STATE OF NEW YORK

10303

IN ASSEMBLY

May 17, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. McMahon) -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to authorizing certain nursing students to administer certain vaccines pursuant to patient specific orders or non-patient specific orders and authorizing physicians and certified nurse practitioners to prescribe and order a patient specific order or non-patient specific order to a nursing student to administer certain vaccines

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 6901 of the education law is amended by adding a new subdivision 4 to read as follows:

4. "Nursing student" shall mean any person either receiving an education in nursing or who has completed an education in nursing within the prior year, where completing such education in nursing may permit such person to be granted licensure under this article in accordance with the applicable commissioner's regulations.

§ 2. The education law is amended by adding a new section 6913 to read as follows:

§ 6913. Vaccination by nursing students. 1. Any nursing student may, pursuant to a patient specific order or a non-patient specific order under sections sixty-nine hundred nine and sixty-five hundred twenty-seven of this title while overseen or approved by the department of health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners: (a) administering immunizations to prevent influenza to patients two years of age or older; and (b) administering immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis to patients eighteen years of age or older; and (c) administering other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients eighteen

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

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years of age or older if the commissioner of health in consultation with the commissioner determines that an immunization: (i) (A) may be safely administered by a licensed pharmacist within their lawful scope of practice; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended immunization for such patients who: (A) meet age requirements, (B) lack documentation of such immunization, (C) lack evidence of past infection, or (D) have an additional risk factor or another indication as recommended by the advisory committee on immunization practices of the centers for disease control and prevention.

2. Prior to administering immunizations, a nursing student shall receive training in the following areas, as determined by the commissioner of health after consultation with the commissioner:

(a) techniques, indications, precautions, contraindications, infection control practices;

(b) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; and

(c) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education.

3. When a nursing student administers an immunization, they shall:

(a) report such administration to the department of health either through the statewide immunization information system or the citywide immunization registry under section twenty-one hundred sixty-eight of the public health law; and

(b) prior to administering the immunization, inform the patient or, where applicable, the person legally responsible for the patient, on the importance of having a primary health care practitioner.

§ 3. Paragraph (b) of subdivision 3 of section 2168 of the public health law is amended by adding a new subparagraph (iii) to read as follows:

(iii) A nursing student, as defined in section sixty-nine hundred one of the education law, who administers a vaccine pursuant to section sixty-nine hundred thirteen of the education law to a person nineteen years of age or older shall, with the consent of the vaccinee, report all such immunizations to the department in a format prescribed by the commissioner within fourteen days of administration of such immunizations. A nursing student, as defined in section sixty-nine hundred one of the education law, who administers a vaccine pursuant to section sixty-nine hundred thirteen of the education law to a person nineteen years of age or older in the city of New York shall, with the consent of the vaccinee, report in a format prescribed by the city of New York commissioner of health and mental hygiene, all such immunizations to the citywide immunization registry.

§ 4. Section 6527 of the education law is amended by adding a new subdivision 7-b to read as follows:

7-b. A licensed physician may prescribe and order a patient specific order or a non-patient specific order to a nursing student, as defined in section sixty-nine hundred one of this title, pursuant to regulations made by the commissioner, and consistent with the public health law, for: (a) administering immunizations to prevent influenza to patients two years of age or older; and (b) administering immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,

human papillomavirus, measles, mumps, rubella, varicella, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis to patients eighteen years of age or older; and (c) administering other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner determines that an immunization: (i) (A) may be safely administered by a licensed pharmacist within their lawful scope of practice; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended immunization for such patients who: (A) meet age requirements, (B) lack documentation of such immunization, (C) lack evidence of past infection, or (D) have an additional risk factor or another indication as recommended by the advisory committee on immunization practices of the centers for disease control and prevention.

§ 5. Section 6909 of the education law is amended by adding a new subdivision 7-a to read as follows:

7-a. A certified nurse practitioner may prescribe and order a patient specific order or a non-patient specific order to a nursing student pursuant to regulations made by the commissioner, and consistent with the public health law, for: (a) administering immunizations to prevent influenza to patients two years of age or older; and (b) administering immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and medications required for emergency treatment of anaphylaxis to patients eighteen years of age or older; and (c) administering other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients eighteen years of age or older if the commissioner of health in consultation with the commissioner determines that an immunization: (i) (A) may be safely administered by a licensed pharmacist within their lawful scope of practice; and (B) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York state; or (ii) is a recommended immunization for such patients who: (A) meet age requirements, (B) lack documentation of such immunization, (C) lack evidence of past infection, or (D) have an additional risk factor or another indication as recommended by the advisory committee on immunization practices of the centers for disease control and prevention.

§ 6. This act shall take effect immediately.