

**MEDICAL SOCIETY**  
of the  
**STATE OF NEW YORK**

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*Division of Governmental Affairs*  
**MEMORANDUM IN OPPOSITION**

**ON SENATE FLOOR CALENDAR**

**S. 4975 (BRESLIN)**

**IN ASSEMBLY HIGHER EDUCATION COMMITTEE**

**A. 6846 (McDONALD)**

**AN ACT to amend the education law, in relation to authorizing the administration of vaccines for hepatitis A, hepatitis B, and human papillomavirus by a licensed pharmacist and by a certified nurse practitioner**

This legislation would authorize a pharmacist to administer vaccines to adults via a patient or non-patient specific script for hepatitis A, hepatitis B, and human papillomavirus. **The Medical Society of the State of New York opposes this bill.**

This measure would allow a physician or a nurse practitioner to prescriber and order a patient specific order or non-patient specific regimen to a licensed pharmacist for the purposes of expanding the number of vaccines that pharmacists would be allowed to administer to adults. Nurse practitioners currently can administer these vaccines.

Hepatitis A, B and human papillomavirus (HPV) vaccines are administered in a series of three immunizations. Dosage and time frames may vary depending on the age of the recipient. Legislation such as this proposal is not conducive to furthering the concept of the medical home and causes further fragmentation of care, creating a fractured system that is clearly not in the best interest of the patient. As more and more patient care is relegated to pharmacists and other non-physician providers, the medical home is eroding and will ultimately be destroyed.

Currently, the New York State Education Laws 6527, 6801, and 6909 permit licensed pharmacists, who obtain an additional certification, to administer influenza vaccine to children between the ages of 2 and 18 years of age and to adults 18 years of age and older. It also allows them to administer pneumococcal, meningococcal, tetanus, diphtheria, pertussis and herpes zoster vaccinations to adults 18 years of age and older under either patient specific or non-patient specific orders. These diseases are highly contagious. The law however, also states and recognizes that a pharmacist should not administer immunizations unless he or she has been certified by the New York State Department of Education as having completed training.

The law also currently requires that when a licensed pharmacist administers an immunizing agent, he or she shall: a) report such administration by electronic transmission or facsimile to the patient's attending primary health care practitioner or practitioners, if any, and, to the extent practicable, make himself or herself available to discuss the outcome of such immunization, including any adverse reactions, with the attending primary health care practitioner, and to the statewide immunization registry or the citywide immunization registry, and b) provide information to the patient or, where applicable, the person legally responsible for the patient, on the importance of having a primary health care practitioner. The Medical Society of the State of New York has received reports that some pharmacies may not be complying fully with the law, and strongly recommends that the NYS Legislature require reporting of compliance with the current provisions of the law.

For the above reasons, **the Medical Society of the State of New York opposes this bill and urges that it be defeated.**

**Respectfully submitted,**

**Division of Governmental Affairs**

**Pfc/oppose  
5/27/19**