CHAPTER 2007-152

Council Substitute for House Bill No. 543

An act relating to immunization services; providing a short title; amending s. 465.003, F.S.; revising a definition relating to the practice of pharmacists; creating s. 465.189, F.S.; authorizing pharmacists to administer influenza virus immunizations to adults; providing requirements with respect thereto; requiring that the protocol between a pharmacist and supervising physician contain certain information, terms, and conditions; requiring that pharmacists authorized to administer influenza virus immunizations provide evidence of current certification by the Board of Pharmacy to the supervising physician; requiring supervising physicians to review certain information in accordance with the written protocol; creating the Task Force for the Study of Biotech Competitiveness; providing for staff support by the Governor's Office of Tourism, Trade, and Economic Development; providing for appointment of members; requiring a study; requiring a report; providing for expiration of the task force; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. <u>This act may be cited as the "Pharmacist Kevin Coit Memorial Act."</u>

Section 2. Subsection (13) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter, the term:

(13) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy" also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall

expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. The practice of the profession of pharmacy also includes the administration of influenza virus immunizations to adults pursuant to s. 465.189.

Section 3. Section 465.189, Florida Statutes, is created to read:

465.189 Administration of influenza virus immunizations.—

(1) Pharmacists may administer influenza virus immunizations to adults within the framework of an established protocol under a supervisory practitioner who is a physician licensed under chapter 458 or chapter 459. Each protocol shall contain specific procedures for addressing any unforeseen allergic reaction to influenza virus immunizations.

(2) A pharmacist may not enter into a protocol unless he or she maintains at least $200,000 of professional liability insurance and has completed training in influenza virus immunizations as provided in this section.

(3) A pharmacist administering influenza virus immunizations shall maintain and make available patient records using the same standards for confidentiality and maintenance of such records as those that are imposed on health care practitioners under s. 456.057. These records shall be maintained for a minimum of 5 years.

(4) The decision by a supervisory practitioner to enter into a protocol under this section is a professional decision on the part of the practitioner and a person may not interfere with a supervisory practitioner's decision as to entering into such a protocol. A pharmacist may not enter into a protocol that is to be performed while acting as an employee without the written approval of the owner of the pharmacy. Pharmacists shall forward immunization records to the department for inclusion in the state registry of immunization information.

(5) Any pharmacist seeking to administer influenza virus immunizations to adults under this section must be certified to administer influenza virus immunizations pursuant to a certification program approved by the Board of Pharmacy in consultation with the Board of Medicine and the Board of Osteopathic Medicine. The certification program shall, at a minimum, require that the pharmacist attend at least 20 hours of continuing education classes approved by the board. The program shall have a curriculum of instruction concerning the safe and effective administration of influenza virus immunizations, including, but not limited to, potential allergic reactions to influenza virus immunizations.

(6) The written protocol between the pharmacist and supervising physician must include particular terms and conditions imposed by the supervising physician upon the pharmacist relating to the administration of influenza virus immunizations by the pharmacist. The written protocol shall include, at a minimum, specific categories and conditions among patients for whom the supervising physician authorizes the pharmacist to administer influenza virus immunizations. The terms, scope, and conditions set forth

in the written protocol between the pharmacist and the supervising physician must be appropriate to the pharmacist's training and certification for immunization. Pharmacists who have been delegated the authority to administer influenza virus immunizations by the supervising physician shall provide evidence of current certification by the Board of Pharmacy to the supervising physician. Supervising physicians shall review the administration of influenza virus immunizations by the pharmacists under such physician's supervision pursuant to the written protocol, and this review shall take place as outlined in the written protocol. The process and schedule for the review shall be outlined in the written protocol between the pharmacist and the supervising physician.

(7) The pharmacist shall submit to the Board of Pharmacy a copy of his or her protocol or written agreement to administer influenza virus immunizations.

Section 4. Task Force for the Study of Biotech Competitiveness.—

(1) INTENT.—

(a) The Legislature finds that an estimated 20 diseases can be cured through immunizations and that immunizations provided early in a child's life, and as scheduled during adolescence and adulthood, provide a strong foundation of disease prevention and overall health. The Legislature further finds that every dollar spent on immunization saves an average $10 in future disease-related health care costs. The Legislature recognizes that immunization education and disease-awareness programs lead to improved vaccine usage and better health outcomes. The Legislature further acknowledges that rapid immunization distribution is an important factor in managing the containment of diseases under normal circumstances and is of vital importance during mass outbreaks of diseases or natural disasters. The Legislature further recognizes that the threat of a bioterrorism, pandemic influenza, or other disaster of widespread proportion exists in our world today and that access to vaccines and health care services are essential combatants against these threats.

