

# STATE OF NEW YORK

8280--B

2021-2022 Regular Sessions

## IN ASSEMBLY

September 13, 2021

Introduced by M. of A. McDONALD, LUPARDO, GALLAHAN, OTIS, GALEF, ABINANTI, BUTTENSCHON, FAHY, B. MILLER, GOTTFRIED, ENGLEBRIGHT, SANTABARBARA, KELLES -- Multi-Sponsored by -- M. of A. ANGELINO, J. M. GIGLIO -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to authorizing emergency medical technicians to administer certain vaccines pursuant to non-patient specific orders and under the authority of an emergency medical services director; to amend the education law, in relation to authorizing physicians and certified nurse practitioners to prescribe and order a non-patient specific order to an emergency medical technician to administer certain vaccines; and providing for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 3005-c to read as follows:

3 § 3005-c. Vaccination by emergency medical technicians. 1. Emergency  
4 medical technicians may, pursuant to a non-patient specific order under  
5 sections sixty-nine hundred nine and sixty-five hundred twenty-seven of  
6 the education law and under the authority of an emergency medical  
7 services director while overseen or approved by the department of health  
8 or local health departments and operated under the medical supervision  
9 of licensed physicians, licensed physician assistants, or certified  
10 nurse practitioners administer immunizations to prevent influenza to  
11 persons two years of age or older, and administer immunizations to  
12 prevent COVID-19 to persons eighteen years of age or older, provided

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

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1 that such individuals first receive training in the following areas, as  
2 determined by the commissioner after consultation with the commissioner  
3 of education:

4 (a) techniques, indications, precautions, contraindications, infection  
5 control practices;

6 (b) use of personal protective equipment sufficient to provide the  
7 basic level of competence for such tasks; and

8 (c) a current certificate in basic cardiopulmonary resuscitation,  
9 which at a minimum must include a certification in basic cardiopulmonary  
10 resuscitation by an online program that has received accreditation from  
11 the American Nurses Credentialing Center, the Accreditation Council for  
12 Pharmacy Education (ACPE), or the Accreditation Council for Continuing  
13 Medical Education.

14 2. When an emergency medical technician administers an immunization to  
15 prevent influenza or COVID-19, they shall:

16 (a) report such administration to the department of health either  
17 through the statewide immunization information system or the citywide  
18 immunization registry under section twenty-one hundred sixty-eight of  
19 this chapter, notwithstanding any provision of that section to the  
20 contrary; and

21 (b) prior to administering the immunization, inform the patient or,  
22 where applicable, the person legally responsible for the patient, on the  
23 importance of having a primary health care practitioner.

24 § 2. Subparagraph (ii) of paragraph (b) of subdivision 3 of section  
25 2168 of the public health law, as amended by chapter 420 of the laws of  
26 2014, is amended and a new subparagraph (iii) is added to read as  
27 follows:

28 (ii) A registered professional nurse, or a pharmacist who administers  
29 a vaccine pursuant to subdivision two of section sixty-eight hundred one  
30 of the education law, or an emergency medical technician who administers  
31 an immunization to prevent influenza or COVID-19 under section three  
32 thousand five-c of this chapter, to a person nineteen years of age or  
33 older, shall report, with the consent of the vaccinee, all such immuni-  
34 zations to the department in a format prescribed by the commissioner  
35 within fourteen days of administration of such immunizations. Registered  
36 professional nurses or pharmacists administering immunizations pursuant  
37 to subdivision two of section sixty-eight hundred one of the education  
38 law, to persons nineteen years of age or older in the city of New York  
39 shall report, with the consent of the vaccinee, in a format prescribed  
40 by the city of New York commissioner of health and mental hygiene, all  
41 such immunizations to the citywide immunization registry.

42 (iii) An emergency medical technician who administers an immunization  
43 under section three thousand five-c of this chapter, to a person less  
44 than nineteen years of age, shall report all immunizations to the  
45 department in a format prescribed by the commissioner within fourteen  
46 days of administration of the immunizations. Emergency medical techni-  
47 cians administering such immunizations to persons less than nineteen  
48 years of age in the city of New York shall report, in a format  
49 prescribed by the city of New York commissioner of health and mental  
50 hygiene, all immunizations to the citywide immunization registry.

51 § 3. Section 6527 of the education law is amended by adding a new  
52 subdivision 7-b to read as follows:

53 7-b. A licensed physician may prescribe and order a non-patient  
54 specific order to an emergency medical technician pursuant to regu-  
55 lations made by the commissioner, and consistent with the public health  
56 law, for:

1 (a) administering immunizations to prevent influenza to persons two  
2 years of age or older; and

3 (b) administering immunizations to prevent COVID-19 to persons eigh-  
4 teen years of age or older.

5 § 4. Section 6909 of the education law is amended by adding a new  
6 subdivision 11 to read as follows:

7 11. A certified nurse practitioner may prescribe and order a non-pa-  
8 tient specific order to an emergency medical technician pursuant to  
9 regulations made by the commissioner, and consistent with the public  
10 health law, for:

11 (a) administering immunizations to prevent influenza to persons two  
12 years of age or older; and

13 (b) administering immunizations to prevent COVID-19 to persons eigh-  
14 teen years of age or older.

15 § 5. This act shall take effect immediately and shall expire and be  
16 deemed repealed June 1, 2024.