



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Executive Deputy Commissioner

August 7, 2009

Dear County Health Commissioner/Public Health Director:

The purpose of this letter is to advise you of recent amendments to New York State Education Law § 6527, 6801, and 6909 which allow pharmacists to administer certain adult immunizations and to encourage you to work with pharmacists in your county to assure that they are able to administer vaccines if they so desire.

Under the amended statutes (effective December 3, 2008) and accompanying regulations (*see* 8 N.Y.C.R.R. § 63.9), pharmacists may immunize persons 18 years of age and older against influenza or pneumococcal disease. Such immunizations may be provided under a patient specific or non-patient specific order issued by a licensed physician or certified nurse practitioner with a practice within the county in which the immunization is administered or, if the immunization is administered in a county with a population of 75,000 or less, by a licensed physician or certified nurse practitioner with a practice site in an adjoining county. A pharmacist may not administer immunizations unless he or she has been certified by the New York State Department of Education as having completed training including, but not limited to, “techniques for screening individuals and obtaining informed consent; techniques of administration; indications, precautions and contraindications in the use of agent or agents; recordkeeping of immunization and information; and handling emergencies, including anaphylaxis and needlesticks.” Please see Education Law § 6801(3); *see also* Education Law § 6828; 8 N.Y.C.R.R. § 63.9. Certification of any particular pharmacist can be verified by going to the website of the New York State Department of Education at <http://www.op.nysed.gov/opsearches.htm>.

Education Law § 6527(7) specifically provides that a "licensed physician may prescribe and order a non-patient specific regimen to a licensed pharmacist... for administering immunizations." Likewise, Education Law § 6909(7) provides that a “certified nurse practitioner may prescribe and order a non-patient specific regimen to a licensed pharmacist... for administering immunizations.” Education Law § 6801(2) further states that a "licensed pharmacist may execute a non-patient specific regimen prescribed or ordered by a licensed physician or certified nurse practitioner." Information that must be contained in non-patient specific orders is set forth in the accompanying regulations. *See* § 63.9(5) available at <http://www.op.nysed.gov/part63.htm#immunization>.

There is no reason to believe that liability for physicians or certified nurse practitioners (CNP) signing standing orders for pharmacists would be any different than providers' liability for signing standing orders for any other provider allowed by law to administer immunizations. Physicians or CNPs signing standing orders as part of their Health Department duties may also be covered by the defense and indemnification provisions in Public Officers Law § 18. You should consult with your county attorney to ascertain whether your county has expressly adopted the statute's protections, in which case this protection will be afforded.

The New York State Department of Health (NYSDOH) encourages physicians and certified nurse practitioners that work in local health departments to coordinate with pharmacists within their counties and to sign non-patient specific standing orders enabling pharmacists to immunize. Sample standing order forms are enclosed. Adults, especially those who have chronic diseases or are over 50 years of age, are under-immunized against influenza and pneumococcal disease. Because many of these adults enter pharmacies to obtain prescription medications, pharmacies are a natural and practical site for immunization administration. The ability of pharmacists to provide immunizations to this population will be invaluable in helping adults overcome barriers to access to vaccines – an important part of the mission of local health departments.

For additional information, please call the Bureau of Immunization at (518) 473-4437 or visit the NYSDOH Bureau of Immunization website at http://www.health.state.ny.us/diseases/communicable/influenza/standing_orders.htm. Additional inquiries can be directed to Lawrence Mokhiber, Executive Secretary of the New York Board of Pharmacy at (518) 474-3817, extension 130. Thank you for working to ensure that all New Yorkers are immunized.

Sincerely,

Guthrie S. Birkhead, M.D., M.P.H.
Deputy Commissioner
Office of Public Health

Enclosure

cc: Mr. Mokhiber