

COMMITTEE ON HEALTH, HOSPITALS, HUMAN SERVICES
AND VETERANS' AFFAIRS

03/06/2014-HELD IN COMMITTEE

BILL NO. 30-0204

Thirtieth Legislature of the Virgin Islands

September 18, 2013

An Act amending title 27 Virgin Islands Code, chapter 1 adding subchapter Ia relating to Pharmacists' authority to administer vaccines

PROPOSED BY: Senator Sammuel Sanes
Co-Sponsored: Senators Clifford F. Graham and Judi Buckley

1 **Be it enacted by the Legislature of the Virgin Islands:**

2 **SECTION 1.** Title 27 Virgin Islands Code, chapter 1 is amended by adding subchapter
3 Ia to read as follows”

4 **“SUBCHAPTER Ia**

5 **§21** As used in this subchapter the following terms have the meaning set forth in the is
6 section.

7 (a) ‘Administer’ means the provision of a unit dose of vaccine by a pharmacist
8 pursuant to a vaccine order contained in a vaccine protocol agreement with a physician, as
9 provided in this subchapter.

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1 (b) 'Adverse event' means an event that is a negative consequence of the
2 administration of a vaccine by a pharmacist which result in an unintended reaction, injury, or
3 illness which may or may not have been preventable.

4 (c) 'Board' means Virgin Islands Board of Medical Examiners established under section 3
5 (a) of this title.

6 (d) 'Pharmacist' has the same meaning as provided in section 141 of this title.

7 (e) "Physician" means an individual licensed to practiced medicine and surgery
8 pursuant to this title and whose principal place of practice is located in the Virgin Islands.

9 (f) 'Vaccine' means an inactivated virus administered by injection or a live
10 attenuated virus administered by nasal spray that is administered to produce or increase
11 immunity provided.

12 (g) "Vaccine order" includes a prescription drug order, contained in a vaccine
13 protocol agreement for a vaccine issued by a physician for a group of patients who meets a
14 certain criteria and to be administered by a pharmacist and a prescription drug order, contained in
15 an a vaccine protocol agreement, for epinephrine issued by a physician for a group of patients
16 who meet certain criteria under section 22 (b) and to be administered by a pharmacist.

17 (h) 'Vaccine protocol agreement' means a written document executed between a
18 physician and a pharmacist by which the parties agree that the physician will prescribe a vaccine
19 or epinephrine, by means of a vaccine order for administration by the pharmacist.

20 §22. (a) A physician engaged in the active practice of medicine may prescribe a vaccine
21 for a group of patients by a vaccine order contained in a vaccine protocol agreement to be
22 administered by a pharmacist, if the physician is registered with the vaccination registry
23 established by the Virgin Islands Department of Health, and the pharmacist is located on the
24 same island of the physician's place of registration.

1 **(b)** A physician who is a party to a vaccine protocol agreement may also prescribe
2 epinephrine by a vaccine order contained in a vaccine protocol agreement for administration by a
3 pharmacist upon the occurrence of an actual or perceived anaphylactic adverse reaction to the
4 administered vaccine and the protocol agreement sets forth the signs and symptoms that warrant
5 the administration of epinephrine.

6 **(c)** Live attenuated virus may not be administered under this subchapter to any person
7 younger than 13 years of age, or older than 49 years of age, and may not be administered to any
8 person, unless the person, or if a minor, the person's parent or legal guardian, has signed an
9 informed consent form that the person does not have a contraindication to this vaccine. The
10 informed consent form must list the contraindications to the vaccine.

11 **§23(a).** A pharmacist may be a party to a vaccine protocol agreement and administer
12 vaccines, if the pharmacist holds a current certification in Basic Cardiac Life Support and has
13 completed a course of training accredited by the Accreditation Council for Pharmacy Education
14 or similar accrediting authority, or professional body approved by the Virgin Islands Board of
15 Pharmacy.

16 **(b)** A pharmacist administering vaccines pursuant to a vaccine protocol agreement
17 shall maintain policies and procedures for the handling and disposal of used or contaminated
18 equipment and supplies.

19 **§24 (a)** A vaccine protocol agreement executed under this subchapter must:

20 (1) Contain the names, and current address, telephone numbers, and professional
21 license numbers of the physician and the pharmacist;

22 (2) Contain a provision for immediate consultation between the pharmacist and the
23 physician, including the designation of another physician for purposes of consultation in case of
24 the unavailability of the physician party to the agreement;

- 1 (3) Require the pharmacist to provide the vaccine recipient with the appropriate and
2 current Vaccine Information Statement as provided by the Federal Center for Disease Control
3 and Prevention;
- 4 (4) Require the pharmacist or the pharmacist's employer to retain documentation of
5 each dose of vaccine administered. The documentation must include:
- 6 (A) The administering pharmacist's name, address, telephone number, and
7 professional license number;
- 8 (B) The name, dose, manufacturer, and lot number of the vaccine;
- 9 (C) The vaccine recipient's name, address, date of birth, and telephone;
- 10 (D) The date of administration and injection site;
- 11 (E) A signed and dated consent form by which the vaccine recipient
12 acknowledges receipt of the Vaccine Information Statement and consents to the
13 administration of the vaccine; and
- 14 (F) Any adverse events or complications that occur;
- 15 (5) Require the pharmacist to enter the patient's vaccine information in the Virgin
16 Islands Registry of Immunization Transactions and Services within the registry's designated time
17 frame, or as a designated by the Department of Health;
- 18 (6) Require as a condition of administration of the vaccine, the vaccine recipient to
19 remain under the observation of the administering pharmacist for a period of not less than 10
20 minutes immediately subsequent to the administration of the vaccine;
- 21 (7) Contain procedures to follow up on the occurrence of an adverse event or
22 complication including, if prescribed by a vaccine order contained in an a vaccine protocol
23 agreement, the administration of epinephrine; and

1 (8) Provide for prioritization of vaccine recipients in the event the supply of a vaccine
2 is limited;

3 (b) A vaccine protocol agreement must be renewed and, if necessary, revised or
4 updated biennially by the physician and the pharmacist.

