

House Bill 155

By: Representatives Randall of the 142nd, Stephens of the 164th, and Bennett of the 94th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to the
2 control of hazardous conditions, preventable diseases, and metabolic disorders, so as to
3 require registration with the vaccination registry by persons who administer vaccines and
4 by pharmacies, agencies, or businesses employing persons who administer vaccines; to
5 provide for enforcement of reporting requirements to the vaccination registry; to provide for
6 penalties; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia
7 Annotated, relating to medical practice, so as to provide that certain pharmacists and nurses
8 who enter into an influenza vaccine protocol agreement with a physician shall register with
9 the vaccination registry; to provide that pharmacies, agencies, or businesses employing
10 pharmacists and nurses who administer an influenza vaccine shall register with the
11 vaccination registry; to provide for vaccination registry education efforts; to provide for
12 reporting to the General Assembly; to provide for related matters; to repeal conflicting laws;
13 and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to the control of
17 hazardous conditions, preventable diseases, and metabolic disorders, is amended by revising
18 subsection (b) of Code Section 31-12-3.1, relating to the vaccination registry, and by adding
19 two new subsections to read as follows:

20 "(a.1) On and after January 1, 2016, any person and every pharmacy, agency, or business
21 employing a person who administers a vaccine or vaccines licensed for use by the United
22 States Food and Drug Administration, including but not limited to pharmacists and nurses
23 who have entered into an influenza vaccine protocol agreement pursuant to Code Section
24 43-34-26.1, shall register with the vaccination registry established by this Code section as
25 a person administering such licensed vaccine or vaccines or as a pharmacy, agency, or
26 business employing such person or persons. Notwithstanding any other provisions of the

27 law, only persons who are registered with the vaccination registry as provided for by this
28 subsection may administer such vaccine or vaccines.

29 (b) Any person acting as a self-employed person who administers a vaccine or vaccines
30 licensed for use by the United States Food and Drug Administration to a person, and every
31 pharmacy, agency, or business employing a person who administers a vaccine or vaccines
32 licensed for use by the United States Food and Drug Administration to a person, shall for
33 each such vaccination provide to the department such data as are deemed by the department
34 to be necessary and appropriate for purposes of the vaccination registry established
35 pursuant to subsection (a) of this Code section, including, without limitation:

36 (1) The name of the person;

37 (2) The person's date and place of birth, including the name of the hospital where
38 delivered, if applicable;

39 (3) The names and addresses of the person's parents or guardians if the person is 18 years
40 of age or younger;

41 (4) The date of the vaccination and the specific type or types of vaccine or vaccines
42 administered to the person on that date; and

43 (5) Complications or side effects resulting from a vaccination, if any.

44 Vaccination data reporting requirements, including without limitation the types of data
45 required to be reported and the time and manner of reporting such data, shall begin after
46 the registry has established linkages to vaccine providers and shall be established by the
47 department in consultation with the United States Centers for Disease Control and
48 Prevention, the Georgia chapter of the American Academy of Pediatrics, and the Georgia
49 Academy of Family Physicians.

50 (b.1) The commissioner on his or her own motion may issue a complaint and call an
51 administrative hearing pursuant to the provisions of Chapter 13 of Title 50, the 'Georgia
52 Administrative Procedure Act,' regarding the failure of any person, pharmacy, agency, or
53 business to comply with the requirements of this Code section or Code Section 43-34-26.1.

54 Upon a finding that any such person, pharmacy, agency, or business has failed to comply
55 with the requirements of this Code section or Code Section 43-34-26.1, the commissioner
56 may suspend such person's, pharmacy's, agency's, or business's registration with the
57 vaccination registry and enjoin such person, pharmacy, agency, or business from
58 administering such vaccines which are at issue in the complaint for a time period not to
59 exceed two years or seek injunctive relief for the conduct of such person, pharmacy,
60 agency, or business which is at issue in the complaint."

61 **SECTION 2.**

62 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
 63 medical practice, is amended by revising subsections (d) and (l) of Code Section 43-34-26.1,
 64 relating to influenza vaccine protocol agreements, and by adding a new subsection to read
 65 as follows:

66 "(c.1) On and after January 1, 2016, all pharmacists and nurses who have entered into an
 67 influenza vaccine protocol agreement with a physician pursuant to this Code section shall
 68 register with the vaccination registry pursuant to Code Section 31-12-3.1. On or after
 69 January 1, 2016, a pharmacist or nurse shall not administer an influenza vaccine pursuant
 70 to this Code section unless he or she is registered with the vaccination registry, and if
 71 employed by a pharmacy, agency, or business in the administration of such influenza
 72 vaccine, unless such pharmacy, agency, or business is also registered with the vaccination
 73 registry, at the time of administering such influenza vaccine.

