

1 H.290

2 Introduced by Representative Cordes of Lincoln

3 Referred to Committee on

4 Date:

5 Subject: Health; health care; professional regulation; pharmacists; Department  
6 of Health; Board of Pharmacy

7 Statement of purpose of bill as introduced: This bill proposes to expand the  
8 pharmacist scope of practice to allow a pharmacist to test for and treat certain  
9 health conditions.

10 An act relating to pharmacist scope of practice

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 26 V.S.A. § 2022 is amended to read:

13 § 2022. DEFINITIONS

14 As used in this chapter:

15 \* \* \*

16 (15)(A) “Practice of pharmacy” means:

17 (i) interpreting and evaluating prescription orders;

18 (ii) compounding, dispensing, and labeling drugs and legend

19 devices (except labeling by a manufacturer, packer, or distributor of

1 nonprescription drugs and commercially packaged legend drugs and legend  
2 devices);

3 (iii) participating in drug selection and drug utilization reviews;

4 (iv) properly and safely storing drugs and legend devices, and  
5 maintaining proper records therefor;

6 (v) advising, where necessary or where regulated, of therapeutic  
7 values, content, hazards, and use of drugs and legend devices;

8 (vi) providing patient care services within the pharmacist's  
9 authorized scope of practice;

10 (vii) the practice of clinical pharmacy; and

11 (viii) performing or offering to perform those acts, services,  
12 operations, or transactions necessary in the conduct, operation, management,  
13 and control of pharmacy.

14 (B) "Practice of clinical pharmacy" or "clinical pharmacy" means:

15 \* \* \*

16 (iii) practicing pharmacy pursuant to a collaborative practice  
17 agreement; ~~or~~

18 (iv) ordering, testing, screening, treating, or prescribing as  
19 provided under section 2023 of this subchapter; or



1 (vi) dietary fluoride supplements;

2 (vii) ~~influenza vaccines~~; [Repealed.]

3 (viii) in the event of a significant public health risk, an appropriate  
4 vaccine to mitigate the effects on public health after finding that existing  
5 channels for vaccine administration are insufficient to meet the public health  
6 need;

7 (ix) emergency prescribing of albuterol or glucagon while  
8 contemporaneously contacting emergency services; and

9 (x) tests for SARS-CoV for asymptomatic individuals or related  
10 serology for individuals by entities holding a Certificate of Waiver pursuant to  
11 the Clinical Laboratory Amendments of 1988 (42 U.S.C. § 263a).

12 (B) Screen, test, and treat. A pharmacist may screen, test, and treat  
13 all of the following health conditions in a manner consistent with valid State  
14 protocols that are approved by the Commissioner of Health after consultation  
15 with the Director of Professional Regulation and the Board and the opportunity  
16 for public comment:

17 (i) influenza;

18 (ii) group A streptococcus pharyngitis;

19 (iii) SARS-COV-2 or other respiratory illness, condition, or  
20 disease;

21 (iv) lice;

1                   (v) skin conditions, including ringworm and athlete’s foot; and  
2                   (vi) other emerging and existing public health threats identified by  
3                   the Department of Health if permitted by order or rule.

4                   (C) Testing. A pharmacist who orders, tests, screens, or treats health  
5                   conditions under this section may use any test that may guide clinical decision  
6                   making that is waived under the federal Clinical Laboratory Improvement  
7                   Amendments of 1988, or the federal rules adopted thereunder, or any  
8                   established screening procedure that is established via a State protocol.

9                   (D) Administrative tasks. A pharmacist may delegate the  
10                  administrative and technical tasks of performing a test waived by the federal  
11                  Clinical Laboratory Improvement Amendments of 1988 to an intern or  
12                  pharmacy technician acting under the supervision of the pharmacist.

13                  (E) Insurance. A health insurer, as defined by 18 V.S.A. § 9402,  
14                  shall not deny reimbursement for services and procedures performed by a  
15                  pharmacist that are within the scope of the pharmacist’s license and would be  
16                  covered if the services or procedures were performed by a physician, an  
17                  advanced practice registered nurse, or physician’s assistant.

18                  ~~(B)~~(i)(F) State protocol validity.

19                  (i) State protocols shall be valid if signed by the Commissioner of  
20                  Health and the Director of Professional Regulation, and the Board of Pharmacy  
21                  shall feature the active protocol conspicuously on its website.

