

JAN 20 2017

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that human papillomavirus
2 is a very common virus that can cause cervical, vaginal, and
3 vulvar cancers in women; penile cancer in men; and anal cancer,
4 cancer of the throat, and genital warts in both men and women.
5 The legislature also finds that the human papillomavirus vaccine
6 is available and protects against infection and the cancers
7 caused by human papillomavirus.

8 The legislature also finds that under current law
9 pharmacists are permitted to administer vaccines to children
10 between the ages of fourteen and seventeen, whereas the Centers
11 for Disease Control recommends that preteen boys and girls
12 receive the human papillomavirus vaccine at age eleven or twelve
13 so they are protected prior to any exposure to the virus.

14 The purpose of this Act is to improve the overall health of
15 the population in the State and reduce the incidence of
16 infectious disease and cervical and other cancers by allowing



1 pharmacists to administer the human papillomavirus vaccine to
2 children between the ages of eleven and seventeen.

3 SECTION 2. Section 461-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "practice of pharmacy" to
5 read as follows:

6 ""Practice of pharmacy" means:

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



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

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



1 accredited college of pharmacy, state or local
2 health department programs, or programs
3 recognized by the board of pharmacy;

4 (D) Administering drugs orally, topically, by
5 intranasal delivery, or by injection, pursuant to
6 the order of the patient's licensed physician or
7 advanced practice registered nurse with
8 prescriptive authority, by a pharmacist having
9 appropriate training that includes programs
10 approved by the ACPE, curriculum-based programs
11 from an ACPE-accredited college of pharmacy,
12 state or local health department programs, or
13 programs recognized by the board of pharmacy;

14 (E) Administering:

15 (i) Immunizations orally, by injection, or by
16 intranasal delivery, to persons eighteen
17 years of age or older by a pharmacist having
18 appropriate training that includes programs
19 approved by the ACPE, curriculum-based
20 programs from an ACPE-accredited college of
21 pharmacy, state or local health department



1 programs, or programs recognized by the
2 board of pharmacy; [and]

3 (ii) Vaccines to persons between fourteen and
4 seventeen years of age pursuant to section
5 461-11.4; and

6 (iii) Human papillomavirus vaccines to persons
7 between eleven and seventeen years of age
8 pursuant to section 461-11.4;

9 (F) As authorized by the written instructions of a
10 licensed physician or advanced practice
11 registered nurse with prescriptive authority,
12 initiating or adjusting the drug regimen of a
13 patient pursuant to an order or authorization
14 made by the patient's licensed physician or
15 advanced practice registered nurse with
16 prescriptive authority and related to the
17 condition for which the patient has been seen by
18 the licensed physician or advanced practice
19 registered nurse with prescriptive authority;
20 provided that the pharmacist shall issue written
21 notification to the patient's licensed physician



1 or advanced practice registered nurse with
2 prescriptive authority or enter the appropriate
3 information in an electronic patient record
4 system shared by the licensed physician or
5 advanced practice registered nurse with
6 prescriptive authority, within twenty-four hours;

7 (G) Transmitting a valid prescription to another
8 pharmacist for the purpose of filling or
9 dispensing;

10 (H) Providing consultation, information, or education
11 to patients and health care professionals based
12 on the pharmacist's training and for which no
13 other licensure is required; or

14 (I) Dispensing an opioid antagonist in accordance
15 with a written collaborative agreement approved
16 by the board, between a licensed physician and a
17 pharmacist who has received appropriate training
18 that includes programs approved by the American
19 Council on Pharmaceutical Education (ACPE),
20 curriculum-based programs from an ACPE-accredited
21 college of pharmacy, state or local health



1 department programs, or programs recognized by
2 the board; and

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

6 SECTION 3. Section 461-8, Hawaii Revised Statutes, is
7 amended by amending subsection (e) to read as follows:

8 "(e) A pharmacist who administers any vaccine to persons
9 between the ages of fourteen and seventeen years or human
10 papillomavirus vaccine to persons between eleven and seventeen
11 years of age pursuant to section 461-11.4 shall complete a
12 training program approved by the board within every other
13 biennial renewal period and submit proof of successful
14 completion of the training program to the board; provided that
15 the pharmacist shall meet these requirements prior to
16 administering any vaccine to persons between the ages of
17 fourteen and seventeen years[-] or human papillomavirus vaccine
18 to persons between eleven and seventeen years of age."

19 SECTION 4. Section 461-11.4, Hawaii Revised Statutes, is
20 amended as follows:

21 1. By amending subsection (a) to read:



- 1 "(a) A pharmacist may administer [a]:
- 2 (1) A vaccine to persons between fourteen and seventeen
- 3 years of age pursuant to a valid prescription[-]; and
- 4 (2) A human papillomavirus vaccine to persons between
- 5 eleven and seventeen years of age pursuant to a valid
- 6 prescription.

7 The pharmacist shall verify that the prescriber or the

8 prescriber's authorized agent is the patient's medical home."

9 2. By amending subsection (d) to read:

10 "(d) All pharmacists who administer vaccines to persons

11 between the ages of fourteen and seventeen years or administer

12 human papillomavirus vaccines to persons between the ages of

13 eleven and seventeen years shall complete a training program

14 approved by the Accreditation Council of Pharmacy Education for

15 which a certificate of completion is issued. The pharmacist

16 shall complete the training program and submit the completion

17 certificate for the training program to the board prior to

18 administering any vaccine to persons between the ages of

19 fourteen and seventeen years[-] and prior to administering any

20 human papillomavirus vaccine to persons between the ages of

21 eleven and seventeen years."



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

3 "(a) In addition to any other actions authorized by law,
4 the board may deny, revoke, or suspend any license or permit
5 applied for or issued by the board, in accordance with this
6 chapter, and fine or otherwise discipline a licensee or permit
7 holder for any cause authorized by law, including but not
8 limited to the following:

- 9 (1) Procuring a license through fraud, misrepresentation,
10 or deceit;
- 11 (2) Professional misconduct, gross carelessness, or
12 manifest incapacity;
- 13 (3) Permitting an unlicensed person to perform activities
14 that require a license under this chapter;
- 15 (4) Violation of any of the provisions of this chapter or
16 the rules adopted pursuant thereto;
- 17 (5) Violation of any state or federal drug, controlled
18 substance, or poison law;
- 19 (6) False, fraudulent, or deceptive advertising;
- 20 (7) Any other conduct constituting fraudulent or dishonest
21 dealings;



- 1 (8) Failure to comply with a board order;
- 2 (9) Making a false statement on any document submitted or
- 3 required to be filed by this chapter, including a
- 4 false certification of compliance with the continuing
- 5 education requirement;
- 6 (10) Habitual intemperance or addiction to the use of
- 7 habit-forming drugs; or
- 8 (11) Administering a vaccine to a person [~~between fourteen~~
- 9 ~~and seventeen years of age~~] or a human papillomavirus
- 10 vaccine without complying with section 461-11.4."

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

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

14

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S.B. NO. 514

Report Title:

Health; Education; Human Papillomavirus Vaccine; Pharmacists

Description:

Authorizes pharmacists to prescribe and administer the human papillomavirus vaccine to persons between eleven and seventeen years of age. Specifies requirements pharmacists must meet prior to administering the human papillomavirus vaccine.

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