



February 5, 2013

HOUSE BILL No. 1464

DIGEST OF HB 1464 (Updated February 4, 2013 1:07 pm - DI 77)

Citations Affected: IC 25-26; noncode.

Synopsis: Immunizations by pharmacists and pharmacy students. Adds immunizations for pneumonia, tetanus, diphtheria, acellular pertussis (Tdap), and human papillomavirus (HPV) infection to the immunizations that a pharmacist is allowed to administer to a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician if certain requirements are met. Provides that if a physician uses a protocol, the protocol may apply only to an individual or group of individuals who are: (1) at least 12 years of age but less than 18 years of age, if the individual's parent or guardian is present and consents to the immunization; (2) at least 18 years of age who have a legal guardian if the individual's guardian consents; or (3) at least 18 years of age. (Current law provides that an individual given an immunization by a pharmacist under a protocol must be at least 14 years of age.) Requires the physician who writes the protocol to actively practice with a medical office in Indiana. Requires certain information to be available when an immunization is administered under a protocol. Requires a pharmacist or pharmacist's designee to provide immunization data to the immunization data registry unless the patient or the patient's parent or guardian completes an immunization data exemption form. Allows a pharmacist intern or a pharmacist student to administer an immunization to an individual under a drug order or prescription or to administer an immunization to a group of individuals under a drug order or prescription or according to a protocol, subject to rules adopted by the Indiana board of pharmacy. Provides that the rules: (1) must provide for the direct supervision by a pharmacist, a physician, a physician assistant, or an advanced practice nurse; and (2) may not be less stringent than the requirements applying to a pharmacist who administers an immunization to an individual. Establishes the interim study committee on adult and children immunization issues.

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Effective: July 1, 2013.

Davisson, Kubacki, Austin, Frizzell

January 22, 2013, read first time and referred to Committee on Public Health.
February 4, 2013, amended, reported — Do Pass.

HB 1464—LS 6939/DI 77+



February 5, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1464

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-26-13-31.2, AS AMENDED BY P.L.197-2011,
2 SECTION 109, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: Sec. 31.2. (a) A pharmacist may
4 administer an immunization to an individual under a drug order or
5 prescription.
6 (b) **Subject to subsection (c)**, a pharmacist may administer ~~an~~
7 **immunization immunizations for the following to a group of**
8 **individuals under a drug order, under a prescription, or according**
9 **to a protocol approved by a physician:**
10 (1) Influenza. ~~or~~
11 (2) Shingles (herpes zoster). ~~to a group of individuals under a~~
12 ~~drug order, under a prescription, or according to a protocol~~
13 ~~approved by a physician~~
14 (3) **Pneumonia.**
15 (4) **Tetanus, diphtheria, and acellular pertussis (whooping**
16 **cough).**
17 (5) **Human papillomavirus (HPV) infection.**

HB 1464—LS 6939/DI 77+



1 **(c) A pharmacist may administer an immunization under**
 2 **subsection (b)** if the following requirements are met:

3 (1) The physician specifies in the drug order, prescription, or
 4 protocol the group of individuals to whom the immunization may
 5 be administered.

6 (2) The physician who writes the drug order, prescription, or
 7 protocol is licensed **and actively practicing with a medical**
 8 **office** in Indiana and not employed by a pharmacy.

9 (3) The pharmacist who administers the immunization is
 10 responsible for notifying, not later than fourteen (14) days after
 11 the pharmacist administers the immunization, the physician who
 12 authorized the immunization and the individual's primary care
 13 physician that the individual received the immunization.

14 (4) If the physician uses a protocol, the protocol may apply only
 15 to an individual or group of individuals who are at least:

16 (A) ~~fourteen (14)~~ **twelve (12)** years of age but less than
 17 eighteen (18) years of age; if ~~the pharmacist receives the~~
 18 ~~consent of a parent or legal guardian, and the parent or legal~~
 19 ~~guardian is present at the time of immunization;~~ or

20 (B) eighteen (18) years of age.

21 **(5) Before administering an immunization to an individual**
 22 **according to a protocol approved by a physician, the**
 23 **pharmacist must receive the consent of one (1) of the**
 24 **following:**

25 (A) If the individual to whom the immunization is to be
 26 administered is at least twelve (12) years of age but less
 27 than eighteen (18) years of age, the parent or legal
 28 guardian of the individual.

29 (B) If the individual to whom the immunization is to be
 30 administered is at least eighteen (18) years of age but has
 31 a legal guardian, the legal guardian of the individual.

32 (C) If the individual to whom the immunization is to be
 33 administered is at least eighteen (18) years of age but has
 34 no legal guardian, the individual.

35 **A parent or legal guardian who is required to give consent**
 36 **under this subdivision must be present at the time of**
 37 **immunization.**

38 ~~(c)~~ **(d)** If the state department of health or the department of
 39 homeland security determines that an emergency exists, a pharmacist
 40 may administer any immunization in accordance with:

41 (1) the requirements of subsection ~~(b)(1)~~ **(c)(1)** through ~~(b)(3);~~
 42 **(c)(3);** and

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1 (2) any instructions in the emergency determination.

2 (e) A pharmacist or pharmacist's designee shall provide
3 immunization data to the immunization data registry (IC 16-38-5)
4 in a manner prescribed by the state department of health unless:

5 (1) the individual receiving the immunization;

6 (2) the parent of the individual receiving the immunization, if
7 the individual receiving the immunization is less than eighteen

8 (18) years of age; or

9 (3) the legal guardian of the individual receiving the
10 immunization, if a legal guardian has been appointed;

11 has completed and filed with the pharmacist or pharmacist's
12 designee a written immunization data exemption form, as provided
13 in IC 16-38-5-2.

