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I N A S S E M B L Y

March 31, 2014

Introduced by M. of A. PAULIN, GOTTFRIED, McDONALD, GUNTHER, MARKEY, OTIS, HOOPER, SIMANOWITZ, WEPRIN -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, COOK, GOODELL, HIKIND, LUPARDO, MOYA, PERRY, SCHIMEL, SCHIMMINGER, WALTER -- read once and referred 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 administration of certain immunizations; 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; to amend chapter 116 of the laws of 2012, amending the education law relating to authorizing a licensed pharmacist and certified nurse practitioner to administer certain immunizing agents, and to amend chapter 274 of the laws of 2013, amending the education law relating to authorizing a licensed pharmacist and certified nurse practitioner to administer meningococcal disease immunizing agents, in relation to making the provisions thereof permanent

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

1 Section 1. Subdivision 7 of section 6527 of the education law, as
2 amended by chapter 116 of the laws of 2012 and paragraph (c) as added by
3 chapter 274 of the laws of 2013, is amended to read as follows:
4 7. [(a)] A licensed physician may prescribe and order a PATIENT
5 SPECIFIC ORDER OR non-patient specific regimen to a licensed pharmacist,
6 pursuant to regulations promulgated by the commissioner, and consistent
7 with the public health law, for administering immunizations to prevent
8 influenza [or], pneumococcal, ACUTE HERPES ZOSTER, MENINGOCOCCAL, TETA-
9 NUS, DIPHTHERIA OR PERTUSSIS disease and medications required for emer-
10 gency treatment of anaphylaxis. Nothing in this subdivision shall
11 authorize unlicensed persons to administer immunizations, vaccines or
12 other drugs.
13 [(b)] A licensed physician may prescribe and order a patient specific
14 order to a licensed pharmacist, pursuant to regulations promulgated by

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

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1 the commissioner, and consistent with the public health law, for admin-
2 istering immunizations to prevent acute herpes zoster.

3 (c) A licensed physician may prescribe and order a non-patient specif-
4 ic regimen to a licensed pharmacist, pursuant to regulations promulgated
5 by the commissioner, and consistent with the public health law, for
6 administering immunizations to prevent meningococcal disease.]

7 S 2. Subdivision 7 of section 6909 of the education law, as amended by
8 chapter 116 of the laws of 2012 and paragraph (c) as added by chapter
9 274 of the laws of 2013, is amended to read as follows:

10 7. [(a)] A certified nurse practitioner may prescribe and order a
11 PATIENT SPECIFIC ORDER OR non-patient specific regimen to a licensed
12 pharmacist, pursuant to regulations promulgated by the commissioner, and
13 consistent with the public health law, for administering immunizations
14 to prevent influenza [or], pneumococcal, ACUTE HERPES ZOSTER, MENINGO-
15 COCCAL, TETANUS, DIPHTHERIA OR PERTUSSIS disease and medications
16 required for emergency treatment of anaphylaxis. Nothing in this subdi-
17 vision shall authorize unlicensed persons to administer immunizations,
18 vaccines or other drugs.

19 [(b) A certified nurse practitioner may prescribe and order a patient
20 specific regimen to a licensed pharmacist, pursuant to regulations
21 promulgated by the commissioner, and consistent with the public health
22 law, for administering immunizations to prevent acute herpes zoster.

23 (c) A certified nurse practitioner may prescribe and order a non-pa-
24 tient specific regimen to a licensed pharmacist, pursuant to regulations
25 promulgated by the commissioner, and consistent with the public health
26 law, for administering immunizations to prevent meningococcal disease.]

27 S 3. Subdivisions 2, 4 and 5 of section 6801 of the education law,
28 subdivisions 2 and 4 as added by chapter 563 of the laws of 2008 and
29 subdivision 5 as added by chapter 116 of the laws of 2012, are amended
30 to read as follows:

31 2. A licensed pharmacist may execute a non-patient specific regimen
32 prescribed or ordered by a [licensed] physician LICENSED IN THIS STATE
33 or [certified] nurse practitioner CERTIFIED IN THIS STATE, pursuant to
34 rules and regulations promulgated by the commissioner. When a licensed
35 pharmacist administers an immunizing agent, he or she shall:

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

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

42 (c) report such administration, absent of any individually identifi-
43 able health information, to the department of health in a manner
44 required by the commissioner of health].

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

54 5.] When administering an immunization in a pharmacy, the licensed
55 pharmacist shall provide an area for the immunization that provides for
56 a patient's privacy.

