

SENATE BILL No. 47

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-26-13.

Synopsis: Coronavirus disease immunizations. Allows a: (1) pharmacist; and (2) pharmacist technician under direct supervision; to administer an immunization for coronavirus disease. (Current law allows a pharmacist intern and pharmacist student who meets certain requirements to administer immunizations that pharmacists are allowed to administer.)

Effective: Upon passage.

Grooms

January 4, 2021, read first time and referred to Committee on Health and Provider Services.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 47

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-26-13-2, AS AMENDED BY P.L.89-2015,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. As used in this chapter:
4 "Administering" means the direct application of a drug to the body
5 of a person by injection, inhalation, ingestion, or any other means.
6 "Board" means the Indiana board of pharmacy.
7 "Controlled drugs" are those drugs on schedules I through V of the
8 federal Controlled Substances Act or on schedules I through V of
9 IC 35-48-2.
10 "**Coronavirus disease**" means the disease caused by the severe
11 **acute respiratory syndrome coronavirus 2 virus (SARS-CoV-2)**.
12 "Counseling" means effective communication between a pharmacist
13 and a patient concerning the contents, drug to drug interactions, route,
14 dosage, form, directions for use, precautions, and effective use of a
15 drug or device to improve the therapeutic outcome of the patient
16 through the effective use of the drug or device.
17 "Dispensing" means issuing one (1) or more doses of a drug in a



1 suitable container with appropriate labeling for subsequent
2 administration to or use by a patient.

3 "Drug" means:

4 (1) articles or substances recognized in the official United States
5 Pharmacopoeia, official National Formulary, official
6 Homeopathic Pharmacopoeia of the United States, or any
7 supplement to any of them;

8 (2) articles or substances intended for use in the diagnosis, cure,
9 mitigation, treatment, or prevention of disease in man or animals;

10 (3) articles other than food intended to affect the structure or any
11 function of the body of man or animals; or

12 (4) articles intended for use as a component of any article
13 specified in subdivisions (1) through (3) and devices.

14 "Drug order" means a written order in a hospital or other health care
15 institution for an ultimate user for any drug or device, issued and
16 signed by a practitioner, or an order transmitted by other means of
17 communication from a practitioner, which is immediately reduced to
18 writing by the pharmacist, registered nurse, or other licensed health
19 care practitioner authorized by the hospital or institution. The order
20 shall contain the name and bed number of the patient; the name and
21 strength or size of the drug or device; unless specified by individual
22 institution policy or guideline, the amount to be dispensed either in
23 quantity or days; adequate directions for the proper use of the drug or
24 device when it is administered to the patient; and the name of the
25 prescriber.

26 "Drug regimen review" means the retrospective, concurrent, and
27 prospective review by a pharmacist of a patient's drug related history
28 that includes the following areas:

29 (1) Evaluation of prescriptions or drug orders and patient records
30 for drug allergies, rational therapy contradictions, appropriate
31 dose and route of administration, appropriate directions for use,
32 or duplicative therapies.

33 (2) Evaluation of prescriptions or drug orders and patient records
34 for drug-drug, drug-food, drug-disease, and drug-clinical
35 laboratory interactions.

36 (3) Evaluation of prescriptions or drug orders and patient records
37 for adverse drug reactions.

38 (4) Evaluation of prescriptions or drug orders and patient records
39 for proper utilization and optimal therapeutic outcomes.

40 "Drug utilization review" means a program designed to measure and
41 assess on a retrospective and prospective basis the proper use of drugs.

42 "Device" means an instrument, apparatus, implement, machine,



1 contrivance, implant, in vitro reagent, or other similar or related article
2 including any component part or accessory, which is:

3 (1) recognized in the official United States Pharmacopoeia,
4 official National Formulary, or any supplement to them;

5 (2) intended for use in the diagnosis of disease or other conditions
6 or the cure, mitigation, treatment, or prevention of disease in man
7 or other animals; or

8 (3) intended to affect the structure or any function of the body of
9 man or other animals and which does not achieve any of its
10 principal intended purposes through chemical action within or on
11 the body of man or other animals and which is not dependent
12 upon being metabolized for the achievement of any of its
13 principal intended purposes.

