

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the education law, in relation to authorizing a licensed pharmacist to administer influenza vaccine to children between two and eighteen years of age pursuant to a non-patient specific regimen; 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, in relation to making the provisions permanent; 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, in relation to making certain provisions permanent; and to amend chapter 21 of the laws of 2011, amending the education law relating to authorizing pharmacists to perform collaborative drug therapy management with physicians in certain settings, in relation to making certain provisions permanent (Part \_);

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

1 PART \_

2 Section 1. Subdivisions 2 and 4 of section 6801 of the education law,  
3 as amended by chapter 46 of the laws of 2015, are amended to read as  
4 follows:

5 2. A licensed pharmacist may execute a non-patient specific regimen  
6 prescribed or ordered by a physician licensed in this state or nurse  
7 practitioner certified in this state, pursuant to rules and regulations  
8 promulgated by the commissioner. When a licensed pharmacist administers  
9 an immunizing agent, he or she shall:

10 (a) report such administration by electronic transmission or [fasci-  
11 mile] facsimile to the patient's attending primary health care practi-

1 tioner or practitioners, if any, and, to the extent practicable, make  
2 himself or herself available to discuss the outcome of such immuniza-  
3 tion, including any adverse reactions, with the attending primary health  
4 care practitioner, or to the statewide immunization registry or the  
5 citywide immunization registry, as established pursuant to section twen-  
6 ty-one hundred sixty-eight of the public health law; and

7 (b) provide information to the patient or, where applicable, the  
8 person legally responsible for the patient, on the importance of having  
9 a primary health care practitioner, developed by the commissioner of  
10 health; and

11 (c) report such administration, absent of any individually identifi-  
12 able health information, to the department of health in a manner  
13 required by the commissioner of health[.]; and

14 (d) prior to administering the immunization, inform the patient or,  
15 where applicable, the person legally responsible for the patient, of the  
16 total cost of the immunization or immunizations, subtracting any health  
17 insurance subsidization, if applicable. In the case the immunization is  
18 not covered, the pharmacist must inform the patient or, where applica-  
19 ble, the person legally responsible for the patient, of the possibility  
20 that the immunization may be covered when administered by a primary care  
21 physician or practitioner; and

22 (e) administer the immunization or immunizations according to the most  
23 current recommendations by the advisory committee for immunization prac-  
24 tices (ACIP), provided however, that a pharmacist may administer any  
25 immunization authorized under this section when specified by a patient  
26 specific order.

1 4. 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. The privacy area should include:

4 a. a clearly visible posting of the most current "Recommended Adult  
5 Immunization Schedule" published by the advisory committee for immuniza-  
6 tion practices (ACIP); and

7 (b) education materials on influenza vaccinations for children as  
8 determined by the commissioner and the commissioner of health.

9 § 2. Subdivision 22 of section 6802 of the education law, as amended  
10 by chapter 46 of the laws of 2015, is amended to read as follows:

11 22. "Administer", for the purpose of section sixty-eight hundred one  
12 of this article, means:

13 a. the direct application of an immunizing agent to adults, whether by  
14 injection, ingestion, inhalation or any other means, pursuant to a  
15 patient specific order or non-patient specific regimen prescribed or  
16 ordered by a physician or certified nurse practitioner, who has a prac-  
17 tice site in the county or adjoining county in which the immunization is  
18 administered, for immunizations to prevent influenza, pneumococcal,  
19 acute herpes zoster, meningococcal, tetanus, diphtheria or pertussis  
20 disease and medications required for emergency treatment of anaphylaxis.

21 If the commissioner of health determines that there is an outbreak of  
22 disease, or that there is the imminent threat of an outbreak of disease,  
23 then the commissioner of health may issue a non-patient specific regimen  
24 applicable statewide.

25 b. the direct application of an immunizing agent to children between  
26 the ages of two and eighteen years of age, whether by injection, inges-  
27 tion, inhalation or any other means, pursuant to a patient specific  
28 order or non-patient specific regimen prescribed or ordered by a physi-

1 cian or certified nurse practitioner, who has a practice site in the  
2 county or adjoining county in which the immunization is administered,  
3 for immunization to prevent influenza and medications required for emer-  
4 gency treatment of anaphylaxis resulting from such immunization. If the  
5 commissioner of health determines that there is an outbreak of influen-  
6 za, or that there is the imminent threat of an outbreak of influenza,  
7 then the commissioner of health may issue a non-patient specific regimen  
8 applicable statewide.

9 § 3. Section 8 of chapter 563 of the laws of 2008, amending the educa-  
10 tion law and the public health law relating to immunizing agents to be  
11 administered to adults by pharmacists, as amended by chapter 46 of the  
12 laws of 2015, is amended to read as follows:

13 § 8. This act shall take effect on the ninetieth day after it shall  
14 have become a law [and shall expire and be deemed repealed July 1,  
15 2019].

16 § 4. Section 5 of chapter 116 of the laws of 2012, amending the educa-  
17 tion law relating to authorizing a licensed pharmacist and certified  
18 nurse practitioner to administer certain immunizing agents, as amended  
19 by chapter 46 of the laws of 2015, is amended to read as follows:

20 § 5. This act shall take effect on the ninetieth day after it shall  
21 have become a law [and], provided, however, that the provisions of  
22 sections one, two and four of this act shall expire and be deemed  
23 repealed July 1, 2019 provided, that:

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

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

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

7 (d) the amendments to section 6801 of the education law made by  
8 section four of this act shall not affect the expiration of such section  
9 and shall be deemed to expire therewith.

10 § 5. Section 5 of chapter 21 of the laws of 2011, amending the educa-  
11 tion law relating to authorizing pharmacists to perform collaborative  
12 drug therapy management with physicians in certain settings, as amended  
13 by chapter 238 of the laws of 2015, is amended to read as follows:

14 § 5. This act shall take effect on the one hundred twentieth day after  
15 it shall have become a law [~~and~~], provided, however, that the provisions  
16 of sections two, three, and four of this act shall expire 7 years after  
17 such effective date when upon such date the provisions of this act shall  
18 be deemed repealed; provided, however, that the amendments to subdivi-  
19 sion 1 of section 6801 of the education law made by section one of this  
20 act shall be subject to the expiration and reversion of such subdivision  
21 pursuant to section 8 of chapter 563 of the laws of 2008, when upon such  
22 date the provisions of section one-a of this act shall take effect;  
23 provided, further, that effective immediately, the addition, amendment  
24 and/or repeal of any rule or regulation necessary for the implementation  
25 of this act on its effective date are authorized and directed to be made  
26 and completed on or before such effective date.

27 § 6. This act shall take effect immediately.