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Take a STAND!™
Use Standing Orders to Vaccinate Adults

Session 3

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Session 3
State Law & Standing Orders: CALIFORNIA

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Associate Professor
Milken Institute School of Public Health
George Washington University
Overview

• State Law and Practice Acts

• State Law Review:
  – Terms equivalent to Standing Orders
  – Terms equivalent to Vaccination
  – Elements of Immunization Practice

• Immunization Practice in CALIFORNIA

• Supervision Requirements

• Practice Settings

• Summary
Purpose

Ensure supervising physicians understand:

• Immunization practice = medical practice

• All states have laws governing how physicians delegate medical tasks to health professionals

• Laws may address:
  – The medical practice eligible for delegation
  – Which professionals may participate
  – Level of required supervision
  – Where the practice may occur

• Broad variability among states – No state authorizes all NPHPs to assess, prescribe and administer vaccines
State Law Review

Reviewed all laws, regulations, case law, attorney’s general advisory opinions governing:

- Medical Assistants
- Midwives
- Nurses
  - Advanced Practice Nurse
  - Nurse Practitioner
  - Practical Nurse
  - Registered Nurse
  - Vocational Nurse
- Pharmacists
- Physician Assistants
Terms Equivalent to “Standing Orders”

1. Standardized Procedures
2. Written Guidelines
3. Collaboration:
   - With collaboration
   - Collaborative practice
   - Collaborative practice agreement
   - Collaborative authority
   - Collaborating provider
4. Delegation
   - Delegated authority
   - Delegation order, agreement
5. Protocol
   - Prescriber-approved protocol
CALIFORNIA law includes the term “standing orders”

<table>
<thead>
<tr>
<th>Professional</th>
<th>Equivalent Terms</th>
</tr>
</thead>
</table>
| Advanced Practice Nurse  
  - Midwife  
  - Nurse Practitioner | MIDWIFE  
  - Standardized procedures  
  - Protocols  
  **NURSE PRACTITIONER**  
  - Standing orders *(Schools)* |
| Medical Assistant |  
  - Specific Authorization  
  - Standing Order  
  - Protocol  
  - Standardized procedures |
| Practical Nurse | SILENT |
| Registered Nurse |  
  - Standing orders *(Schools)* *(Skilled nursing facilities)*  
  - Standardized procedures  
  - As ordered by and within scope of license of physician |
| Vocational Nurse |  
  - Standing orders *(Schools; General settings)*  
  - Written guidelines |
| Pharmacist | Standing orders *(Skilled nursing facilities)* |
| Physician Assistant |  
  - Delegation of services agreement  
  - Protocol  
  - Standing orders *(Schools)* |
Terms Equivalent to “Vaccination”

- Immunization
- Diagnostic or therapeutic regimens/measures
- Drug or device by injection
- Nonscheduled legend drug/substance*
- Medication**
- Pharmacological agents
- Prescription drugs or devices
- Schedule VI controlled substances

* LEGEND DRUGS are approved by the FDA and must be dispensed to the public only when a licensed physician or other licensed provider prescribes them. Legend drugs may be a controlled substance or a non-narcotic.


** MEDICATION includes drugs and pharmaceuticals and may be administered by injection or other methods.
<table>
<thead>
<tr>
<th>Professional</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>• Drugs</td>
</tr>
<tr>
<td>• Midwife</td>
<td>• Immunizing agent: (Schools)</td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td>Flu, other diseases representing a current or potential outbreak</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Injectable medications</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Immunization</td>
</tr>
<tr>
<td></td>
<td>• Immunizing agent: (Schools)</td>
</tr>
<tr>
<td></td>
<td>Flu, other diseases representing a current or potential outbreak</td>
</tr>
<tr>
<td></td>
<td>• Flu, pneumococcal vaccines to patients ages 50+: (Skilled nursing facility)</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>Immunization techniques</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>• Flu, pneumococcal vaccines: (Skilled nursing facility)</td>
</tr>
<tr>
<td></td>
<td>• Vaccines to patients ages 3+</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Medications; Drugs</td>
</tr>
<tr>
<td></td>
<td>• Immunizing agent: (Schools)</td>
</tr>
<tr>
<td></td>
<td>Flu, other diseases representing a current or potential outbreak</td>
</tr>
</tbody>
</table>
Immunization Practice includes:

**Assessment:** Screening, examining, diagnosing, treating
- **EXCLUDES:** merely collecting or reporting data, interviewing or taking patient history

**Prescription:** Oral, written or electronic
- **EXCLUDES:** simply transmitting a prescription issued by another provider

