

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:

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

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

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

10 § 6913. Vaccination by nursing students. 1. Any nursing student may,
11 pursuant to a patient specific order or a non-patient specific order
12 under sections sixty-nine hundred nine and sixty-five hundred twenty-
13 seven of this title while overseen or approved by the department of
14 health or local health departments and operated under the medical super-
15 vision of licensed physicians, licensed physician assistants, or certi-
16 fied nurse practitioners: (a) administering immunizations to prevent
17 influenza to patients two years of age or older; and (b) administering
18 immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A,
19 hepatitis B, human papillomavirus, measles, mumps, rubella, varicella,
20 COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and
21 medications required for emergency treatment of anaphylaxis to patients
22 eighteen years of age or older; and (c) administering other immuniza-
23 tions recommended by the advisory committee on immunization practices of
24 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.

LBD13286-01-3

1 years of age or older if the commissioner of health in consultation with
2 the commissioner determines that an immunization: (i) (A) may be safely
3 administered by a licensed pharmacist within their lawful scope of prac-
4 tice; and (B) is needed to prevent the transmission of a reportable
5 communicable disease that is prevalent in New York state; or (ii) is a
6 recommended immunization for such patients who: (A) meet age require-
7 ments, (B) lack documentation of such immunization, (C) lack evidence of
8 past infection, or (D) have an additional risk factor or another indi-
9 cation as recommended by the advisory committee on immunization prac-
10 tices of the centers for disease control and prevention.

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

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

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

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

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

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

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

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

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

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

50 7-b. A licensed physician may prescribe and order a patient specific
51 order or a non-patient specific order to a nursing student, as defined
52 in section sixty-nine hundred one of this title, pursuant to regulations
53 made by the commissioner, and consistent with the public health law,
54 for: (a) administering immunizations to prevent influenza to patients
55 two years of age or older; and (b) administering immunizations to
56 prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,

1 human papillomavirus, measles, mumps, rubella, varicella, COVID-19,
2 meningococcal, tetanus, diphtheria or pertussis disease and medications
3 required for emergency treatment of anaphylaxis to patients eighteen
4 years of age or older; and (c) administering other immunizations recom-
5 mended by the advisory committee on immunization practices of the
6 centers for disease control and prevention for patients eighteen years
7 of age or older if the commissioner of health in consultation with the
8 commissioner determines that an immunization: (i) (A) may be safely
9 administered by a licensed pharmacist within their lawful scope of prac-
10 tice; and (B) is needed to prevent the transmission of a reportable
11 communicable disease that is prevalent in New York state; or (ii) is a
12 recommended immunization for such patients who: (A) meet age require-
13 ments, (B) lack documentation of such immunization, (C) lack evidence of
14 past infection, or (D) have an additional risk factor or another indi-
15 cation as recommended by the advisory committee on immunization prac-
16 tices of the centers for disease control and prevention.

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

19 7-a. A certified nurse practitioner may prescribe and order a patient
20 specific order or a non-patient specific order to a nursing student
21 pursuant to regulations made by the commissioner, and consistent with
22 the public health law, for: (a) administering immunizations to prevent
23 influenza to patients two years of age or older; and (b) administering
24 immunizations to prevent pneumococcal, acute herpes zoster, hepatitis A,
25 hepatitis B, human papillomavirus, measles, mumps, rubella, varicella,
26 COVID-19, meningococcal, tetanus, diphtheria or pertussis disease and
27 medications required for emergency treatment of anaphylaxis to patients
28 eighteen years of age or older; and (c) administering other immuniza-
29 tions recommended by the advisory committee on immunization practices of
30 the centers for disease control and prevention for patients eighteen
31 years of age or older if the commissioner of health in consultation with
32 the commissioner determines that an immunization: (i) (A) may be safely
33 administered by a licensed pharmacist within their lawful scope of prac-
34 tice; and (B) is needed to prevent the transmission of a reportable
35 communicable disease that is prevalent in New York state; or (ii) is a
36 recommended immunization for such patients who: (A) meet age require-
37 ments, (B) lack documentation of such immunization, (C) lack evidence of
38 past infection, or (D) have an additional risk factor or another indi-
39 cation as recommended by the advisory committee on immunization prac-
40 tices of the centers for disease control and prevention.

41 § 6. This act shall take effect immediately.