

Testimony concerning HB 2263  
Senate Committee on Public Health and Welfare  
March 15, 2023

Madam Chair and Members of the Committee:

The Kansas State Board of Pharmacy respectfully submits this testimony in support of HB 2263. In the pharmacy setting, licensed pharmacists and pharmacy students are permitted to administer immunizations to Kansas patients pursuant to a protocol established with a physician. K.S.A. 65-1626 defines a vaccination protocol as a written protocol, agreed to and signed by a pharmacist and a physician that establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years. A sample is attached to this testimony. House Bill 2263 expands this authority to include allowing pharmacy technicians to administer immunizations.

The Board supports this legislation for the following reasons:

**1. Kansas pharmacy technicians have been safely administering immunizations under the Federal Prep Act since August 2020.**

In response to the COVID-19 pandemic, the U.S. Department of Health and Human Services expanded the Federal PREP Act to include authority for pharmacy technicians to administer immunizations. Such authority supersedes state law and has enabled pharmacy technicians in Kansas to provide these services under the direct supervision of a pharmacist since August 2020. As a result, it may be difficult to revert to pre-pandemic limitations in pharmacies and decrease access to care for patients when the PREP Act expires at the end of the federal emergency declaration. In exact alignment with the federal requirements, HB 2263 would require the following for a pharmacy technician to administer immunizations to patients:

- Pharmacy technicians must meet the same training requirements as pharmacists, including the ACPE immunization course and a current CPR certification;
- Immunizations must be reported to the patient primary care provider or protocol physician;
- Immunizations must be reported to Web IZ, unless the patient opts-out; and
- A physician must establish a protocol with the pharmacy technician, which may include additional requirements or restrictions.

Links to HHS guidance:

- <https://www.hhs.gov/about/news/2020/08/19/hhs-expands-access-childhood-vaccines-during-covid-19-pandemic.html>
- <https://www.hhs.gov/about/news/2020/09/09/trump-administration-takes-action-to-expand-access-to-covid-19-vaccines.html>
- <https://www.hhs.gov/about/news/2020/10/21/trump-administration-takes-action-further-expand-access-vaccines-covid-19-tests.html>
- <https://www.federalregister.gov/documents/2021/08/04/2021-16681/eighth-amendment-to-declaration-under-the-public-readiness-and-emergency-preparedness-act-for>

## **2. Other states allow pharmacy technicians to immunize; no decrease in patient safety.**

More than 10 states allow pharmacy technicians to administer immunizations, and many more are attempting to expand current laws after successes and efficiencies observed during the pandemic. Idaho authorized pharmacy technicians to provide immunizations in March 2017 and has reported an increased number of patients receiving vaccinations with no increase in complaints, disciplinary action, or other typical program criticisms. While the Board has received complaints regarding pharmacy vaccine errors during the pandemic, none of them involved an error by a pharmacy technician. States that have safely expanded immunization authority for pharmacy technicians include Delaware, Florida, Idaho, Iowa, Kentucky, Missouri, Nevada, North Dakota, Rhode Island, Utah, and Wisconsin.

## **3. The language is permissive, not mandatory.**

Of course, there is no mandate in the bill for pharmacies or pharmacy personnel to provide these services. Pharmacy technicians are not required to provide immunizations. Patients may choose where they receive their vaccine and, if at a pharmacy, may request it be administered by a pharmacist instead of a technician. Most importantly, physicians have independent authority to choose to establish a protocol with any pharmacist and pharmacy technician. This is merely another avenue to provide patients with access to vital and increasingly in-demand healthcare services.

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In Kansas, pharmacy technicians participate in on-the-job training and are required to pass a Board-approved certification exam within two years of receiving their registration. In addition, pharmacy technicians are required to complete 20 hours of continuing education each renewal period (two years). The bill was amended in the House to require any pharmacy technician be 18 years of age or older to participate in administering immunizations, which the Board supports.

The Board is able to take on necessary oversight of expanded duties for pharmacy technicians and has been monitoring this matter closely in Kansas since the Federal PREP Act was implemented. Staff would also likely draft a sample protocol for interested parties to use, as it has done in the past, as well as providing education and training related to any law change. The Board has appreciated the opportunity to provide feedback and input to the bill authors and believes the language is within the training and expertise of a pharmacy technician.

Respectfully submitted.