

ALLOW PHARMACISTS TO ORDER AND ADMINISTER CERTAIN VACCINES AND LABORATORY TESTS

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Senate Bill 219 as enacted

Sponsor: Sen. Sylvia Santana

House Committee: Health Policy

Senate Committee: Health Policy

Complete to 1-19-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 219 amends the Public Health Code do all of the following:

- Authorize a pharmacist to order and administer a qualified vaccine to an individual without the administration being under the direction of a physician.
- Authorize a pharmacist to order and administer qualified laboratory tests.
- Require a pharmacist to successfully complete an approved training program before performing either of the above activities.
- Include both of the above activities in the scope of pharmacy practice.
- Authorize the development and issuance of rules to implement the bill.

Vaccines

The code allows a health professional other than a physician to administer an immunizing agent as long as it is being administered under the direction of a physician. (An immunizing agent is a vaccine, antibody preparation, or other substance used to increase an individual's immunity to a disease or infectious agent. This summary often refers simply to a "vaccine" instead.) The bill additionally authorizes a pharmacist, without acting under the direction of a physician, to order and administer a *qualified immunizing agent* to someone three years old or older if, before doing so, the pharmacist successfully completes a training program approved by rule.

Qualified immunizing agent means an immunizing agent that is both of the following:

- Approved or authorized for use by the Food and Drug Administration (FDA).
- Recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (CDC).

If the pharmacy does not participate in the Vaccines for Children program¹ administered by the CDC and the pharmacist is ordering or administering a vaccine to someone who is 18 years old or younger, inform them that they may qualify for the program and notify them of local providers that participate in the program. However, this requirement does not apply if the cost of ordering and administering the vaccine is covered by a public or third-party payer.

If a pharmacist administers a vaccine under the above provisions to an individual who is 20 years old or older, the pharmacist must report it to the Michigan Care Improvement Registry² within 72 hours in the same manner as required for a health care provider administering a vaccine to a child under section 9206 of the code.³

¹ <https://www.cdc.gov/vaccines/programs/vfc/index.html>

² <https://mcir.org/>

³ Reporting requirements under section 9206 apply to immunizations administered to individuals 19 and younger.

The Department of Licensing and Regulatory Affairs (LARA), in consultation with the Michigan Board of Pharmacy, must develop and issue rules to implement the provisions described above. The rules must require the training program required as described above to include a course on the administration of vaccines that is provided by an entity accredited by the Accreditation Council for Pharmacy Education.⁴ A pharmacist must comply with the rules established under the bill in addition to any other requirement established by law.

The bill does not prohibit a pharmacist from ordering or administering a vaccine under federal law or an emergency order.

Laboratory tests

The bill also authorizes a pharmacist to order and administer a *qualified laboratory test* if, before doing so, the pharmacist successfully completes a training program approved by rule.

Qualified laboratory test means a laboratory test that meets all of the following:

- It is classified as waived by the FDA.
- It requires only the use of a specimen collected by a nasal or throat swab or a finger prick.
- It is used to detect or screen for any of the following:
 - COVID-19.
 - Influenza (the flu).
 - A respiratory infection.

A pharmacist who orders or administers a test under the above provisions must advise the tested individual of the test results and refer them to their designated physician or health professional.

In addition, the pharmacist may dispense a drug to the individual without a prescription if the test was ordered to detect or screen for COVID-19 or the flu and all of the following are met:

- Based on the test result, the pharmacist determines that the drug is needed to treat the individual for COVID-19 or the flu.
- The drug is an antiviral drug that is available at the pharmacy.
- The drug is provided under protocols established by the CDC or under public health guidelines established by the Department of Health and Human Services (DHHS).
- The pharmacist complies with the above requirement to advise as to the test results and provide a referral.
- The pharmacist complies with any other requirement established by rule under the bill.

LARA, in consultation with the Michigan Board of Pharmacy, must develop and issue rules to implement the provisions described above. The rules must require the training program required as described above to require a pharmacist to demonstrate sufficient knowledge of both of the following:

- How to administer and interpret each laboratory test the pharmacist may order or administer under the bill.
- Each illness, condition, or disease described above for which the pharmacist may provide treatment based on the test results.

⁴ <https://www.acpe-accredit.org/>

The bill does not prohibit a pharmacist from doing any of the following:

- Ordering or administering a laboratory test as a delegated act of a physician or another health professional under section 16215 of the code.
- Ordering or administering a laboratory test under federal law or an emergency order.
- Dispensing a drug to a patient without a prescription under federal law or an emergency order.

When a drug is dispensed by a pharmacist under the above provisions, the receipt delivered to the purchaser must include the name of the pharmacist.

Other provisions

The bill adds ordering and administering qualified immunizing agents and qualified laboratory tests in accordance with the above provisions to the professional functions included in the practice of pharmacy.

The bill removes provisions of the code that are now obsolete and amends others (e.g., related to dispensing a prescription drug) to incorporate reference to the provisions of the bill.

MCL 333.9204 et seq.

BRIEF DISCUSSION:

Senate Bill 219 codifies many practices originating in the COVID-19 pandemic—for example, the “test and treat” program, which, at 66 pharmacies in Michigan, provided access to testing for COVID-19 and treatment for individuals experiencing mild to moderate symptoms who were at high risk for more severe disease. bill supporters argued that allowing pharmacists to continue to offer services for testing and administering immunizations where appropriate would provide cost-effective and time-saving access to common immunizations and certain diagnostic tests for patients.

FISCAL IMPACT:

The bill would not have a fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.