14 "Electronic data intermediary" means an entity that provides the
15 infrastructure that connects a computer system or another electronic
16 device used by a prescribing practitioner with a computer system or
17 another electronic device used by a pharmacy to facilitate the secure
18 transmission of:

19 (1) an electronic prescription order;

20 (2) a refill authorization request;

21 (3) a communication; and

22 (4) other patient care information;

23 between a practitioner and a pharmacy.

24 "Electronic signature" means an electronic sound, symbol, or
25 process:

26 (1) attached to or logically associated with a record; and

27 (2) executed or adopted by a person;

28 with the intent to sign the record.

29 "Electronically transmitted" or "electronic transmission" means the
30 transmission of a prescription in electronic form. The term does not
31 include the transmission of a prescription by facsimile.

32 "Investigational or new drug" means any drug which is limited by
33 state or federal law to use under professional supervision of a
34 practitioner authorized by law to prescribe or administer such drug.

35 "Legend drug" has the meaning set forth in IC 16-18-2-199.

36 "License" and "permit" are interchangeable and mean a written
37 certificate from the Indiana board of pharmacy for the practice of
38 pharmacy or the operation of a pharmacy.

39 "Medication therapy management" means a distinct service or group
40 of services that optimize therapeutic outcomes for individuals that are
41 independent of, but may occur in conjunction with, the provision of a
42 medication or medical device. The term includes the following



- 1 services:
- 2 (1) Performing or obtaining assessments of an individual's health
- 3 status.
- 4 (2) Formulating a medication treatment plan.
- 5 (3) Selecting, initiating, modifying, or administering medication
- 6 therapy.
- 7 (4) Monitoring and evaluating an individual's response to therapy,
- 8 including safety and effectiveness.
- 9 (5) Performing a comprehensive medication review to identify,
- 10 resolve, and prevent medication related problems, including
- 11 adverse drug events.
- 12 (6) Documenting the care delivered and communicating essential
- 13 information to the patient's other health care providers.
- 14 (7) Providing education and training designed to enhance patient
- 15 understanding and appropriate use of the individual's medications.
- 16 (8) Providing information and support services and resources
- 17 designed to enhance patient adherence with the individual's
- 18 therapeutic regimens, including medication synchronization.
- 19 (9) Coordinating and integrating medication therapy management
- 20 services within the broader health care services being provided to
- 21 an individual.
- 22 (10) Providing other patient care services allowable by law.
- 23 "Nonprescription drug" means a drug that may be sold without a
- 24 prescription and that is labeled for use by a patient in accordance with
- 25 state and federal laws.
- 26 "Person" means any individual, partnership, copartnership, firm,
- 27 company, corporation, association, joint stock company, trust, estate,
- 28 or municipality, or a legal representative or agent, unless this chapter
- 29 expressly provides otherwise.
- 30 "Practitioner" has the meaning set forth in IC 16-42-19-5.
- 31 "Pharmacist" means a person licensed under this chapter.
- 32 "Pharmacist intern" means a person who is:
- 33 (1) permitted by the board to engage in the practice of pharmacy
- 34 while under the personal supervision of a pharmacist and who is
- 35 satisfactorily progressing toward meeting the requirements for
- 36 licensure as a pharmacist;
- 37 (2) a graduate of an approved college of pharmacy or a graduate
- 38 who has established educational equivalency by obtaining a
- 39 Foreign Pharmacy Graduate Examination Committee Certificate
- 40 and who is permitted by the board to obtain practical experience
- 41 as a requirement for licensure as a pharmacist;
- 42 (3) a qualified applicant awaiting examination for licensure; or



