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COMMITTEE REPORT

May 13, 2010

**H. 3393**

Introduced by Reps. Spires, Clyburn, Herbkersman, Hosey, Jefferson, Knight, Long, D.C. Smith, J.R. Smith, Williams, Forrester, A.D. Young, Huggins and Hiott

S. Printed 5/13/10--S.

Read the first time May 4, 2010.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 3393) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑43‑190 so as to establish a joint committee with members from the Board of Medical Examiners, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 40-43-200(A) page 3, line 42 after the /./ by inserting /Members of the committee may not be compensated for their service on the board and may not receive mileage, per diem, and subsistence as otherwise authorized by law for members of state boards, committees, and commissions./

Amend the bill, further by deleting SECTION 2 of the bill, on page 4, in its entirety.

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑190 SO AS TO ESTABLISH A JOINT COMMITTEE WITH MEMBERS FROM THE BOARD OF MEDICAL EXAMINERS AND BOARD OF PHARMACY TO ASSIST THESE BOARDS IN ESTABLISHING A PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINES WITHOUT AN ORDER OF A PRACTITIONER; BY ADDING SECTION 40‑43‑200 SO AS TO REQUIRE THE STATE BOARD OF PHARMACY AND THE BOARD OF MEDICAL EXAMINERS TO ISSUE A JOINT WRITTEN PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINATIONS WITHOUT AN ORDER OF A PRACTITIONER; AND TO AMEND SECTION 40‑43‑86, AS AMENDED, RELATING TO, AMONG OTHER THINGS, VARIOUS PHARMACY FACILITY, STAFFING, AND PRESCRIPTION REQUIREMENTS, SO AS TO INCREASE THE MAXIMUM AMOUNT OF A LEGEND DRUG THAT A PHYSICIAN IN CHARGE OF AN EMERGENCY ROOM MAY DISPENSE FROM A SEVENTY‑TWO HOUR SUPPLY TO A ONE HUNDRED FORTY‑FOUR HOUR SUPPLY.

Whereas, the primary purpose of this act is to promote, preserve, and protect the public health and safety and to prepare for the threat of pandemic influenza by expanding access to influenza vaccines. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40‑43‑190. (A)(1) The Board of Medical Examiners shall issue a written protocol for the administration of influenza vaccines by pharmacists without an order of a practitioner. The administration of influenza vaccines as authorized in this section must not be to persons under the age of eighteen years.

(2) The written protocol must further authorize pharmacists to administer without an order of a practitioner those medications necessary in the treatment of adverse events. These medications must be used only in the treatment of adverse events and must be limited to those delineated within the written protocol.

(3) The written protocol must be issued no later than January 1, 2011.

(B) The written protocol must provide that:

(1) A pharmacist seeking authorization to administer influenza vaccines as authorized in this section shall successfully complete a course of training accredited by the Accreditation Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners. Training must comply with current Centers for Disease Control guidelines and must include study materials, hands‑on training, and techniques for administering influenza vaccines and must provide instruction and experiential training in the following content areas:

(a) mechanisms of action for influenza vaccines, contraindications, drug interactions, and monitoring after vaccine administration;

(b) standards for adult immunization practices;

(c) basic immunology and vaccine protection;

(d) vaccine‑preventable diseases;

(e) recommended immunization schedules;

(f) vaccine storage management;

(g) biohazard waste disposal and sterile techniques;

(h) informed consent;

(i) physiology and techniques for vaccine administration;

(j) prevaccine and postvaccine assessment and counseling;

(k) immunization record management;

(l) management of adverse events, including identification, appropriate response, emergency procedures, documentation, and reporting;

(m) understanding of vaccine coverage by federal, state, and local entities;

(n) needle stick management.

(2) A pharmacist administering an influenza vaccine without an order of a practitioner pursuant to this section shall:

(a) obtain the signed written consent of the person being vaccinated or that person’s guardian;

(b) maintain a copy of the vaccine administration in that person’s record and provide a copy to the person or the person’s guardian;

(c) notify that person’s designated physician or primary care provider of any influenza vaccine administered;

(d) report administration of an influenza vaccine to any statewide immunization registry established by the Department of Health and Environmental Control as the department may require;

(e) maintain a current copy of the written protocol at each location at which a pharmacist administers an influenza vaccine pursuant to this section.

(3) A pharmacist may not delegate the administration of influenza vaccines to a pharmacy technician as defined in Section 40‑43‑30 or any other person who is not a pharmacist.

(4) A pharmacist administering influenza vaccines shall, as part of the current continuing education requirements pursuant to Section 40‑43‑130, complete no less than one hour of continuing education each license year regarding administration of influenza vaccines.

(C) Informed consent must be documented in accordance with the written protocol for influenza vaccine administration issued pursuant to this section.

(D) All records required by this section must be maintained in the pharmacy for a period of at least six years.

Section 40‑43‑200. (A) There is created a Joint Pharmacist Administered Influenza Vaccines Committee as a committee to the Board of Medical Examiners which consists of seven members with experience regarding influenza vaccines. The committee is comprised of two physicians selected by the Board of Medical Examiners, two pharmacists selected by the Board of Pharmacy, and two advanced practice nurse practitioners selected by the Board of Nursing. One member of the Department of Health and Environmental Control designated by the Commissioner of the Department also shall serve on the committee.

(B) The committee shall meet at least once annually and at other times as may be necessary. Five members constitute a quorum for all meetings. At its initial meeting, and at the beginning of each year thereafter, the committee shall elect from its membership a chairperson to serve for a one year term.

(C) The committee shall assist and advise the Board of Medical Examiners in establishing a written protocol for the purpose of authorizing pharmacists to administer influenza vaccinations without an order of a practitioner as authorized by Section 40‑43‑190 and shall provide a suggested written protocol to the board no later than four months after the passage of this act.”

SECTION 2. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40-43-145. Each pharmacy must have posted in a conspicuous public location a written notice of the procedure to file a complaint with the Board of Pharmacy. The written notice must be approved by the board. The notice must be in a type and a format which is easily readable by patients and must include a telephone number, e‑mail contact, and mailing address that a patient may use to file a complaint with the board.”

SECTION 3. This act takes effect July 1, 2010.

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