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

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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

provided under section 2023 of this subchapter; or

1	(v) ordering, performing, and interpreting tests authorized by the
2	Food and Drug Administration and waived under the federal Clinical
3	<u>Laboratory Improvement Amendments of 1988</u> .
4	* * *
5	Sec. 2. 26 V.S.A. § 2023 is amended to read:
6	§ 2023. CLINICAL PHARMACY; PRESCRIBING; TREATING
7	* * *
8	(b) A pharmacist may <u>order</u> , test, screen, treat, or prescribe in the following
9	contexts:
10	* * *
11	(2) State protocol.
12	(A) Prescribe, order, or dispense. A pharmacist may prescribe, order,
13	or administer dispense the following 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 ability
16	opportunity for public comment:
17	(i) opioid antagonists;
18	(ii) epinephrine auto-injectors;
19	(iii) tobacco cessation products;
20	(iv) tuberculin purified protein derivative products;
21	(v) self-administered hormonal contraceptives;

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.

1	(ii) The Commissioner of Health may invalidate a protocol if the
2	Commissioner finds that the protocol's continued operation would pose an
3	undue risk to the public health, safety, or welfare and signs a declaration to that
4	effect. Upon such a declaration, the Director shall remove the invalidated
5	protocol from the Board website and shall cause electronic notice of the
6	protocol's discontinuation to be transmitted to all Vermont drug outlets.
7	* * *
8	Sec. 3. 2020 Acts and Resolves No. 178, Sec. 12a, as amended by 2021 Acts
9	and Resolves No. 6, Sec. 2a and 2022 Acts and Resolves No. 85, Sec. 3, is
10	further amended to read:
11	Sec. 12a. SUNSET OF PHARMACIST AUTHORITY TO ORDER OR
12	ADMINISTER SARS-COV TESTS
13	In Sec. 11, 26 V.S.A. § 2023(b)(2)(A)(x) (clinical pharmacy prescribing;
14	State protocol; SARS-CoV testing) shall be repealed on March 31 July 1,
15	2023.
16	Sec. 4. EFFECTIVE DATE
17	This act shall take effect on July 1, 2023.