**Administration:** Injection, oral, nasal
- **EXCLUDES:** Dispensing medication
<table>
<thead>
<tr>
<th>Professional</th>
<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td>OWN AUTHORITY</td>
<td>DELEGATED</td>
<td>OWN AUTHORITY</td>
</tr>
<tr>
<td>• Midwife</td>
<td></td>
<td>Midwest Nurse Practitioner</td>
<td></td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>SILENT</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>SILENT</td>
<td>SILENT</td>
<td>SILENT</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>OWN AUTHORITY</td>
<td>SILENT</td>
<td>DELEGATED</td>
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<tr>
<td>Vocational Nurse</td>
<td>SILENT</td>
<td>SILENT</td>
<td>DELEGATED</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>OWN AUTHORITY</td>
<td>OWN AUTHORITY</td>
<td>DELEGATED</td>
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<tr>
<td>Physician Assistant</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
<td>DELEGATED</td>
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</tbody>
</table>
Supervision Requirements Include

Medical Assistant
Direct, within close proximity of supervisor, undefined supervision, at physician’s discretion

Midwife
Collaborative agreements with supervising physicians if midwife is an Advanced Practice Nurse

Nurses in Advanced Practice
Collaborative agreement with supervising physician/system governs entire practice
Supervision Requirements (cont.)

Practical Nurse
Direct, on-site supervision from physician, dentist, podiatrist, nurse in advanced practice, registered nurse, physician assistant

Registered Nurse
In collaboration with physician, dentist, podiatrist

Vocational Nurse
None listed

Pharmacist
Under own license or under delegated authority, protocol

Physician Assistant
With adequate physician supervision
## Supervision Requirements CALIFORNIA Law

<table>
<thead>
<tr>
<th>Professional</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Advanced Practice Nurse</strong></td>
<td>• As determined by supervising physician</td>
</tr>
<tr>
<td>• Midwife</td>
<td>• A physician may NOT supervise &gt;4 midwives at one time</td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td>• Physicians shall: 1) collaborate with; 2) approve of a protocol; and 3) be available by phone during a procedure</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>Supervising physician is not required to remain onsite, if a nurse practitioner, midwife, physician assistant, podiatrist practices under a protocol developed and approved by the physician and remains onsite</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>May practice under direction of supervising physician</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>Supervising physician is not required to remain onsite</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>May independently initiate and administer vaccines</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Must establish written supervision guidelines:</td>
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<tr>
<td></td>
<td>1. SP must review and sign 5% medical records monthly</td>
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<tr>
<td></td>
<td>2. SP and PA must meet to review records 10 months each year</td>
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<tr>
<td></td>
<td>3. SP must review at least 10 records 10 months each year using methods 1 and 2</td>
</tr>
</tbody>
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Permissible Practice Settings

Medical Assistant
• Public, private ambulatory care setting, delegating physician’s office, licensed clinics

Midwife
• Public/private clinical settings, physician’s offices

Nurses in Advanced Practice (APN; CNS; NP)
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Practical Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings
Permissible Practice Settings (cont.)

Registered Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Vocational Nurse
• Public/private clinical settings, patient’s home, schools, occupational health, community health settings

Pharmacist
• Hospitals, pharmacies, other health care facilities, jails

Physician Assistant
• Clinical and community locations
<table>
<thead>
<tr>
<th>Professional</th>
<th>Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Practice Nurse</td>
<td></td>
</tr>
<tr>
<td>• Midwife</td>
<td></td>
</tr>
<tr>
<td>• Nurse Practitioner</td>
<td>NURSE PRACTITIONER: Schools</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td>MAY NOT practice in acute care hospital</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>SILENT</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td></td>
</tr>
<tr>
<td>• Skilled Nursing Facility</td>
<td></td>
</tr>
<tr>
<td>• Schools</td>
<td></td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>Schools</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Skilled Nursing Facility</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td></td>
</tr>
<tr>
<td>• Any setting</td>
<td></td>
</tr>
<tr>
<td>• Schools</td>
<td></td>
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</tbody>
</table>
Delegation of immunizations in CALIFORNIA

1. ADVANCED PRACTICE NURSE (Midwife, Nurse Practitioner):
   • May assess patient status under their own or delegated authority. May prescribe under delegated authority. May administer drugs, immunizations under delegated or own authority

2. MEDICAL ASSISTANT:
   • May administer injectable medications under delegated authority

3. REGISTERED NURSE:
   • May assess patient status under their own authority and administer immunizations under standardized procedures or standing orders

4. PHARMACIST:
   • May assess and prescribe under their own authority and administer vaccines under their own authority or standing orders

5. PHYSICIAN ASSISTANT:
   • May assess, prescribe and administer medications, drugs, immunizations under protocols and standing orders

6. PRACTICAL NURSES: Not addressed in CALIFORNIA law
Comments????
Citations

1. **Cal. Business and Professions Code § 2069 (2015)** Administration of medication and performance of tasks and technical supportive services by medical assistants; Definitions

2. **Cal. Business and Professions Code § 2746.51 (2015)** When nurse-midwife may furnish drugs or devices

3. **Cal. Business and Professions Code § 2836.1 (2015)** Furnishing or ordering drugs or devices by nurse practitioners


5. **Cal. Business and Professions Code § 2725 (2015)** Legislative intent; Practice of nursing defined

Citations


13. SB No. 337, An act to amend Section 3501, 3502, and 2502.1 of the Business and Professions Code, relating to healing arts, Approved by the Governor Oct. 6, 2015
Citations