5 (c) Nothing in this section may be construed to authorize a physician to prescribe any
6 other vaccines or other drugs pursuant to a vaccine protocol agreement or vaccine order
7 contained in a vaccine protocol agreement other than those vaccines and epinephrine specifically
8 authorized in such vaccine protocol agreement or vaccine order.

9 (d) A vaccine protocol agreement executed pursuant to this subchapter may not
10 permit a pharmacist to administer a vaccine to any child under the age of 13 years old, without
11 an individual prescription from a physician, and no child under the age of 18 years old may be
12 administered a vaccine without the consent of the child's parent or legal guardian.

13 §25(a) It is unlawful for a pharmacist who is a party to a vaccine protocol agreement
14 pursuant to this subchapter to delegate the administration of a vaccine to any individual who is
15 not a party to the vaccine protocol agreement.

16 (b) It is unlawful for a delegating physician to enter into an a vaccine protocol
17 agreement with more than ten pharmacists at any one time, unless, the pharmacists are
18 employees or agents of the same corporate entity.

19 (c) It unlawful for a physician who is employed by a pharmacist to enter into a
20 vaccine protocol agreement or otherwise delegate medical acts to such pharmacist. It is unlawful
21 for a physician who is employed by a pharmacy to enter into a vaccine protocol agreement or
22 otherwise delegate medical acts to a pharmacist who is also employed by such pharmacy.

23 §26. Nothing in this subchapter may be construed to require a physician to enter into a
24 vaccine protocol agreement. A public or private managed care system, health plan, hospital,

1 insurance company, or similar entity may not require a physician or pharmacist to enter into a
2 vaccine protocol agreement as condition for participation in or reimbursement from such entity.

3 (b) A physician who complies with subchapter is not subject to criminal or civil
4 liability or discipline for unprofessional conduct for:

5 (1) Entering into a Vaccine protocol agreement with a pharmacist;

6 (2) Issuing a vaccine order contained in a vaccine protocol agreement with a
7 pharmacist; or

8 (3) The acts or omissions of a pharmacist pursuant to a vaccine protocol
9 agreement including the administration of a vaccine or epinephrine.

10 (c) Nothing in this subchapter may be interpreted as altering the liability of an
11 employer for acts of the employer's employees.

12 (d) This subchapter does not apply to any activities conducted within a hospital or
13 within any other facility or entity owned, operated, or leased by a hospital.

14 (e) Nothing in this subchapter may be construed as limiting the authority of any
15 authorized person to dispense or administer vaccines or other medications.

16 §27.(a) The Board may promulgate regulations governing physicians' participation in
17 vaccine protocol agreements in order to carry out the intent and purposes of this subchapter,
18 including an regulation containing approved protocol template made available on the board's
19 website which may be used as a vaccine protocol agreement.

20 (b) The Board may by regulation require that the vaccine protocol agreement be filed
21 by the physician with the Board and be made available by the board for public inspection; and
22 provide in a regulation an approved standard protocol template that may be utilized as a vaccine
23 protocol agreement.”

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BILL SUMMARY

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The bill adds a new subchapter to title 27, chapter 1 of the Virgin Islands Code to provide authority for pharmacists to administer vaccines. Internal section 21 sets forth the salient definitions, including the definitions of “vaccine order” and “vaccine protocol agreement”. “A vaccine order” includes a prescription drug order, contained in a vaccine protocol agreement, for a vaccine issued by a physician for a group of patients who meet a certain criteria and to be administered by a pharmacist. “A vaccine protocol agreement” is a written agreement a physician and a pharmacist by which the physician prescribes by a vaccine order and pharmacist injects the vaccine.

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Internal section 22 subsections (a) and (b) authorize the protocol agreement for vaccines and epinephrine, respectively. Subsection (c) regulates live attenuated virus and prohibits its administration to persons younger than 13 or older than 49 years.

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Internal section 23 (a) requires pharmacists who wish to be a party to vaccine protocol agreement to hold a certificate in Basic Cardiac Life Support and complete a course of training accredited by the Accreditation Council for Pharmacy Education. Subsection (b) requires the pharmacist to maintain policies and procedures for the handling and disposal of used or contaminated equipment and supplies.

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Internal section 224 sets forth the contents required to be included in a vaccine protocol agreement. Internal section 25 makes it unlawful to delegate administering vaccines to persons not parties of the agreement, prohibits a physician from executing an agreement with a pharmacist or pharmacy employer, and regulates the number of pharmacists that a physician may contract with.

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Section 26 is a construction and applicability clause. That section also exculpates a physician from liability for executing a vaccine protocol agreement. Internal section 27

1 authorizes the Board of Medical Examiners to promulgate regulations to implement the
2 subchapter.

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8 **BR13-0159/August 7, 2013/LHM/Revised August 27, 2013, by YLT**

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