(b) The Legislature finds that immunization manufacturing and distribution is enhanced by siting vaccine manufacturing corporations in this state. The Legislature recognizes that the state's efforts through existing biotech research funded through various state research programs, including the James and Esther King Biomedical Research Program, the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program, the Johnnie B. Byrd Senior Alzheimer's Center and Research Institute, the Scripps Florida Funding Corporation, and the High Impact Performance Incentive grants, which are directed toward developing and expanding the state's biotech industry result in the expansion of biotech research capacity and create biotech manufacturing and distribution jobs in Florida. The Legislature further finds that current and future collaboration among the state's university researchers and private and public research efforts creates a robust opportunity to encourage biotech research, manufacturing, and the distribution of vaccines.

(c) It is the intent of the Legislature that this state strive to become the nation's leader in immunizations and commit itself to encouraging companies to locate to Florida to help achieve this goal. Moreover, it is the intent of the Legislature to expand the state's economy by attracting biotech manufacturing companies to Florida.

(2) ESTABLISHMENT OF TASK FORCE.—There is created within the Governor's Office of Tourism, Trade, and Economic Development the Task Force on the Study of Biotech Competitiveness. The staff shall provide support for the task force using internal staff or through a contracted consultant.

(3) MEMBERSHIP.—

(a) The task force shall consist of 17 members appointed as follows:

1. The Governor shall appoint seven members: one member from the Governor's Office of Tourism, Trade, and Economic Development; the Secretary or Surgeon General of the Department of Health or her designee; one member from the Department of Education having expertise in workforce education; one member from the Agency for Workforce Innovation having expertise in workforce readiness; one member from the Florida Research Consortium having training and experience in technology transfer; one member representing the Medical Device Manufacturing Association; and one member from Enterprise Florida, Inc.

2. The Senate President shall appoint five members: one member representing the Torrey Pines Research Institute; one member representing the Burnham Research Institute; one member representing an established biotech company that has sited a manufacturing or distribution facility outside Florida in the last 12 months; one member who is a site-selection consultant who has worked with biotech companies in the sighting of manufacturing and distribution facilities in states outside Florida; and one member representing the Florida Public Health Foundation, Inc.

3. The Speaker of the House of Representatives shall appoint five members: one member representing the Scripps Research Institute; one member representing BioFlorida; one member representing the water management districts; one member representing a local economic development authority; and one member representing the Board of Governors of the State University System.

(b) In making these appointments the Governor, the President of the Senate, and the Speaker of the House of Representatives shall select members who reflect the diversity of the state's population. One member shall be designated by the Governor as chair of the task force.

(c) Members of the task force shall serve without compensation, but are entitled to reimbursement as provided in s. 112.061, Florida Statutes, for travel and other necessary expenses incurred in the performance of their official duties.

(4) PURPOSE.—

(a) The task force shall study economic policies necessary for making Florida competitive with other states in attracting and retaining a biotech manufacturing and distribution workforce. The study shall include, but not be limited to, the following review and analysis:

1. The state's corporate taxation system and its effect on attracting biotech manufacturing and distribution facilities to the state. This review includes, but is not be limited to, implementing a single sales-factor formula to apportion the corporate income of biotech businesses for tax purposes;

2. The state's water policies and their effect on meeting the water needs of the biotech manufacturing process;

3. The state's education and workforce training programs and workforce preparedness for employment in the biotech manufacturing and distribution fields;

4. The state's Medicaid program, state employee health plans, and private health insurance policies and regulations and the extent to which they provide support for products generated by biotech companies; and

5. Other states' initiatives that have had success in attracting and retaining biotech manufacturing and distribution facilities and an evaluation of Florida's readiness to compete with other states.

(b) The study shall provide recommendations concerning maximizing federal revenues to the state.

(c) The study shall provide recommendations concerning how this state's existing policies and programs can be modified to ensure competitiveness when evaluated by companies making siting decisions related to biotech manufacturing and distribution facilities.

(5) REPORT.—The task force shall report the findings of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2009.

(6) EXPIRATION.—The task force is dissolved June 30, 2009.

Section 5. This act shall take effect July 1, 2007.

Approved by the Governor June 15, 2007.

Filed in Office Secretary of State June 15, 2007.