S T A T E O F N E W Y O R K

3808

2011-2012 Regular Sessions

I N S E N A T E

March 4, 2011

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the practice of pharmacy

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

Section 1. Section 6801 of the education law, as amended by chapter 563 of the laws of 2008, is amended to read as follows:

S 6801. Definition of practice of pharmacy. 1. The practice of the profession of pharmacy is defined as the administering, preparing, compounding, preserving, or the dispensing of drugs, medicines and therapeutic devices on the basis of prescriptions or other legal authority.

2. A licensed pharmacist may execute a non-patient specific regimen prescribed or ordered by a licensed physician or certified nurse practitioner, pursuant to rules and regulations promulgated by the commissioner. When a licensed pharmacist administers an immunizing agent, he or she shall:

(a) report such administration to the patient's attending primary health care practitioner or practitioners, if any, pursuant to rules and regulations of the commissioner;

(b) provide information to the patient on the importance of having a primary health care practitioner, developed by the commissioner of health; and

(c) report such administration, absent of any individually identifiable health information, to the department of health in a manner required by the commissioner of health.

WHEN A LICENSED PHARMACIST CERTIFIED BY THE DEPARTMENT TO ADMINISTER IMMUNIZATIONS WITHIN A FACILITY LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW OR IN AN IMMUNIZATION OUTREACH PROGRAM AUTHORIZED BY THE STATE OR A COUNTY HEALTH DEPARTMENT, THE IMMUNIZATION SHALL BE RECORDED BY THAT ENTITY AND THE RECORD OF SUCH ENTITY SHALL MEET THE REQUIREMENTS IN PARAGRAPH (A) OF THIS SUBDIVISION.

3. No pharmacist shall administer immunizing agents without receiving training satisfactory to the commissioner and the commissioner of health

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

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which shall include, but not be limited to, techniques for screening individuals and obtaining informed consent; techniques of administration; indications, precautions and contraindications in the use of agent or agents; record keeping of immunization and information; and handling emergencies, including anaphylaxis and needlesticks.

4. The commissioner of health, in consultation with the commissioner, shall prepare and submit a report to the governor and the legislature, on or before December thirty-first, two thousand eleven, reporting the results and evaluating the effectiveness and impact, if any, of implementation of subdivision two of this section upon the supply of such immunizing agents for the prevention of influenza and pneumococcal disease, upon the geographical distribution of such agents, and upon the distribution of such agents among health care providers, including physicians, and pharmacies in New York state.

5. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A PHARMACY STUDENT PARTICIPATING IN AN INTERNSHIP OR RESIDENCY PROGRAM WHO HAS SUCCESSFULLY COMPLETED EVERY REQUIREMENT ESTABLISHED BY THE DEPARTMENT FOR THE CERTIFICATE OF ADMINISTRATION MAY, UNDER THE DIRECT SUPERVISION OF A PHARMACIST WHO HAS A VALID CERTIFICATE OF ADMINISTRATION ISSUED BY THE DEPARTMENT, ADMINISTER AN IMMUNIZATION AS PROVIDED UNDER THIS SECTION.

S 2. Subdivision 22 of section 6802 of the education law, as added by chapter 563 of the laws of 2008, is amended to read as follows:

22. "Administer", for the purpose of section sixty-eight hundred one of this article, means the direct application of an immunizing agent [to adults], whether by injection, ingestion or any other means, pursuant to a patient specific order or non-patient specific regimen prescribed or ordered [issued by a physician or certified nurse practitioner who has a practice site in the county in which the immunization is administered. However if the county where the immunization is to be administered has a population of seventy-five thousand or less, then the licensed physician or certified nurse practitioner may be in an adjoining county]. Such administration shall be limited to [immunizing agents to prevent influenza or pneumococcal disease] IMMUNIZATIONS AND VACCINES FORMULATED IN ADULT DOSAGE and medications required for emergency treatment of anaphylaxis.

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

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

S 4. This act shall take effect on the ninetieth day after it shall have become a law:

(a) provided, however, that the amendments to section 6801 of the education law made by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(b) provided, further, that the amendments to subdivision 22 of section 6802 of the education law made by section two of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

(c) provided, further, that the amendments to subdivision 2 of section 6828 of the education law made by section three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.