

7046

2015-2016 Regular Sessions

I N A S S E M B L Y

April 21, 2015

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Higher Education

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 disease] LISTED ON THE ROUTINE IMMUNIZATION
9 SCHEDULES RECOMMENDED BY THE FEDERAL ADVISORY COMMITTEE ON IMMUNIZATION
10 PRACTICES and medications required for emergency treatment of anaphylax-
11 is. Nothing in this subdivision shall authorize unlicensed persons to
12 administer immunizations, vaccines or 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
15 the commissioner, and consistent with the public health law, for admin-
16 istering immunizations to prevent acute herpes zoster.

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

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

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

8 7. [(a)] A certified nurse practitioner may prescribe and order a
9 PATIENT SPECIFIC ORDER OR non-patient specific regimen to a licensed
10 pharmacist, pursuant to regulations promulgated by the commissioner, and
11 consistent with the public health law, for administering immunizations
12 [to prevent influenza or pneumococcal disease] LISTED ON THE ROUTINE
13 IMMUNIZATION SCHEDULES RECOMMENDED BY THE FEDERAL ADVISORY COMMITTEE ON
14 IMMUNIZATION PRACTICES and medications required for emergency treatment
15 of anaphylaxis. Nothing in this subdivision shall authorize unlicensed
16 persons to administer immunizations, vaccines or other drugs.

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

21 (c) A certified nurse practitioner may prescribe and order a non-pa-
22 tient 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 meningococcal disease.]

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

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

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

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

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

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

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

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

1 22. "Administer", for the purpose of section sixty-eight hundred one
2 of this article, means the direct application of an immunizing agent to
3 adults, whether by injection, ingestion or any other means, pursuant to
4 [a.] a patient specific order or non-patient specific regimen prescribed
5 or ordered by a physician or certified nurse practitioner[, who has a
6 practice site in the county in which the immunization is administered,]
7 for immunizations [to prevent influenza or pneumococcal disease] LISTED
8 ON THE ROUTINE IMMUNIZATION SCHEDULES RECOMMENDED BY THE FEDERAL ADVI-
9 SORY COMMITTEE ON IMMUNIZATION PRACTICES and medications required for
10 emergency treatment of anaphylaxis [or b. a patient specific order
11 prescribed or ordered by a physician or certified nurse practitioner for
12 immunizations to prevent acute herpes zoster or meningococcal disease or
13 c. a patient specific order or non-patient specific regimen prescribed
14 or ordered by a physician or certified nurse practitioner for immuniza-
15 tions to prevent meningococcal disease. If the county where the immuni-
16 zation is to be administered has a population of seventy-five thousand
17 or less, then the licensed physician or certified nurse practitioner may
18 be in an adjoining county. Such administration shall be limited to
19 immunizing agents to prevent influenza or pneumococcal disease and medi-
20 cations required for emergency treatment of anaphylaxis]. IF THE COMMIS-
21 SIONER OF HEALTH DETERMINES THAT THERE IS AN OUTBREAK OF DISEASE, OR
22 THAT THERE IS THE IMMINENT THREAT OF AN OUTBREAK OF DISEASE, THEN THE
23 COMMISSIONER OF HEALTH MAY ISSUE A NON-PATIENT SPECIFIC REGIMEN APPLICA-
24 BLE STATEWIDE.

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

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

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

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