

3808--A

2011-2012 Regular Sessions

I N S E N A T E

March 4, 2011

Introduced by Sens. FUSCHILLO, AVELLA, MARTINS, MAZIARZ, PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the practice of pharmacy and to amend chapter 563 of the laws of 2008 amending the education law and the public health law relating to immunizing agents to be administered to adults by pharmacists, in relation to making such provisions permanent

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 6801 of the education law is amended by adding a
2 new subdivision 5 to read as follows:
3 5. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A PHARMACY STUDENT
4 PARTICIPATING IN AN INTERNSHIP OR RESIDENCY PROGRAM WHO HAS SUCCESSFULLY
5 COMPLETED EVERY REQUIREMENT ESTABLISHED BY THE DEPARTMENT FOR THE
6 CERTIFICATE OF ADMINISTRATION MAY, UNDER THE DIRECT SUPERVISION OF A
7 PHARMACIST WHO HAS A VALID CERTIFICATE OF ADMINISTRATION ISSUED BY THE
8 DEPARTMENT, ADMINISTER AN IMMUNIZATION AS PROVIDED UNDER THIS SECTION.
9 S 2. Subdivision 22 of section 6802 of the education law, as added by
10 chapter 563 of the laws of 2008, is amended to read as follows:
11 22. "Administer", for the purpose of section sixty-eight hundred one
12 of this article, means the direct application of an immunizing agent to
13 adults, whether by injection, ingestion or any other means, pursuant to
14 a patient specific order or non-patient specific regimen prescribed or
15 ordered issued by a physician or certified nurse practitioner [who has a
16 practice site in the county in which the immunization is administered.
17 However if the county where the immunization is to be administered has a
18 population of seventy-five thousand or less, then the licensed physician
19 or certified nurse practitioner may be in an adjoining county]. Such
20 administration shall be limited to [immunizing agents to prevent influ-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 enza or pneumococcal disease] IMMUNIZATIONS AND VACCINES FORMULATED IN
2 ADULT DOSAGE LISTED IN THE RECOMMENDED ADULT IMMUNIZATION SCHEDULE BY
3 THE CENTERS FOR DISEASE CONTROL AND PREVENTION and medications required
4 for emergency treatment of anaphylaxis.

5 S 3. Subdivision 2 of section 6828 of the education law, as added by
6 chapter 563 of the laws of 2008, is amended to read as follows:

7 2. The fee for a certificate of administration shall be one hundred
8 dollars [and shall be paid on a triennial basis]. A certificate may be
9 suspended or revoked in the same manner as a license to practice pharma-
10 cy.

11 S 4. Section 8 of chapter 563 of the laws of 2008 amending the educa-
12 tion law and the public health law relating to immunizing agents to be
13 administered to adults by pharmacists, is amended to read as follows:

14 S 8. This act shall take effect on the ninetieth day after it shall
15 have become a law [and shall expire and be deemed repealed March 31,
16 2012].

17 S 5. This act shall take effect on the ninetieth day after it shall
18 have become a law.