

**THE OFFICE OF CONTRACTING AND PROCUREMENT****NOTICE OF FINAL RULEMAKING**

The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by section 204 of the District of Columbia Procurement Practices Act of 1985 (“PPA”), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2006 Repl.), and Mayor’s Order 2002-207 (dated December 18, 2002), hereby gives notice of the addition of new subparagraphs 3205.1(i), 3205.1(j), 3205.1(k), 3205.1(l) and 3205.1(m) to Chapter 32 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurement). The rulemaking is intended to ensure that: (a) the District of Columbia Public Schools (“DCPS”) will be able to make tuition payments to non-DCPS schools that provide education services for special education students under the jurisdiction of DCPS prior to the beginning of a regularly scheduled school semester or school session; (b) the Metropolitan Police Department (“MPD”) will be able to make tuition payments prior to the beginning of a regularly scheduled school semester or school session on behalf of MPD personnel when such tuition payments are authorized by District of Columbia law or regulations; (c) the Attorney General will be able to make payments for court transcripts, depositions, expert witness fees and other litigation and transactional related legal costs and expenses necessary and appropriate for the Attorney General to properly represent the District of Columbia prior to the receipt of such goods and services; (d) District of Columbia agencies, offices or departments will be able to make advance tuition or fee payments to third-party providers of training seminars or programs directly related to the duties of agency, office or department employees and upon written approval by the director of the agency, office or department, and (e) District of Columbia agencies, offices or departments will be able to provide for food and beverages to District of Columbia employees attending an authorized training seminar or program upon a determination in writing by the applicable agency, office or department director that provision of food and beverages is necessary and appropriate in order for the employees to obtain the full benefit of the training that is directly related to the employees’ duties.

The proposed rulemaking was published in the *D.C. Register* at 55 DCR 10022 (September 26, 2008). No changes have been made to the rulemaking as originally proposed.

The Council of the District of Columbia approved this rulemaking on March 26, 2009 by Resolution 18-381, pursuant to section 205(b) of the PPA (D.C. Official Code § 2-302.05(b)).

The rulemaking will become effective upon publication in the *D.C. Register*.

**CHAPTER 32****CONTRACT FINANCING AND FUNDING**

*Chapter 32 is amended by adding new subparagraphs 3205.1(i), 3205.1(j), 3205.1(k), 3205.1(l) and 3205.1(m) to read as follows:*

**3205 ADVANCE PAYMENTS**

- 3205.1 (i) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance tuition payments to a responsible contractor who is a provider of special education services. The contractor may be paid tuition in advance of a school semester or session for each student enrolled with the contractor whose tuition has been approved for payment by the Chancellor of the District of Columbia Public Schools, or his or her designee;
- 3205.1 (j) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance tuition payments to a responsible contractor who is a provider of educational services or programs for Metropolitan Police Department (“MPD”) employees when such tuition payments are authorized by District of Columbia law or regulations. The contractor may be paid in advance of a school semester or session for each MPD employee enrolled with the contractor whose tuition has been approved for payment by the Chief of the MPD, or his or her designee, pursuant to District of Columbia law or regulations;
- 3205.1 (k) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance payments to a responsible contractor who provides court transcripts, depositions, expert witness testimony, or other litigation or transactional related legal services to the Attorney General upon the Attorney General’s determination that such advance payments are necessary and appropriate to enable the Attorney General to properly represent the District of Columbia;
- 3205.1 (l) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance payments to a responsible contractor who is a provider of training seminars or programs directly related to the duties of the applicable agency, office or department employees. The contractor may be paid in advance of a training seminar or program for each employee enrolled in a training seminar or program whose tuition or fee has been approved in writing by the applicable agency, office or department director; and
- 3205.1 (m) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance payments to a responsible contractor who is a provider of food and/or beverages for the agency, office or department employees attending a training seminar or program authorized by the applicable agency, office or department director, or his or her designee, and upon a determination in writing by the applicable agency, office or department director that provision of food and beverages is necessary and appropriate in order for the employees to obtain the full benefit of the training that is directly related to the employees’ duties.

**DEPARTMENT OF HEALTH****NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)) (“Act”), Mayor’s Order 98-140, dated August 20, 1998, and the Pharmacy Practice Amendment Act of 2008, effective March 20, 2009 (D.C. Law 17-0306; D.C. Official Code 3-1201.02(11)), gives notice of the adoption of the following amendments to chapter 65 of Title 17 of the District of Columbia Municipal Regulations (DCMR) (Pharmacists) which add a new § 6512 and amend § 6599.1 to add definitions for the terms ACPE, Administer, Immunization, Vaccination, and Written protocol.

