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

3808--B

2011-2012 Regular Sessions

I N S E N A T E

March 4, 2011

Introduced by Sens. FUSCHILLO, AVELLA, GRISANTI, MARTINS, MAZIARZ, PERALTA, RANZENHOFER -- 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 -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to authorizing a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivision 7 of section 6527 of the education law, as added by chapter 563 of the laws of 2008, is amended to read as follows:

7. (a) A licensed physician may prescribe and order a non-patient specific regimen to a licensed pharmacist, pursuant to regulations promulgated by the commissioner, and consistent with the public health law, for administering immunizations TO PREVENT INFLUENZA OR PNEUMOCOCCAL DISEASE AND MEDICATIONS REQUIRED FOR EMERGENCY TREATMENT OF ANAPHYLAXIS. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

(B) A LICENSED PHYSICIAN MAY PRESCRIBE AND ORDER A PATIENT SPECIFIC ORDER TO A LICENSED PHARMACIST, PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER, AND CONSISTENT WITH THE PUBLIC HEALTH LAW, FOR ADMINISTERING IMMUNIZATIONS TO PREVENT ACUTE HERPES ZOSTER.

S 2. Subdivision 7 of section 6909 of the education law, as added by chapter 563 of the laws of 2008, is amended to read as follows:

7. (A) A certified nurse practitioner may prescribe and order a non-patient specific regimen to a licensed pharmacist, pursuant to regu-

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

LBD09657-15-2

lations promulgated by the commissioner, and consistent with the public health law, for administering immunizations TO PREVENT INFLUENZA OR PNEUMOCOCCAL DISEASE AND MEDICATIONS REQUIRED FOR EMERGENCY TREATMENT OF ANAPHYLAXIS. Nothing in this subdivision shall authorize unlicensed persons to administer immunizations, vaccines or other drugs.

(B) A CERTIFIED NURSE PRACTITIONER MAY PRESCRIBE AND ORDER A PATIENT SPECIFIC REGIMEN TO A LICENSED PHARMACIST, PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER, AND CONSISTENT WITH THE PUBLIC HEALTH LAW, FOR ADMINISTERING IMMUNIZATIONS TO PREVENT ACUTE HERPES ZOSTER.

S 3. 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. 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, FOR IMMUNIZATIONS TO PREVENT INFLUENZA OR PNEUMOCOCCAL DISEASE AND MEDICATIONS REQUIRED FOR EMERGENCY TREATMENT OF ANAPHYLAXIS OR B. A PATIENT SPECIFIC ORDER PRESCRIBED OR ORDERED BY A PHYSICIAN OR CERTIFIED NURSE PRACTITIONER FOR IMMUNIZATIONS TO PREVENT ACUTE HERPES ZOSTER. [However if] 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 and medications required for emergency treatment of anaphylaxis.

S 4. Section 6801 of the education law is amended by adding a new subdivision 5 to read as follows:

5. WHEN ADMINISTERING AN IMMUNIZATION IN A PHARMACY, THE LICENSED PHARMACIST SHALL PROVIDE AN AREA FOR THE IMMUNIZATION THAT PROVIDES FOR A PATIENT'S PRIVACY.

S 5. The commissioner of health, in consultation with the superintendent of financial services and the commissioner of education, shall prepare and submit a report to the governor and the legislature, on or before October first, two thousand fourteen, regarding the rates of health insurance plan coverage for immunizations to prevent acute herpes zoster in New York state. This information shall include, but not be limited to, the total number of people receiving immunizations to prevent acute herpes zoster from health care providers as compared to pharmacies in New York state; the rates of coverage from health insurance plans, including Medicare, for people receiving immunizations to prevent acute herpes zoster from health care providers as compared to pharmacies in New York state; the amount of co-pays and other fees required by health insurance plans, including Medicare, for people receiving immunizations to prevent acute herpes zoster from health care providers as compared to pharmacies in New York state; and a list of health insurance plans that do not provide coverage for people receiving immunizations to prevent acute herpes zoster from health care providers as compared to pharmacies in New York state as well as the amount or amounts that are charges to an individual receiving immunizations to prevent herpes zoster without any health insurance coverage.

S 6. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed July 1, 2015 provided, that:

(a) the amendments to subdivision 7 of section 6527 of the education law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith;

(b) the amendments to subdivision 7 of section 6909 of the education law, made by section two of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith;

(c) the amendments to subdivision 22 of section 6802 of the education law made by section three of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith; and

(d) the amendments to section 6801 of the education law made by section four of this act shall not affect the expiration of such section and shall be deemed to expire therewith.