14 (f) If an immunization is administered under a protocol, then
15 the name, license number, and contact information of the physician
16 who wrote the protocol must be posted in the location where the
17 immunization is administered. A copy of the protocol must be
18 available for inspection by the individual receiving the
19 immunization.

20 SECTION 2. IC 25-26-13-31.5 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: Sec. 31.5. (a) Subject to rules adopted
23 under subsection (c), a pharmacist intern or a pharmacist student
24 may administer an immunization to an individual under a drug
25 order or prescription.

26 (b) Subject to rules adopted under subsection (c), a pharmacist
27 intern or a pharmacist student may administer an immunization
28 to a group of individuals under a drug order, under a prescription,
29 or according to a protocol approved by a physician.

30 (c) The board shall adopt rules under IC 4-22-2 to establish
31 requirements applying to a pharmacist intern or a pharmacist
32 student who administers an immunization to an individual or
33 group of individuals. The rules adopted under this section:

34 (1) must provide for the direct supervision of the pharmacist
35 intern or pharmacist student by a pharmacist, a physician, a
36 physician assistant, or an advanced practice nurse; and

37 (2) may not be less stringent than the requirements applying
38 to a pharmacist who administers an immunization to an
39 individual as provided under section 31.2 of this chapter.

40 SECTION 3. [EFFECTIVE JULY 1, 2013] (a) As used in this
41 SECTION, "committee" refers to the interim study committee on
42 adult and children immunization issues, as established by

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- 1 subsection (b).
- 2 (b) There is established the interim study committee on adult
- 3 and children immunization issues. The committee shall study and
- 4 make recommendations concerning programs, policies, and
- 5 methods that could be implemented to improve the immunization
- 6 rate of adults and children in Indiana.
- 7 (c) The committee shall operate under the policies and
- 8 procedures governing study committees adopted by the legislative
- 9 council.
- 10 (d) The committee consists of the following voting members:
- 11 (1) Two (2) senators appointed by the president pro tempore
- 12 of the senate in consultation with the minority leader of the
- 13 senate, not more than one (1) of whom may be a member of
- 14 the same political party.
- 15 (2) Two (2) representatives appointed by the speaker of the
- 16 house of representatives in consultation with the minority
- 17 leader of the house of representatives, not more than one (1)
- 18 of whom may be a member of the same political party.
- 19 (3) The commissioner of the state department of health, or the
- 20 commissioner's designee.
- 21 (4) One (1) pediatrician appointed by the commissioner of the
- 22 state department of health.
- 23 (5) One (1) representative of a federally qualified health
- 24 center appointed by the governor.
- 25 (e) The affirmative votes of a majority of the members of the
- 26 committee are required for the committee to take action on any
- 27 measure, including final reports.
- 28 (f) This SECTION expires December 31, 2013.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1464, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 7, after "licensed" insert "**and actively practicing with a medical office**".

Page 2, line 16, delete "age," and insert "age;".

Page 2, line 16, strike "if the pharmacist receives the".

Page 2, strike line 17.

Page 2, line 18, strike "guardian is present at the time of immunization;".

Page 2, between lines 19 and 20, begin a new line block indented and insert:

"(5) Before administering an immunization to an individual according to a protocol approved by a physician, the pharmacist must receive the consent of one (1) of the following:

(A) If the individual to whom the immunization is to be administered is at least twelve (12) years of age but less than eighteen (18) years of age, the parent or legal guardian of the individual.

(B) If the individual to whom the immunization is to be administered is at least eighteen (18) years of age but has a legal guardian, the legal guardian of the individual.

(C) If the individual to whom the immunization is to be administered is at least eighteen (18) years of age but has no legal guardian, the individual.

A parent or legal guardian who is required to give consent under this subdivision must be present at the time of immunization."

Page 2, delete lines 29 through 31, begin a new line block indented and insert:

"(1) the individual receiving the immunization;

(2) the parent of the individual receiving the immunization, if the individual receiving the immunization is less than eighteen (18) years of age; or

(3) the legal guardian of the individual receiving the immunization, if a legal guardian has been appointed;".

Page 2, between lines 34 and 35, begin a new paragraph and insert:

"(f) If an immunization is administered under a protocol, then the name, license number, and contact information of the physician

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who wrote the protocol must be posted in the location where the immunization is administered. A copy of the protocol must be available for inspection by the individual receiving the immunization."

Page 3, line 1, delete "for influenza or shingles (herpes zoster)".

Page 3, line 8, after "for" insert "**the direct**".

Page 3, line 9, after "physician," insert "**a physician assistant,**".

Page 3, after line 13, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2013] (a) As used in this SECTION, "committee" refers to the interim study committee on adult and children immunization issues, as established by subsection (b).

(b) There is established the interim study committee on adult and children immunization issues. The committee shall study and make recommendations concerning programs, policies, and methods that could be implemented to improve the immunization rate of adults and children in Indiana.

(c) The committee shall operate under the policies and procedures governing study committees adopted by the legislative council.

(d) The committee consists of the following voting members:

(1) Two (2) senators appointed by the president pro tempore of the senate in consultation with the minority leader of the senate, not more than one (1) of whom may be a member of the same political party.

(2) Two (2) representatives appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives, not more than one (1) of whom may be a member of the same political party.

(3) The commissioner of the state department of health, or the commissioner's designee.

(4) One (1) pediatrician appointed by the commissioner of the state department of health.

(5) One (1) representative of a federally qualified health center appointed by the governor.

(e) The affirmative votes of a majority of the members of the committee are required for the committee to take action on any measure, including final reports.

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(f) This SECTION expires December 31, 2013."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1464 as introduced.)

CLERE, Chair

Committee Vote: yeas 13, nays 0.

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