- 1 (4) an individual participating in a residency or fellowship
 2 program.
- 3 "Pharmacy" means any facility, department, or other place where
 4 prescriptions are filled or compounded and are sold, dispensed, offered,
 5 or displayed for sale and which has as its principal purpose the
 6 dispensing of drug and health supplies intended for the general health,
 7 welfare, and safety of the public, without placing any other activity on
 8 a more important level than the practice of pharmacy.
- 9 "The practice of pharmacy" or "the practice of the profession of
 10 pharmacy" means a patient oriented health care profession in which
 11 pharmacists interact with and counsel patients and with other health
 12 care professionals concerning drugs and devices used to enhance
 13 patients' wellness, prevent illness, and optimize the outcome of a drug
 14 or device, by accepting responsibility for performing or supervising a
 15 pharmacist intern or an unlicensed person under section 18.5 of this
 16 chapter to do the following acts, services, and operations:
- 17 (1) The offering of or performing of those acts, service operations,
 18 or transactions incidental to the interpretation, evaluation, and
 19 implementation of prescriptions or drug orders.
 - 20 (2) The compounding, labeling, administering, dispensing, or
 21 selling of drugs and devices, including radioactive substances,
 22 whether dispensed under a practitioner's prescription or drug
 23 order or sold or given directly to the ultimate consumer.
 - 24 (3) The proper and safe storage and distribution of drugs and
 25 devices.
 - 26 (4) The maintenance of proper records of the receipt, storage,
 27 sale, and dispensing of drugs and devices.
 - 28 (5) Counseling, advising, and educating patients, patients'
 29 caregivers, and health care providers and professionals, as
 30 necessary, as to the contents, therapeutic values, uses, significant
 31 problems, risks, and appropriate manner of use of drugs and
 32 devices.
 - 33 (6) Assessing, recording, and reporting events related to the use
 34 of drugs or devices.
 - 35 (7) Provision of the professional acts, professional decisions, and
 36 professional services necessary to maintain all areas of a patient's
 37 pharmacy related care as specifically authorized to a pharmacist
 38 under this article.
 - 39 (8) Provision of medication therapy management.
- 40 "Prescription" means a written order or an order transmitted by other
 41 means of communication from a practitioner to or for an ultimate user
 42 for any drug or device containing:



- 1 (1) the name and address of the patient;
 2 (2) the date of issue;
 3 (3) the name and strength or size (if applicable) of the drug or
 4 device;
 5 (4) the amount to be dispensed (unless indicated by directions and
 6 duration of therapy);
 7 (5) adequate directions for the proper use of the drug or device by
 8 the patient;
 9 (6) the name of the practitioner; and
 10 (7) if the prescription:
 11 (A) is in written form, the signature of the practitioner; or
 12 (B) is in electronic form, the electronic signature of the
 13 practitioner.

14 "Qualifying pharmacist" means the pharmacist who will qualify the
 15 pharmacy by being responsible to the board for the legal operations of
 16 the pharmacy under the permit.

17 "Record" means all papers, letters, memoranda, notes, prescriptions,
 18 drug orders, invoices, statements, patient medication charts or files,
 19 computerized records, or other written indicia, documents, or objects
 20 which are used in any way in connection with the purchase, sale, or
 21 handling of any drug or device.

22 "Sale" means every sale and includes:

- 23 (1) manufacturing, processing, transporting, handling, packaging,
 24 or any other production, preparation, or repackaging;
 25 (2) exposure, offer, or any other proffer;
 26 (3) holding, storing, or any other possession;
 27 (4) dispensing, giving, delivering, or any other supplying; and
 28 (5) applying, administering, or any other using.

29 SECTION 2. IC 25-26-13-31.2, AS AMENDED BY P.L.202-2017,
 30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 31.2. (a) A pharmacist may administer an
 32 immunization to an individual under a drug order or prescription.

33 (b) Subject to subsection (c), a pharmacist may administer
 34 immunizations for the following to a group of individuals under a drug
 35 order, under a prescription, or according to a protocol approved by a
 36 physician:

- 37 (1) Influenza.
 38 (2) Shingles (herpes zoster).
 39 (3) Pneumonia.
 40 (4) Tetanus, diphtheria, and acellular pertussis (whooping cough).
 41 (5) Human papillomavirus (HPV) infection.
 42 (6) Meningitis.



