



December 16, 2020

Sarah Sorum, Pharm. D.  
Pharmacy Society of Wisconsin  
701 Heartland Trail  
Madison, WI 53717

RE: Variance Request per Wis. Stats. §450.02(3m)

Dear Ms. Sorum,

On October 22, 2020, the Wisconsin Pharmacy Examining Board reviewed your variance request and correspondence of July 15, 2020 and September 2, 2020. You requested a variance of Wis. Stat. § 450.035(2m) and Wis. Admin. Code § Phar 7.015(3) to **allow pharmacists to delegate the administration of vaccines to persons engaged in the practice of pharmacy under § 450.03(1)(i), commonly referred to as pharmacy technicians**. The stated purpose of the request is to compensate for shortages of staff qualified to administer vaccinations both as a result of the COVID-19 emergency and as a result of the anticipated need to administer vaccines against COVID-19 itself.

The Board considered the evidence presented and determined that the requirements of Wis. Stat. § 450.02(3m)(a) have been met. **Your variance has been granted as follows:**

Wis. Stat. § 450.035(2c) is amended as follows:

*(2c) A pharmacist may administer a vaccine under sub. (2) to a person who is under the age of 6 if all of the following apply:*

*(a) The vaccine is administered pursuant to a prescription order ~~issued within the 29 days immediately preceding the day on which the vaccine is administered.~~*

Wis. Stat. § 450.035(2m) is amended as follows:

*(2m) Except as provided in sub. (1t), ~~or (2g)~~, or (2u) a pharmacist may not delegate to any person any administration of a prescribed drug product or device or vaccine under sub. (1r) or (2).*

Wis. Stat. § 450.035(2t) is amended as follows:

*(2t) A pharmacist may not administer a vaccine under sub. (2) or supervise a person administering a vaccine under sub. (2g) or (2u) unless the pharmacist satisfies each of the following:*

*(a) The pharmacist has in effect liability insurance that covers the pharmacist and a person who administers a vaccine under sub. (2g) or (2u) against loss, expense and liability resulting from errors, omissions or neglect in the administration of vaccines in an amount that is not less than \$1,000,000 for each occurrence and \$2,000,000 for all occurrences in any one policy year.*

Wis. Stat. § 450.035(2u) is created:

**2u)** A person engaged in the practice of pharmacy under s. 450.03 (1) (i) may not administer a vaccine unless all of the following requirements are met:

- (a) The person has completed a minimum of a two hour practical immunization training course which is approved by the Accreditation Council for Pharmacy Education (ACPE) that includes hands-on injection technique and the recognition and treatment of emergency reactions to vaccines;
- (b) The person has documentation of current certification in basic life support (BLS)/cardiopulmonary resuscitation (CPR);
- (c) The person has a Certified Pharmacy Technician (CPhT) certification from either the Pharmacy Technician Certification Board or National Healthcareer Association;
- (d) The pharmacist supervising the person meets all the requirements to supervise a delegate in the administration of a vaccine under this section;
- (e) Both the person administering the vaccine and the person to whom the vaccine is being administered are 18 years of age or older; and,
- (f) The person acts under the direct supervision of a pharmacist who is readily and immediately available.

Wis. Stat. § 450.035(3) is amended as follows:

(3) A pharmacist or a person engaged in the practice of pharmacy under s. 450.03 (1) (f), ~~or (g)~~, or (i) who successfully completes a course of study and training specified in sub. (1r), (1t), (2), ~~or (2g)~~, or (2u) shall maintain proof of completion and, upon request, provide copies of such proof to the department or the board.

Wis. Stat. § 450.035(4) is amended as follows:

(4) A pharmacist or person engaged in the practice of pharmacy under s. 450.03 (1) (f), ~~or (g)~~, or (i) who administers a vaccine to a person under this section shall update, or cause a pharmacy to update, the Wisconsin Immunization Registry established by the department of health services within 7 days of administering the vaccine.

Wis. Admin. Code § Phar 7.015(3) is amended as follows:

**Phar 7.015(3):**

A pharmacy technician may not do any of the following:

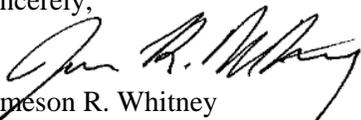
(b) Perform any of the following tasks:

5. Administer any prescribed drug products, devices or vaccines except as permitted under Wis. Stat. § 450.035 (2m) and (2u).

This variance shall apply to all Wisconsin pharmacists, and shall remain in effect for 90 days from today's date pursuant to Wis. Stats. §450.02(3m)(b), unless modified or extended by further action of the Pharmacy Examining Board.

Please feel free to contact me if you have any questions.

Sincerely,



Jameson R. Whitney  
Legal Counsel, Wisconsin Pharmacy Examining Board  
608-266-8098 jameson.whitney@wisconsin.gov