

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30260-NB-98

Short Title: Pharmacists/Vaccine Admin./Test and Treat. (Public)

Sponsors: Representative Potts.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE SCOPE OF PRACTICE OF IMMUNIZING PHARMACISTS, TO ALLOW PHARMACISTS TO TEST AND TREAT FOR CERTAIN ILLNESSES WITH CERTAIN MEDICATIONS APPROVED BY THE BOARD OF PHARMACY, AND TO PROVIDE FOR FAIR AND EQUITABLE REIMBURSEMENT OF HEALTH CARE SERVICES OR PROCEDURES THAT ARE PERFORMED BY A PHARMACIST WITHIN THAT PHARMACIST'S SCOPE OF PRACTICE AND THAT ARE EQUIVALENT TO SERVICES PERFORMED BY OTHER HEALTH CARE PROFESSIONALS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 90-85.3 reads as rewritten:

"§ 90-85.3. Definitions.

...

(a1) "ACIP" means the Advisory Committee on Immunization Practices within the Centers for Disease Control and Prevention.

...

(b2) "CLIA-waived test" means a laboratory test approved by the Food and Drug Administration and determined by the Centers for Medicare and Medicaid Services to qualify for a waiver under the federal Clinical Laboratory Improvement Amendments of 1988 and safe for use in non-laboratory settings.

(b3) "Clinical pharmacist practitioner" means a licensed pharmacist who meets the guidelines and criteria for such title established by the joint subcommittee of the North Carolina Medical Board and the North Carolina Board of Pharmacy and is authorized to enter into drug therapy management agreements with physicians in accordance with the provisions of G.S. 90-18.4.

...

(h1) "FDA" means the United States Food and Drug Administration.

...."

SECTION 1.(b) G.S. 90-85.3A reads as rewritten:

"§ 90-85.3A. Practice of pharmacy.

...

(e) A pharmacist may order and perform a CLIA-waived test to do any of the following:

(1) Assist with clinical decision making related to the use and monitoring of medications.

(2) Treat influenza, COVID-19, pharyngitis caused by group A streptococcus, and other health conditions screened by utilizing a CLIA-waived test, in



1 accordance with rules and protocols adopted by the Board of Pharmacy in
2 consultation with the State Health Director and the North Carolina Medical
3 Board. A pharmacist shall not treat a health condition under this section with
4 any controlled substance classified in Schedules I through IV."

5 SECTION 1.(c) G.S. 90-85.15B reads as rewritten:

6 "**§ 90-85.15B. Immunizing pharmacists.**

7 (a) ~~Except as provided in subsections (b), (b1), and (c) of this section, an immunizing~~
8 ~~pharmacist may administer vaccinations or immunizations only if the vaccinations or~~
9 ~~immunizations are recommended or required by the Centers for Disease Control and Prevention~~
10 ~~and administered to persons at least 18 years of age pursuant to a specific prescription order.~~

11 (b) ~~An immunizing pharmacist may administer the vaccinations or immunizations listed~~
12 ~~in subdivisions (1) through (7) of this subsection vaccines either (i) authorized by the FDA or (ii)~~
13 ~~licensed by the FDA and recommended by the ACIP, to persons at least 18-3 years of age or~~
14 ~~older, according to the standard immunization schedules of the ACIP, if the vaccinations or~~
15 ~~immunizations are administered under written protocols as defined in 21 NCAC 46 .2507(b)(12)~~
16 ~~and 21 NCAC 32U .0101(b)(12) and in accordance with the supervising physician's~~
17 ~~responsibilities as defined in 21 NCAC 46 .2507(e) and 21 NCAC 32U .0101(e), and the~~
18 ~~physician is licensed in and has a practice physically located in North Carolina:North Carolina.~~

19 (1) ~~Pneumococcal polysaccharide or pneumococcal conjugate vaccines.~~

20 (2) ~~Herpes zoster vaccine.~~

21 (3) ~~Hepatitis B vaccine.~~

22 (4) ~~Meningococcal polysaccharide or meningococcal conjugate vaccines and~~
23 ~~Serogroup B meningococcal vaccines.~~

24 (5) ~~Tetanus diphtheria, tetanus and diphtheria toxoids and pertussis, tetanus and~~
25 ~~diphtheria toxoids and acellular pertussis, or tetanus toxoid vaccines.~~
26 ~~However, a pharmacist shall not administer any of these vaccines if the patient~~
27 ~~discloses that the patient has an open wound, puncture, or tissue tear.~~

28 (6) ~~Human Papillomavirus vaccine.~~

29 (7) ~~Hepatitis A vaccine.~~

30 (b1) ~~An immunizing pharmacist may administer (i) an influenza vaccine, (ii) a COVID-19~~
31 ~~vaccine approved by the United States Food and Drug Administration, or (iii) a COVID-19~~
32 ~~vaccine authorized under an emergency use authorization by the United States Food and Drug~~
33 ~~Administration to persons at least 10 years of age pursuant to 21 NCAC 46 .2507 and 21 NCAC~~
34 ~~32U .0101. An immunizing pharmacist may administer (i) an influenza vaccine, (ii) a COVID-19~~
35 ~~vaccine approved by the United States Food and Drug Administration, or (iii) a COVID-19~~
36 ~~vaccine authorized under an emergency use authorization by the United States Food and Drug~~
37 ~~Administration to persons at least six years of age pursuant to a specific prescription order~~
38 ~~initiated by a prescriber following a physical examination of the patient by the prescriber. When~~
39 ~~supervised by an immunizing pharmacist, pharmacy interns and pharmacy technicians who have~~
40 ~~completed immunization-related continuing pharmacy education approved by the Accreditation~~
41 ~~Council for Pharmacy Education may administer (i) an influenza vaccine, (ii) a COVID-19~~
42 ~~vaccine approved by the United States Food and Drug Administration, or (iii) a COVID-19~~
43 ~~vaccine authorized under an emergency use authorization by the United States Food and Drug~~
44 ~~Administration to persons at least 10 years of age pursuant to 21 NCAC 46 .2507 and 21 NCAC~~
45 ~~32U .0101.vaccines either (i) authorized by the FDA or (ii) licensed by the FDA and~~
46 ~~recommended by the ACIP to persons 3 years of age or older, according to the standard~~
47 ~~immunization schedules of the ACIP, if the vaccinations are administered under written~~
48 ~~protocols. The vaccination must be ordered by the supervising immunizing pharmacist.~~

