



1997 SENATE BILL 361

November 19, 1997 - Introduced by Senators DECKER, MOEN, RUDE, CLAUSING, BRESKE, ROESSLER, PLACHE, WIRCH, FITZGERALD, WELCH, RISSER and BURKE, cosponsored by Representatives ALBERS, LA FAVE, VANDER LOOP, FREESE, J. LEHMAN, GRONEMUS, GROTHMAN and UNDERHEIM. Referred to Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

1 **AN ACT to amend** 450.01 (1), 450.02 (3) (intro.) and 450.08 (2) (a); **to repeal and**
2 **recreate** 450.02 (2); and **to create** 450.01 (1) (c), 450.01 (16) (k), 450.01 (22),
3 450.02 (2m), 450.035 and 450.085 of the statutes; **relating to:** the
4 administration of drug products and devices by pharmacists, continuing
5 education for pharmacists and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a person may not engage in the practice of pharmacy unless he or she is granted a license by the pharmacy examining board (board) in the department of regulation and licensing (DORL) and the license is renewed every 2 years. The practice of pharmacy does not include administering any drug products or devices by injection, ingestion or any other means. Currently, with certain exceptions, only health care professionals who are licensed as a physician, podiatrist, nurse, dentist or optometrist have such authority.

This bill requires a pharmacist who applies for renewal of his or her license to submit proof that, during the preceding 2 years, he or she has completed 30 hours of continuing education in courses approved by the board or in courses conducted by providers who are approved by the American Council on Pharmaceutical Education.

In addition, the bill expands the practice of pharmacy to include the administration of drug products and devices, including vaccines. Under the bill, a pharmacist may administer a vaccine only if the pharmacist and a physician have agreed to a written "vaccination protocol", which establishes procedures for the

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pharmacist to administer the vaccine for a period of no more than 2 years. In addition, the pharmacist must have completed 12 hours in a course in vaccination storage, protocols, injection technique, emergency procedures and record keeping. For drug products and devices that are not vaccines, a prescription is required for a pharmacist to administer the drug product or device. In addition, a pharmacist may not administer such a drug product or device by injection unless he or she has completed a course in injection technique.

If a pharmacist completes either the course in injection technique or the 12-hour course required for administering vaccines, the bill requires that he or she maintain proof of completion and, upon request, he or she must submit a copy of such proof to the board or DORL. Finally, either the course in injection technique or the 12-hour course may be used in satisfying the bill's continuing education requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 450.01 (1) of the statutes is amended to read:

2 450.01 (1) "Administer" means the direct application of a vaccine or a
3 prescribed drug or device, whether by injection, ingestion or any other means, to the
4 body of a patient or research subject by any of the following:

5 (a) A practitioner or his or her authorized agent; ~~or~~.

6 (b) ~~The~~ A patient or research subject at the direction of ~~the~~ a practitioner.

7 **SECTION 2.** 450.01 (1) (c) of the statutes is created to read:

8 450.01 (1) (c) A pharmacist.

9 **SECTION 3.** 450.01 (16) (k) of the statutes is created to read:

10 450.01 (16) (k) Administering prescribed drug products and devices and,
11 pursuant to vaccination protocols, vaccines.

12 **SECTION 4.** 450.01 (22) of the statutes is created to read:

13 450.01 (22) "Vaccination protocol" means a written protocol agreed to by a
14 physician, as defined in s. 448.01 (5), and a pharmacist that establishes procedures

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1 and requirements for the administration of a vaccine by a pharmacist for a period
2 specified in the protocol that may not exceed 2 years.

3 **SECTION 5.** 450.02 (2) of the statutes is repealed and recreated to read:

4 450.02 (2) The board shall promulgate rules that do all of the following:

5 (a) Define “active practice of pharmacy” for purposes of s. 450.05.

6 (b) Establish criteria for approving courses under ss. 450.035 (1) and (2) and
7 450.085 (1).

8 **SECTION 6.** 450.02 (2m) of the statutes is created to read:

9 450.02 (2m) The board shall periodically prepare and distribute letters,
10 bulletins or other types of notice to pharmacists that identify the courses that are
11 approved for purposes of ss. 450.035 (1) and (2) and 450.085 (1).

12 **SECTION 7.** 450.02 (3) (intro.) of the statutes is amended to read:

13 450.02 (3) (intro.) The board may ~~adopt~~ promulgate rules:

14 **SECTION 8.** 450.035 of the statutes is created to read:

15 **450.035 Administration of drug products and devices; vaccines.** (1) A
16 pharmacist may not administer by injection a prescribed drug product or device that
17 is not a vaccine unless he or she has successfully completed a course of study and
18 training in injection technique conducted by a course provider approved by the
19 American Council on Pharmaceutical Education or the board.

20 (2) A pharmacist may not administer a vaccine unless he or she has
21 successfully completed 12 hours in a course of study and training, approved by the
22 American Council on Pharmaceutical Education or the board, in vaccination storage,
23 protocols, injection technique, emergency procedures and record keeping.

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1 **(3)** A pharmacist who successfully completes a course of study and training
2 specified in sub. (1) or (2) shall maintain proof of completion and, upon request,
3 provide copies of such proof to the department or the board.

4 **SECTION 9.** 450.08 (2) (a) of the statutes is amended to read:

5 450.08 **(2)** (a) A pharmacist's license may be renewed by complying with
6 continuing education requirements under s. 450.085 and paying the applicable fee
7 specified under s. 440.08 (2) (a) on or before the applicable renewal date specified
8 under s. 440.08 (2) (a). Failure to obtain renewal within the time period specified
9 under this paragraph terminates the right of the person to be licensed as a
10 pharmacist, and such right can only be acquired by passing an examination to the
11 satisfaction of the board.

12 **SECTION 10.** 450.085 of the statutes is created to read:

13 **450.085 Continuing education.** **(1)** An applicant for renewal of a license
14 under s. 450.08 (2) (a) shall submit proof that he or she has completed, within the
15 2-year period immediately preceding the date of his or her application, 30 hours of
16 continuing education in courses conducted by a provider that is approved by the
17 American Council on Pharmaceutical Education or in courses approved by the board.
18 Courses specified in ss. 450.035 (1) and (2) are courses in continuing education for
19 purposes of this subsection. This subsection does not apply to an applicant for
20 renewal of a license that expires on the first renewal date after the date on which the
21 board initially granted the license.

22 **(2)** The board may waive all or part of any requirement in sub. (1) if it finds that
23 exceptional circumstances such as prolonged illness, disability or other similar
24 circumstances have prevented a pharmacist from meeting the requirement.

25 **SECTION 11. Nonstatutory provisions.**