- 1 (7) Measles, mumps, and rubella.
 2 (8) Varicella.
 3 (9) Hepatitis A.
 4 (10) Hepatitis B.
 5 (11) Haemophilus influenzae type b (Hib).
 6 **(12) Coronavirus disease.**
 7 (c) A pharmacist may administer an immunization under subsection
 8 (b) if the following requirements are met:
 9 (1) The physician specifies in the drug order, prescription, or
 10 protocol the group of individuals to whom the immunization may
 11 be administered.
 12 (2) The physician who writes the drug order, prescription, or
 13 protocol is licensed and actively practicing with a medical office
 14 in Indiana and not employed by a pharmacy.
 15 (3) The pharmacist who administers the immunization is
 16 responsible for notifying, not later than fourteen (14) days after
 17 the pharmacist administers the immunization, the physician who
 18 authorized the immunization and the individual's primary care
 19 physician that the individual received the immunization.
 20 (4) If the physician uses a protocol, the protocol may apply only
 21 to an individual or group of individuals who:
 22 (A) except as provided in clause (B), are at least eleven (11)
 23 years of age; or
 24 (B) for the pneumonia immunization under subsection (b)(3),
 25 are at least fifty (50) years of age.
 26 (5) Before administering an immunization to an individual
 27 according to a protocol approved by a physician, the pharmacist
 28 must receive the consent of one (1) of the following:
 29 (A) If the individual to whom the immunization is to be
 30 administered is at least eleven (11) years of age but less than
 31 eighteen (18) years of age, the parent or legal guardian of the
 32 individual.
 33 (B) If the individual to whom the immunization is to be
 34 administered is at least eighteen (18) years of age but has a
 35 legal guardian, the legal guardian of the individual.
 36 (C) If the individual to whom the immunization is to be
 37 administered is at least eighteen (18) years of age but has no
 38 legal guardian, the individual.
 39 A parent or legal guardian who is required to give consent under
 40 this subdivision must be present at the time of immunization.
 41 (d) If the state department of health or the department of homeland
 42 security determines that an emergency exists, subject to



1 IC 16-41-9-1.7(a)(2), a pharmacist may administer any immunization
2 in accordance with:

- 3 (1) the requirements of subsection (c)(1) through (c)(3); and
4 (2) any instructions in the emergency determination.

5 (e) A pharmacist or pharmacist's designee shall provide
6 immunization data to the immunization data registry (IC 16-38-5) in a
7 manner prescribed by the state department of health unless:

- 8 (1) the individual receiving the immunization;
9 (2) the parent of the individual receiving the immunization, if the
10 individual receiving the immunization is less than eighteen (18)
11 years of age; or
12 (3) the legal guardian of the individual receiving the
13 immunization, if a legal guardian has been appointed;

14 has completed and filed with the pharmacist or pharmacist's designee
15 a written immunization data exemption form, as provided in
16 IC 16-38-5-2.

17 (f) If an immunization is administered under a protocol, then the
18 name, license number, and contact information of the physician who
19 wrote the protocol must be posted in the location where the
20 immunization is administered. A copy of the protocol must be available
21 for inspection by the individual receiving the immunization.

22 (g) A pharmacist may administer an immunization that is provided
23 according to a standing order, prescription, or protocol issued under
24 this section or IC 16-19-4-11 by the state health commissioner or the
25 commissioner's designated public health authority who is a licensed
26 prescriber. If a pharmacist has received a protocol to administer an
27 immunization from a physician and that specific immunization is
28 covered by a standing order, prescription, or protocol issued by the
29 state health commissioner or the commissioner's designated public
30 health authority, the pharmacist must administer the immunization
31 according to the standing order, prescription, or protocol issued by the
32 state health commissioner or the commissioner's designated public
33 health authority.

34 SECTION 3. IC 25-26-13-31.7, AS ADDED BY P.L.114-2020,
35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 31.7. (a) Subject to rules adopted under
37 subsection (c), a pharmacy technician may administer an influenza **or**
38 **coronavirus disease** immunization to an individual under a drug order
39 or prescription.

40 (b) Subject to rules adopted under subsection (c), a pharmacy
41 technician may administer an influenza **or coronavirus disease**
42 immunization to an individual or a group of individuals under a drug



1 order, under a prescription, or according to a protocol approved by a
2 physician.

3 (c) The board shall adopt rules under IC 4-22-2 to establish
4 requirements applying to a pharmacy technician who administers an
5 influenza **or coronavirus disease** immunization to an individual or
6 group of individuals. The rules adopted under this section must provide
7 for the direct supervision of the pharmacy technician by a pharmacist,
8 a physician, a physician assistant, or an advanced practice registered
9 nurse.

10 (d) The board must approve all programs that provide training to
11 pharmacy technicians to administer influenza **and coronavirus disease**
12 immunizations as permitted by this section.

13 **SECTION 4. An emergency is declared for this act.**