The purpose of these amendments is to permit pharmacists licensed in the District of Columbia and certified to administer immunizations and vaccinations by the Board of Pharmacy, to administer immunizations and vaccinations upon receipt of a written physician protocol and a valid prescription or physician standing order. The amendments will also allow them to administer emergency anaphylactic reaction treatment pursuant to an approved physician-pharmacist protocol.

These rules were previously published as emergency and proposed rulemaking on May 1, 2009 at 56 DCR 3527. Written comments were received in connection with this notice from CVS Caremark and the National Association of Chain Drug Stores. No changes have been made to the regulations from the previous publication. These regulations will become effective upon publication of this notice in the D.C. Register.

**6512 ADMINISTRATION OF IMMUNIZATIONS AND VACCINATIONS BY PHARMACISTS**

6512.1 A pharmacist shall not administer immunizations and vaccinations unless certified by the Board of Pharmacy in accordance with this section to do so.

6512.2 An applicant for certification to administer immunizations and vaccinations shall do the following:

(a) Submit a completed application and pay the required fee;

(b) Demonstrate to the satisfaction of the Board that he or she:

(1) Is licensed in good standing under the Act to practice pharmacy;

(2) Possesses an active certification in cardiopulmonary resuscitation for health care providers; and

(3) Has successfully completed an ACPE approved course approved by the Board of Pharmacy which:

- (i) Is evidence-based;
- (ii) Includes study material;
- (iii) Includes hands-on training in techniques for administering immunizations or vaccines;
- (iv) Requires testing with a passing score;
- (v) Meets current Center for Disease Control and Prevention training guidelines; and
- (vi) Provides a minimum of twenty (20) hours of instruction and hands-on training in:
  - (A) Basic immunology and vaccine protection;
  - (B) Vaccine-preventable diseases;
  - (C) Vaccine storage and management;
  - (D) Informed consent;
  - (E) Physiology and techniques for vaccine administration;
  - (F) Pre and post-vaccine assessment and counseling;
  - (G) Immunization record management; and
  - (H) Identification, appropriate response, documentation, and reporting of adverse events.

6512.3 A pharmacist certified by the Board to administer immunizations and vaccinations shall:

- (a) Maintain current certification in cardiopulmonary resuscitation for health care providers;
- (b) Complete two (2) hours of continuing education each renewal period relevant to the administration of immunizations and vaccinations, as part of the continuing education credits required under subsection 6513.4 of this chapter and submit proof upon request to the Board; and

(c) Administer vaccines and immunizations in accordance with CDC guidelines.

6512.4 The location in the pharmacy where vaccinations and immunizations are administered shall:

(a) Ensure privacy;

(b) Be maintained to promote an aseptic environment;

(c) Have adequate telecommunications devices to summon aid and communicate emergency situations; and

(d) Have adequate equipment and supplies to respond to adverse events and emergency situations

6512.5 A pharmacist certified by the Board to administer immunizations and vaccinations shall only administer immunizations and vaccinations pursuant to:

(a) A written protocol signed and dated by a District of Columbia licensed physician authorizing the administration upon receipt of a written protocol; and

(b) A valid prescription; or

(c) Physician standing order

6512.6 A copy of the written protocol required in § 6512.5 shall be maintained by the administering pharmacist at the pharmacy practice site and readily available for inspection upon request of the Board of Pharmacy or submitted to the Board for review upon request.

6512.7 The written protocol shall contain, at a minimum, the following:

(a) A statement identifying the individual physician authorized to prescribe drugs and responsible for the delegation of administration of immunizations or vaccinations;

(b) A statement identifying the individual pharmacist(s) authorized to administer immunizations or vaccinations as delegated by the physician;

(c) A statement identifying the patient or groups of patients to receive the authorized immunization or vaccination; which shall be limited to:

(1) Patients who are currently under the individual physician's care or with whom the physician has provided medical treatment or care

- within the twelve months prior to the date of the written protocol;
- (2) Patients who are currently under the practice's care or with whom a physician within the practice has provided medical treatment or care within the twelve months prior to the date of the written protocol;
  - (3) Residents of a health care, residential services, or assisted living facility, when the medical director of such facility is the physician making the delegation;
  - (4) District resident populations identified by the Director of the Department of Health as part of a public health services program, when the Director, or his or her designee, is the physician making the delegation; and
  - (5) Inmates of the District of Columbia jail, when the medical director for the facility is the physician making the delegation.
- (d) A statement identifying the location(s) at which the pharmacist may administer immunizations or vaccinations which shall not include where a patient resides, except for a licensed nursing home, residential care facility, assisted living center, the District of Columbia jail, or a hospital;
- (e) A statement identifying the immunizations and vaccinations and emergency anaphylactic reaction treatment that may be administered by the pharmacist;
- (f) A statement identifying the activities the pharmacist shall follow in the course of administering immunizations and vaccinations, including procedures to follow in the case of reactions following administration; and
- (g) A statement that describes the content of, and the appropriate mechanisms for the pharmacist to report the administration of immunizations and vaccinations to the physician issuing the written protocol within the time frames specified in the protocol; which shall include providing the physician with a copy of the following records:
- (i) The name, address, gender, allergies and date of birth of the individual receiving the immunization or vaccination;
  - (ii) The date of administration
  - (iii) The route and site of the immunization or vaccination;
  - (iv) The name, dose, manufacturer's lot number, and expiration date of the vaccine;

