Services, Centers for Disease Control and Prevention, the American Council on Pharmaceutical Education or a similar health authority or professional body, and that includes, but is not limited to, disease epidemiology, indications for use of the vaccine, vaccine characteristics, injection techniques, adverse reactions to the vaccine, emergency response to adverse events and related topics.

**2. Cardiopulmonary resuscitation.** The pharmacist must complete training in cardiopulmonary resuscitation acceptable to the board.

**3. Treatment protocol.** The pharmacist shall administer drugs and immunizations in compliance with a treatment protocol established by a physician or any other person authorized under the laws of this State to order administration of those drugs and immunizations approved by the board. The treatment protocol must include:

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

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

C. Notification to the physician or the authorized person who issued the prescription, standing order or protocol under section 13831, subsection 1 of the administration by the pharmacist of the drug or immunization, or both, within 7 days.

**4. Continuing education.** The pharmacist pursuant to section 13734 licensed in this State shall complete a minimum of 2 hours of continuing education for license renewal.

### **§ 13833. Prohibited acts**

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

**2. Administer drugs.** A pharmacist may not engage in the administration of drugs or immunizations unless the qualifications and requirements of section 13832 are met.

### **§ 13834. Rules**

The board shall adopt rules to implement this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3.** The Department of Professional and Financial Regulation, Maine Board of Pharmacy shall adopt the rules pursuant to this Act within 3 months of the effective date of this Act.

## **SUMMARY**

This bill allows a pharmacist to administer drugs and immunizations. The Department of Professional and Financial Regulation, Maine Board of Pharmacy shall adopt routine technical rules to implement this bill.