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# HOUSE BILL No. 1464

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-26-13.

**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; or (2) 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 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 for influenza or shingles 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 supervision by a pharmacist, a physician, 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.

**Effective:** July 1, 2013.

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## Davisson, Kubacki, Austin, Frizzell

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January 22, 2013, read first time and referred to Committee on Public Health.

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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.



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 in Indiana and not employed by a pharmacy.

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

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

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

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

20           ~~(e)~~ **(d)** If the state department of health or the department of  
 21 homeland security determines that an emergency exists, a pharmacist  
 22 may administer any immunization in accordance with:

23           (1) the requirements of subsection ~~(b)(1)~~ **(c)(1)** through ~~(b)(3);~~  
 24 **(c)(3);** and

25           (2) any instructions in the emergency determination.

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

29           **(1) the patient; or**

30           **(2) the patient's parent or guardian, if the patient is less than**  
 31 **eighteen (18) years of age;**

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

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

41           **(b) Subject to rules adopted under subsection (c), a pharmacist**  
 42 **intern or a pharmacist student may administer an immunization**

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1 for influenza or shingles (herpes zoster) to a group of individuals  
2 under a drug order, under a prescription, or according to a  
3 protocol approved by a physician.  
4 (c) The board shall adopt rules under IC 4-22-2 to establish  
5 requirements applying to a pharmacist intern or a pharmacist  
6 student who administers an immunization to an individual or  
7 group of individuals. The rules adopted under this section:  
8 (1) must provide for supervision of the pharmacist intern or  
9 pharmacist student by a pharmacist, a physician, or an  
10 advanced practice nurse; and  
11 (2) may not be less stringent than the requirements applying  
12 to a pharmacist who administers an immunization to an  
13 individual as provided under section 31.2 of this chapter.

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