

---

# A BILL FOR AN ACT

RELATING TO VACCINATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that Act 125, Session  
2 Laws of Hawaii 2010, was adopted to form a task force convened  
3 by the Hawaii state board of pharmacy to research, assess, plan,  
4 and evaluate, among other things:

5           (1) The potential benefits and drawbacks of reducing the  
6           age restrictions that prevent children from receiving  
7           vaccines from pharmacists;

8           (2) The most effective means to reduce such age  
9           restrictions;

10          (3) Whether additional education or certification  
11          requirements would be necessary or recommended to  
12          allow pharmacists to administer vaccines to children;

13          (4) Schemas of vaccination age restrictions of other  
14          states that allow vaccination of minors by pharmacists  
15          in all or limited circumstances; and

16          (5) The feasibility of implementing recommended changes.

17 The task force developed the recommendation that with a  
18 physician's prescription, and provided that certain educational



1 requirements are met, pharmacists be allowed to administer the  
2 influenza vaccine to a person between fourteen and seventeen  
3 years of age.

4 The purpose of this Act is to enact a recommendation made  
5 by the immunizations task force established pursuant to Act 125,  
6 Session Laws of Hawaii 2010, to allow pharmacists to administer  
7 the influenza vaccine to persons between fourteen and seventeen  
8 years of age, under certain conditions.

9 SECTION 2. Chapter 461, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12 "§461- Influenza vaccinations; children. (a) A  
13 pharmacist may administer the influenza vaccine to persons  
14 between fourteen and seventeen years of age pursuant to a valid  
15 prescription. The pharmacist shall verify that the prescriber  
16 or the prescriber's authorized agent is the patient's medical  
17 home.

18 (b) After the vaccination is administered, the pharmacist  
19 shall immediately provide to the patient a vaccination record  
20 including but not limited to the following information:

21 (1) The patient's name and date of birth;

22 (2) The type of vaccine administered; and



1       (3) The date and location on which the vaccine was  
2           administered.

3       (c) The pharmacist shall provide within seventy-two hours  
4 to the medical home and within five business days to the  
5 department of health immunization registry the same information  
6 provided to the patient pursuant to subsection (b) as well as  
7 the following:

8       (1) The name of the vaccine product that was administered,  
9           including the manufacturer, lot number, and expiration  
10          date;

11       (2) The method of administration; and

12       (3) The anatomical site of administration.

13       (d) All pharmacists who administer the influenza vaccine  
14 to persons between the ages of fourteen and seventeen years  
15 shall complete a training program for which a certificate of  
16 completion is issued; provided that the program is approved by  
17 the board, The Hawaii Pharmacists Association, and the American  
18 Academy of Pediatrics, Hawaii Chapter, Inc. The pharmacist  
19 shall submit the completion certificate for the training program  
20 to the board.

21       (e) For the purposes of this section, "medical home" means  
22 the primary care physician who, working in collaboration with



1 the family, oversees the acute, chronic, and preventive health  
2 needs of the patient in a comprehensive, coordinated, and  
3 continuous fashion."

4 SECTION 3. Section 461-1, Hawaii Revised Statutes, is  
5 amended by amending the definition of "practice of pharmacy" to  
6 read as follows:

7 "Practice of pharmacy" means:

- 8 (1) The interpretation and evaluation of prescription  
9 orders; the compounding, dispensing, and labeling of  
10 drugs and devices (except labeling by a manufacturer,  
11 packer, or distributor of nonprescription drugs and  
12 commercially legend drugs and devices); the  
13 participation in drug selection and drug utilization  
14 reviews; the proper and safe storage of drugs and  
15 devices and the maintenance of proper records  
16 therefore; the responsibility for advising when  
17 necessary or where regulated, of therapeutic values,  
18 content, hazards, and use of drugs and devices;
- 19 (2) Performing the following procedures or functions as  
20 part of the care provided by and in concurrence with a  
21 "health care facility" and "health care service" as  
22 defined in section 323D-2, or a "pharmacy" or a