(v) The name of the pharmacist administering the immunization or vaccination;

(vi) Any adverse events encountered.

- 6512.8 The pharmacist shall review the written protocol annually with the physician.
- 6512.9 Except as provided in § 6512.10, a pharmacist certified by the Board to administer immunizations and vaccinations shall not administer an immunization or vaccination to any individual younger than eighteen (18) years old and must obtain acceptable proof of age before administration.
- 6512.10 A pharmacist certified by the Board to administer immunizations and vaccinations shall only administer an immunization or vaccination to an individual under the age of eighteen (18) upon a referral from a physician who has an established physician-patient relationship with the patient.
- 6512.11 Except as provided in § 6512.12, a pharmacist certified to administer immunizations and vaccinations shall not delegate any function or duty, in part or in whole, pertaining to the administration of immunizations and vaccinations.
- 6512.12 A pharmacist certified to administer immunizations and vaccinations may permit a pharmacy student in a pharmacy experiential program, who has successfully completed a Board-approved certification course to administer influenza vaccinations under the pharmacist's direct supervision to an individual who is eighteen (18) years of age or older.
- 6512.13 Every patient receiving an immunization or vaccination by a pharmacist certified to do so, shall be provided with a current vaccine information statement.
- 6512.14 The pharmacist shall obtain the patient's informed written consent prior to administering the immunization or vaccination.
- 6512.15 As part of the informed consent, the practitioner and the pharmacist shall provide written disclosure to the patient of any contractual arrangement with any other party or any financial incentive that may impact one of the party's decisions to participate in the agreement.
- 6512.16 The pharmacist shall maintain a copy of the patient's informed written consent on file at the pharmacy practice site where the administration was given for a period of two (2) years after the date of administration.
- 6512.17 The pharmacist shall maintain documentation at the pharmacy practice site where the immunization or vaccination was administered for a period of two (2) years that includes:

- (a) The name, address, gender, allergies and date of birth of the individual receiving the immunization or vaccination;
- (b) The date of administration
- (c) The route and site of the immunization or vaccination;
- (d) The name, dose, manufacturer's lot number, and expiration date of the vaccine;
- (e) The name and address of the primary health care provider of the individual receiving the immunization or vaccination as identified to the pharmacist by that individual;
- (f) The date on which the vaccination or immunization information was reported to the delegating physician;
- (g) The name of the pharmacist administering the immunization or vaccination;
- (h) The version of the vaccination information statement provided to the patient;
- (i) A copy of the signed patient informed consent form; and
- (j) Any adverse events encountered.

- 6512.18 The records required to be maintain pursuant to this chapter shall be readily available for inspection upon request of the Board of Pharmacy or submitted to the Board for review upon request.
- 6512.19 A pharmacist certified under this chapter may administer the vaccinations and immunizations, and emergency anaphylactic reaction treatment deemed appropriate by the delegating physician as specifically set forth in the written protocol.
- 6512.20 The administering pharmacist shall report the immunizations and vaccinations administered as required under any federal or District Immunization Information System or Immunization Registry or as otherwise agreed in the written protocol.
- 6512.21 The administering pharmacist shall report any adverse event, which occurs in connection with or related to an administration, to the Director of the Department of Health as required under the District's Mandatory Adverse Event Reporting law and regulations in D.C. Official Code § 7-161 (2007) and 17 DCMR § 4017.4.

Section 6599.1 is amended as follows:

a) The following terms with the ascribed meanings are added as follows:

**ACPE**— The Accreditation Council for Pharmacy Education.

**Administer**— The direct application of a prescription drug by injection, inhalation, ingestions, or any other means to the body of a patient

**Immunization**— The act of inducing antibody formation, thus leading to immunity.

**Vaccination**— Administration of any antigen in order to induce immunity; is not synonymous with immunization since vaccination does not imply success.

**Written protocol**— a specific written plan for a course of medical treatment containing a written set of specific directions created by the physician for one or more patients.