

5688--A

2013-2014 Regular Sessions

I N S E N A T E

June 4, 2013

Introduced by Sens. HANNON, AVELLA, GALLIVAN, MAZIARZ, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- 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 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.

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

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1 [(b) A licensed physician may prescribe and order a patient specific
2 order to a licensed pharmacist, pursuant to regulations promulgated by
3 the commissioner, and consistent with the public health law, for admin-
4 istering immunizations to prevent acute herpes zoster.

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

9 S 2. Subdivision 7 of section 6909 of the education law, as amended by
10 chapter 116 of the laws of 2012 and paragraph (c) as added by chapter
11 274 of the laws of 2013, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

33 S 8. This act shall take effect on the ninetieth day after it shall
34 have become a law [and shall expire and be deemed repealed March 31,
35 2016].

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

40 S 5. [The commissioner of health, in consultation with the superinten-
41 dent of financial services and the commissioner of education, shall
42 prepare and submit a report to the governor and the legislature, on or
43 before October first, two thousand fourteen, regarding the rates of
44 health insurance plan coverage for immunizations to prevent acute herpes
45 zoster in New York state. This information shall include, but not be
46 limited to, the total number of people receiving immunizations to
47 prevent acute herpes zoster from health care providers as compared to
48 pharmacies in New York state; the rates of coverage from health insur-
49 ance plans, including Medicare, for people receiving immunizations to
50 prevent acute herpes zoster from health care providers as compared to
51 pharmacies in New York state; the amount of co-pays and other fees
52 required by health insurance plans, including Medicare, for people
53 receiving immunizations to prevent acute herpes zoster from health care
54 providers as compared to pharmacies in New York state; and a list of
55 health insurance plans that do not provide coverage for people receiving
56 immunizations to prevent acute herpes zoster from health care providers

1 as compared to pharmacies in New York state as well as the amount or
2 amounts that are charges to an individual receiving immunizations to
3 prevent herpes zoster without any health insurance coverage.

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

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

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

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

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

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

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

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

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

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

36 S 8. This act shall take effect immediately.