74 (d) An influenza vaccine protocol agreement between a physician and a pharmacist or a
 75 physician and a nurse pursuant to this Code section shall, without limitation:

76 (1) Contain the current names, addresses, telephone numbers, and professional license
 77 numbers of the physician and the pharmacist or nurse;

78 (2) Contain a provision for immediate consultation between the pharmacist or nurse and
 79 the physician. If the physician is not available, the physician for purposes of consultation
 80 may designate another physician who concurs with the terms of the influenza vaccine
 81 protocol agreement;

82 (3) Require the pharmacist or nurse to provide the influenza vaccine recipient with the
 83 appropriate and current Vaccine Information Statement (~~VIS~~) as provided by the federal
 84 Centers for Disease Control and Prevention;

85 (3.1) Require the pharmacist or nurse to register with the vaccination registry pursuant
 86 to subsection (c.1) of this Code section;

87 (4) Require the pharmacist or nurse or his or her employer to retain documentation of
 88 each dose of influenza vaccine administered. Such documentation shall include, but not
 89 be limited to:

90 (A) The administering pharmacist's or nurse's name, address, telephone number, and
 91 professional license number;

92 (B) The name, dose, manufacturer, and lot number of the influenza vaccine;

93 (C) The vaccine recipient's name, address, date of birth, and telephone number;

94 (D) The date of administration and injection site;

95 (E) A signed and dated consent form by which the vaccine recipient acknowledges
 96 receipt of the ~~VIS~~ Vaccine Information Statement and consents to the administration
 97 of the influenza vaccine; and

- 98 (F) Any adverse events or complications that occur;
- 99 (5) Require the pharmacist or nurse, if self-employed in the administration of the
 100 vaccine, to enter the patient's influenza vaccine information in the Georgia Registry of
 101 Immunization Transactions and Services within the registry's designated time frame, or
 102 as designated by the Department of Public Health, as provided for by Code Section
 103 31-12-3.1;
- 104 (6) Require, as a condition of administration of the influenza vaccine, the influenza
 105 vaccine recipient to remain under the observation of the administering pharmacist or
 106 nurse for a period of not less than 15 minutes immediately subsequent to the
 107 administration of the influenza vaccine;
- 108 (7) Contain procedures to follow up on the occurrence of an adverse event or
 109 complication including, if prescribed via an influenza vaccine order contained in an
 110 influenza vaccine protocol agreement, the administration of epinephrine;
- 111 (8) Provide for prioritization of influenza vaccine recipients in the event the supply of
 112 influenza vaccine is limited; and
- 113 (9) Be renewed and, if necessary, revised or updated biennially by the physician and the
 114 pharmacist or nurse. An influenza vaccine protocol agreement that is not renewed
 115 biennially shall expire."
- 116 "(l) The board shall have the authority to promulgate rules and regulations governing a
 117 physician who is a party to an influenza vaccine protocol agreement in order to carry out
 118 the intent and purposes of this Code section. Further, the board shall:
- 119 (1) Require that the influenza vaccine protocol agreement be filed by the physician with
 120 the board and the Department of Public Health and be made available by the board for
 121 public inspection; and
- 122 (2) Promulgate by rule an approved standard protocol template that may be utilized as
 123 an influenza vaccine protocol agreement and make such template available on the board's
 124 website."

125 **SECTION 3.**

126 The Department of Public Health shall conduct an educational campaign to disseminate
 127 knowledge of the vaccination registry as provided for in Code Section 31-12-3.1 amongst the
 128 population of persons who are likely to administer vaccines licensed for use by the United
 129 States Food and Drug Administration regarding the importance of proper and accurate
 130 reporting to the vaccination registry. The commissioner of public health shall make a report
 131 to the General Assembly on the educational efforts, reporting enforcement, and status of the
 132 vaccination registry by December 31, 2018.

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SECTION 4.

134 All laws and parts of laws in conflict with this Act are repealed.