



PA 22-92—HB 5485

Public Health Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

SUMMARY: This act makes various, unrelated changes in the public health statutes. Principally, it:

1. makes minor, technical, and conforming changes to replace references to permits that no longer exist (e.g., bowling establishment permits) with references to the newly structured club permit (§§ 1-3);
2. allows licensed professional counselors and marital and family therapists who are members of specified Department of Mental Health and Addiction Services (DMHAS) community support and crisis intervention teams to issue emergency certificates authorizing people with a psychiatric disability to be taken to a general hospital for examination, under certain conditions (§ 4);
3. allows certified people to practice auricular acupuncture to treat alcohol and drug abuse under the supervision of a physician assistant (PA), advanced practice registered nurse (APRN), or licensed acupuncturist, instead of only a physician as under prior law (§ 7);
4. grants licensed pharmacists the authority under state law to administer the flu vaccine, with parental or guardian consent, to minors age 12 years or older (§ 24); and
5. makes a change to one of the educational criteria to make clinical medical assistants eligible to administer vaccinations under PA 22-58 (§ 25) (PA 22-93 further modifies this provision).

The act also makes technical and conforming changes to various statutes (§§ 5, 6 & 8-23).

EFFECTIVE DATE: Upon passage, except that the provisions on (1) pharmacists (§ 24) take effect July 1, 2022, and (2) emergency certificates for psychiatric evaluation (§ 4), auricular acupuncture (§ 7), medical assistants (§ 25), and technical changes to a statute on health care facility fees (§ 8) take effect October 1, 2022.

§ 4 — EMERGENCY CERTIFICATES FOR PSYCHIATRIC EVALUATION

The act permits licensed professional counselors and marital and family therapists to issue emergency certificates directing a person with psychiatric disabilities to be taken to a hospital for evaluation. To do so, the counselor or therapist must:

1. be a member of a (a) DMHAS-certified community support program or (b) DMHAS-operated or -funded mobile crisis team, jail diversion program,

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- crisis intervention team, advanced supervision and intervention support team, or assertive case management support program;
2. have received at least eight hours of specialized training in conducting direct evaluations; and
 3. reasonably believe, as a result of direct evaluation, that the person has psychiatric disabilities and is a danger to self or others, or gravely disabled and needs immediate care or treatment.

Existing law already allows clinical social workers and APRNs who meet the above training requirements to do this.

§ 7 — AURICULAR ACUPUNCTURE

Existing law allows unlicensed people who are certified by the National Acupuncture Detoxification Association to practice auricular acupuncture to treat alcohol and drug abuse under certain supervision and in Department of Public Health-licensed freestanding substance abuse facilities, DMHAS-operated settings, or any other setting where it is an appropriate adjunct therapy to a substance abuse or behavioral health treatment.

The act allows these people to practice under the supervision of a PA, APRN, or licensed acupuncturist, instead of only a physician as under prior law.

§ 24 — PHARMACISTS ADMINISTERING THE FLU VACCINE TO MINORS

The act grants licensed pharmacists the authority under state law to administer the flu vaccine, with parental or guardian consent, to minors age 12 years or older. It applies to the flu vaccine approved by the U.S. Food and Drug Administration. (Under specified conditions, federal law currently protects pharmacists from liability under federal or state law for administering approved vaccines, including the flu vaccine, to children age three and older; see BACKGROUND.)

By law, pharmacists may already administer to adults any vaccines on the Centers for Disease Control and Prevention's (CDC) adult immunization schedule. Under the act, as under existing law for adult vaccines, pharmacists must administer the flu vaccine to minors according to a licensed health care provider's order and Department of Consumer Protection regulations.

Under existing law, these regulations must require that pharmacists administering vaccines to adults complete an immunization training course. The act correspondingly extends this training requirement to pharmacists administering the flu vaccine to minors age 12 years or older.

§ 25 — MEDICAL ASSISTANTS ADMINISTERING VACCINES

PA 22-58 (§ 47) allows clinical medical assistants meeting specified certification, education, and training requirements to administer vaccines in any setting other than a hospital if acting under the supervision, control, and responsibility of a physician, PA, or APRN.

To be eligible to administer vaccines under PA 22-58, a clinical medical

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assistant generally must have graduated from a postsecondary medical assisting program that meets certain criteria. One option is that the person graduated from a program accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or another accrediting organization recognized by the U.S. Department of Education. This act instead specifies that the person must have done so on and after January 1, 2023, rather than January 1, 2024, as under PA 22-58. (PA 22-93 removes this date limitation altogether.)

BACKGROUND

Federal PREP Act and Pharmacists' Administration of Vaccines to Minors

The federal Public Readiness and Emergency Preparedness Act (PREP Act) authorizes the federal Health and Human Services (HHS) secretary to issue declarations protecting certain covered persons from liability related to the administration or use of medical countermeasures (42 U.S.C. § 247d–6d). Pursuant to this authority, in August 2020, the HHS secretary issued a declaration authorizing state-licensed pharmacists, under certain criteria, to order and administer FDA-authorized or FDA-approved vaccinations to minors age 3 and older. Among other conditions, the (1) vaccination must be administered according to the CDC's standard schedule and (2) pharmacist must meet certain training and recordkeeping requirements (HHS, Third Amendment to Declaration Under the PREP Act for Medical Countermeasures Against COVID-19).