49 (c) ~~An immunizing pharmacist may administer any other vaccinations approved by the~~
50 ~~United States Food and Drug Administration in accordance with the protocols established by the~~
51 ~~Advisory Committee on Immunization Practices to persons at least six years of age pursuant to~~

1 a specific prescription order initiated by a prescriber following a physical examination of the
 2 patient by the prescriber.

3 ...

4 (d) An immunizing pharmacist who administers a vaccine or immunization to any patient
 5 pursuant to this section shall do all of the following:

6 (1) Maintain a record of any vaccine or immunization administered to the patient
 7 in a patient profile.

8 (2) ~~Within 72 hours after administration of the vaccine or immunization, notify~~
 9 ~~any primary care provider identified by the patient. If the patient is 18 years~~
 10 ~~of age or older, notify any primary care provider identified by the patient~~
 11 ~~within 72 hours after administration of the vaccines or immunization. If the~~
 12 ~~patient does not identify a primary care provider, the immunizing pharmacist~~
 13 ~~shall direct the patient to information describing the benefits to a patient of~~
 14 ~~having a primary care physician, prepared by any of the following: North~~
 15 ~~Carolina Medical Board, North Carolina Academy of Family Physicians,~~
 16 ~~North Carolina Medical Society, or Community Care of North Carolina.~~

17 (2a) If the patient is less than 18 years of age, notify any pediatrician or primary
 18 care provider identified by the patient's parent or guardian within 72 hours
 19 after administration of the vaccine or immunization. If the patient's parent or
 20 guardian does not identify a pediatrician or primary care provider, the
 21 immunizing pharmacist shall direct the patient to information describing the
 22 benefits to a patient of having a pediatrician or primary care physician,
 23 prepared by any of the following entities: North Carolina Medical Board,
 24 North Carolina Academy of Family Physicians, North Carolina Medical
 25 Society, North Carolina Pediatric Society, or Community Care of North
 26 Carolina.

27"

28 SECTION 1.(d) This section becomes effective October 1, 2023.

29 SECTION 2.(a) Part 7 of Article 50 of Chapter 58 of the General Statutes is amended
 30 by adding a new section to read:

31 "**§ 58-50-296. Reimbursement and coverage of services provided by pharmacists.**

32 (a) For the purposes of this section, the following definitions apply:

33 (1) Health care services. – Any of the following health or medical procedures or
 34 services rendered by a health care provider:

- 35 a. Testing, diagnosis, or treatment of a health condition, illness, injury,
 36 or disease. This includes testing, diagnosis, or treatment rendered by a
 37 pharmacist acting within the pharmacist's scope of practice.
- 38 b. Dispensing of drugs, medical devices, medical appliances, or medical
 39 goods for the treatment of a health condition, illness, injury, or disease.
- 40 c. Administration of a vaccine or medication.

41 (2) Pharmacist. – An individual licensed to practice pharmacy under Article 4A
 42 of Chapter 90 of the General Statutes.

43 (b) Health benefit plans offered by insurers in this State shall reimburse a pharmacist at
 44 the same rate that other advanced practice or mid-level health care providers, such as nurse
 45 practitioners or physician assistants, are reimbursed when providing the same or equivalent
 46 health care services or procedures if all of the following are met:

- 47 (1) The service or procedure was performed within the pharmacist's licensed
 48 lawful scope of practice.
- 49 (2) The health benefit plan would have provided reimbursement if the service or
 50 procedure had been performed by another health care provider.

1 (3) The pharmacist provided the service or procedure in compliance with any
2 requirements of the insurer related to the service or procedure.

3 (c) Insurers offering a health benefit plan in this State that delegate credentialing
4 agreements to contracted health care facilities shall accept credentialing for pharmacists
5 employed or contracted with those facilities.

6 (d) Insurers offering a health benefit plan in this State shall reimburse a contracted health
7 care facility or a contracted pharmacist directly for covered services performed by a pharmacist
8 within that pharmacist's lawful scope of practice whether or not the pharmacist is a participating
9 provider in the insurer's provider network.

10 (e) The participation of a pharmacy in a drug benefit provider network of an insurer
11 offering a health benefit plan in this State shall not satisfy any requirement that insurers offering
12 health benefit plans include pharmacists in medical benefit provider networks.

13 (f) This section shall also apply to the following:

14 (1) Agents of an insurer offering a health benefit plan in this State.

15 (2) Third-party administrators, as defined under G.S. 58-56-2."

16 **SECTION 2.(b)** This section becomes effective October 1, 2023, and applies to
17 contracts entered into, renewed, or amended on or after that date.

18 **SECTION 3.** The North Carolina Board of Pharmacy may adopt temporary rules to
19 implement the provisions of this act.

20 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
21 law.