1 licensed physician, or a "managed care plan" as  
2 defined in section 432E-1, in accordance with  
3 policies, procedures, or protocols developed  
4 collaboratively by health professionals, including  
5 physicians and surgeons, pharmacists, and registered  
6 nurses, and for which a pharmacist has received  
7 appropriate training required by these policies,  
8 procedures, or protocols:

- 9 (A) Ordering or performing routine drug therapy  
10 related patient assessment procedures;  
11 (B) Ordering drug therapy related laboratory tests;  
12 (C) Initiating emergency contraception oral drug  
13 therapy in accordance with a written  
14 collaborative agreement approved by the board,  
15 between a licensed physician and a pharmacist who  
16 has received appropriate training that includes  
17 programs approved by the American Council of  
18 Pharmaceutical Education (ACPE), curriculum-based  
19 programs from an ACPE-accredited college of  
20 pharmacy, state or local health department  
21 programs, or programs recognized by the board of  
22 pharmacy;



1 (D) Administering drugs orally, topically, by  
2 intranasal delivery, or by injection, pursuant to  
3 the patient's licensed physician's order, by a  
4 pharmacist having appropriate training that  
5 includes programs approved by the ACPE,  
6 curriculum-based programs from an ACPE-accredited  
7 college of pharmacy, state or local health  
8 department programs, or programs recognized by  
9 the board of pharmacy;

10 (E) Administering ~~[immunizations]~~:

- 11 (i) Immunizations orally, by injection, or by  
12 intranasal delivery, to persons eighteen  
13 years of age or older~~[7]~~ by a pharmacist  
14 having appropriate training that includes  
15 programs approved by the ACPE, curriculum-  
16 based programs from an ACPE-accredited  
17 college of pharmacy, state or local health  
18 department programs, or programs recognized  
19 by the board of pharmacy; and
- 20 (ii) The influenza vaccine to persons between  
21 fourteen and seventeen years of age pursuant  
22 to section 461- .



1 (F) As authorized by a licensed physician's written  
2 instructions, initiating or adjusting the drug  
3 regimen of a patient pursuant to an order or  
4 authorization made by the patient's licensed  
5 physician and related to the condition for which  
6 the patient has been seen by the licensed  
7 physician; provided that the pharmacist shall  
8 issue written notification to the patient's  
9 licensed physician or enter the appropriate  
10 information in an electronic patient record  
11 system shared by the licensed physician, within  
12 twenty-four hours;

13 (G) Transmitting a valid prescription to another  
14 pharmacist for the purpose of filling or  
15 dispensing; or

16 (H) Providing consultation, information, or education  
17 to patients and health care professionals based  
18 on the pharmacist's training and for which no  
19 other licensure is required; and

20 (3) The offering or performing of those acts, services,  
21 operations, or transactions necessary in the conduct,  
22 operation, management, and control of pharmacy."



SECTION 4. Section 461-8, Hawaii Revised Statutes, is amended to read as follows:

**"§461-8 Renewal of licenses; continuing education requirement.** (a) All licenses issued by the board, except temporary licenses issued under section 461-7, shall be renewed biennially on or before December 31 of each odd-numbered year[-]; provided that the license for a pharmacist to administer the influenza vaccine to minors pursuant to section 461- shall be subject to this section except that such a license shall be valid for four years rather than two years.

Failure to pay the biennial fee and, beginning with the renewal for the licensing biennium commencing on January 1, 2008, to satisfy the continuing education requirement on or before December 31 of each odd-numbered year, shall constitute a forfeiture of the license as of the date of expiration.

(b) Any license forfeited pursuant to subsection (a) may be restored within three years upon payment of any penalty fee, the current biennial fees, and the renewal fee for the next biennium, if applicable, upon submission of proof of compliance with the continuing education requirement for the prior biennium, and upon meeting any other requirements specified in rules adopted pursuant to chapter 91.