1 S 4. Subdivision 22 of section 6802 of the education law, as amended
2 by chapter 274 of the laws of 2013, is amended to read as follows:

3 22. "Administer", for the purpose of section sixty-eight hundred one
4 of this article, means the direct application of an immunizing agent to
5 adults, whether by injection, ingestion or any other means, pursuant to
6 [a.] a patient specific order or non-patient specific regimen prescribed
7 or ordered by a physician or certified nurse practitioner[, who has a
8 practice site in the county in which the immunization is administered,]
9 for immunizations to prevent influenza [or], pneumococcal, ACUTE HERPES
10 ZOSTER, MENINGOCOCCAL, TETANUS, DIPHTHERIA OR PERTUSSIS disease and
11 medications required for emergency treatment of anaphylaxis [or b. a
12 patient specific order prescribed or ordered by a physician or certified
13 nurse practitioner for immunizations to prevent acute herpes zoster or
14 meningococcal disease or c. a patient specific order or non-patient
15 specific regimen prescribed or ordered by a physician or certified nurse
16 practitioner for immunizations to prevent meningococcal disease. If the
17 county where the immunization is to be administered has a population of
18 seventy-five thousand or less, then the licensed physician or certified
19 nurse practitioner may be in an adjoining county. Such administration
20 shall be limited to immunizing agents to prevent influenza or pneumococ-
21 cal disease and medications required for emergency treatment of anaphy-
22 laxis]. IF THE COMMISSIONER OF HEALTH DETERMINES THAT THERE IS AN
23 OUTBREAK OF DISEASE, OR THAT THERE IS THE IMMINENT THREAT OF AN OUTBREAK
24 OF DISEASE, THEN THE COMMISSIONER OF HEALTH MAY ISSUE A NON-PATIENT
25 SPECIFIC REGIMEN APPLICABLE STATEWIDE.

26 S 5. Section 8 of chapter 563 of the laws of 2008, amending the educa-
27 tion law and the public health law relating to immunizing agents to be
28 administered to adults by pharmacists, as amended by chapter 316 of the
29 laws of 2011, is amended to read as follows:

30 S 8. This act shall take effect on the ninetieth day after it shall
31 have become a law [and shall expire and be deemed repealed March 31,
32 2016].

33 S 6. Sections 5 and 6 of chapter 116 of the laws of 2012, amending the
34 education law relating to authorizing a licensed pharmacist and certi-
35 fied nurse practitioner to administer certain immunizing agents, are
36 amended to read as follows:

37 S 5. [The commissioner of health, in consultation with the superinten-
38 dent of financial services and the commissioner of education, shall
39 prepare and submit a report to the governor and the legislature, on or
40 before October first, two thousand fourteen, regarding the rates of
41 health insurance plan coverage for immunizations to prevent acute herpes
42 zoster in New York state. This information shall include, but not be
43 limited to, the total number of people receiving immunizations to
44 prevent acute herpes zoster from health care providers as compared to
45 pharmacies in New York state; the rates of coverage from health insur-
46 ance plans, including Medicare, for people receiving immunizations to
47 prevent acute herpes zoster from health care providers as compared to
48 pharmacies in New York state; the amount of co-pays and other fees
49 required by health insurance plans, including Medicare, for people
50 receiving immunizations to prevent acute herpes zoster from health care
51 providers as compared to pharmacies in New York state; and a list of
52 health insurance plans that do not provide coverage for people receiving
53 immunizations to prevent acute herpes zoster from health care providers
54 as compared to pharmacies in New York state as well as the amount or
55 amounts that are charges to an individual receiving immunizations to
56 prevent herpes zoster without any health insurance coverage.

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

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

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

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

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

16 S 7. Section 4 of chapter 274 of the laws of 2013, amending the educa-
17 tion law relating to authorizing a licensed pharmacist and certified
18 nurse practitioner to administer meningococcal disease immunizing
19 agents, is amended to read as follows:

20 S 4. This act shall take effect on the ninetieth day after it shall
21 have become a law[; provided, that:

22 (a) the amendments to subdivision 7 of section 6527 of the education
23 law, made by section one of this act shall not affect the expiration and
24 reversion of such subdivision, as provided in section 6 of chapter 116
25 of the laws of 2012, and shall be deemed to expire therewith; and

26 (b) the amendments to subdivision 7 of section 6909 of the education
27 law, made by section two of this act shall not affect the expiration and
28 reversion of such subdivision, as provided in section 6 of chapter 116
29 of the laws of 2012, and shall be deemed to be expire therewith; and

30 (c) the amendments to subdivision 22 of section 6802 of the education
31 law made by section three of this act shall not affect the expiration of
32 such subdivision and shall be deemed to expire therewith].

33 S 8. This act shall take effect immediately.