1           (c) In the event that the pharmacist has not engaged in  
2 the practice of pharmacy in this State or in another state or  
3 territory of the United States within the past five years, the  
4 board may require the pharmacist to satisfy additional  
5 requirements, as specified in rules adopted pursuant to chapter  
6 91, to demonstrate that the pharmacist is competent to practice  
7 in this State.

8           (d) Beginning with the renewal for the licensing biennium  
9 commencing on January 1, 2008, and every biennial renewal  
10 thereafter, each licensee shall have completed thirty credit  
11 hours in continuing education courses within the two-year period  
12 preceding the renewal date, regardless of the licensee's initial  
13 date of licensure; provided that a licensee who has graduated  
14 from an accredited pharmacy school within one year of the  
15 licensee's first license renewal period shall not be subject to  
16 the continuing education requirement for the first license  
17 renewal. The board may extend the deadline for compliance with  
18 the continuing education requirement based on any of the  
19 following:

- 20           (1) Illness, as certified by a physician or osteopathic  
21 physician licensed under chapter 453 or licensed in  
22 the jurisdiction in which the licensee was treated;



1 (2) Military service under extended active duty with the  
2 armed forces of the United States;

3 (3) Lack of access to continuing education courses due to  
4 the practice of pharmacy in geographically isolated  
5 areas; and

6 (4) Inability to undertake continuing education due to  
7 incapacity, undue hardship, or other extenuating  
8 circumstances.

9 (e) A pharmacist who administers the influenza vaccine to  
10 persons between the ages of fourteen and seventeen years shall  
11 complete a course described in section 461- every four years  
12 and submit proof of successful completion of the course to the  
13 board.

14 ~~[(e)]~~ (f) Each licensee shall maintain the licensee's  
15 continuing education records. At the time of renewal, each  
16 licensee shall certify under oath that the licensee has complied  
17 with the continuing education requirement of this section. The  
18 board may require a licensee to submit, in addition to the  
19 certification, evidence satisfactory to the board that  
20 demonstrates compliance with the continuing education  
21 requirement of this section.



1        [~~(f)~~] (g) The board may conduct random audits to determine  
2 compliance with the continuing education requirement. The board  
3 shall provide written notice of an audit to a licensee randomly  
4 selected for audit. Within sixty days of notification, the  
5 licensee shall provide the board with documentation verifying  
6 compliance with the continuing education requirement."

7        SECTION 5. Section 461-21, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9        "(a) In addition to any other actions authorized by law,  
10 the board shall have the power to deny, revoke, or suspend any  
11 license or permit applied for or issued by the board in  
12 accordance with this chapter, and to fine or otherwise  
13 discipline a licensee or permit holder for any cause authorized  
14 by law, including but not limited to the following:

15        (1) Procuring a license through fraud, misrepresentation,  
16            or deceit;

17        (2) Professional misconduct, gross carelessness, or  
18            manifest incapacity;

19        (3) Permitting an unlicensed person to perform activities  
20            which require a license under this chapter;

21        (4) Violation of any of the provisions of this chapter or  
22            the rules adopted pursuant thereto;



(5) Violation of any state or federal drug, controlled substance, or poison law;

(6) False, fraudulent, or deceptive advertising;

(7) Any other conduct constituting fraudulent or dishonest dealings;

(8) Failure to comply with a board order;

(9) Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement; [e]

(10) Habitual intemperance or addiction to the use of habit-forming drugs[-]; or

(11) Administering the influenza vaccine to a person between fourteen and seventeen years of age without complying with the appropriate training or reporting requirement, or both, in section 461- ."

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Vaccinations; Children

**Description:**

Allows pharmacists, per a physician's prescription, to administer the influenza vaccine to persons aged fourteen to seventeen provided that the pharmacist has fulfilled certain requirements, including renewing the license to administer the influenza vaccine to minors every four years. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

