

MEDICAL SOCIETY
of the
STATE OF NEW YORK

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Division of Governmental Affairs

MEMORANDUM IN OPPOSITION

On Senate Floor Calendar

S. 5227 (MAY)

**In Assembly Higher Education
Committee**

A. 6511-A (PAULIN)

AN ACT to amend the education law, in relation to pharmacist immunizations and emergency treatment of anaphylaxis; 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 certain provisions permanent; and 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

This measure would authorize a pharmacist to administer vaccines to adults recommended by the Centers for Disease Control and Prevention on the adult immunization schedule. **The Medical Society of the State of New York opposes this bill.**

This bill would significantly expand on legislation enacted in 2008 and 2012 which provided pharmacists only very limited ability to administer vaccinations to adults. This measure would broaden the vaccines that pharmacists would be allowed to administer to adults to include any vaccine recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunizations Practices (ACIP) on the adult immunization schedule. Moreover, the bill would lift the sunset provision enacted in the 2012 legislation and make permanent the pharmacist's authority to administer vaccinations to adults.

Legislation such as this proposal causes further fragmentation of care and is not conducive with the concept of the medical home and creates 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.

This law would expand a pharmacists' current authority to provide seven vaccines to 16 vaccines that are on the ACIP schedule. Many of these immunizations are given as a series with specific time parameters, and calling back a patient within a physician's office, where contact information available, is at times difficult. Calling back an individual to a pharmacy to get the additional immunizations may be beyond the capability of that pharmacy. More importantly, this legislation prevents a review by the NY Legislature as to whether pharmacists should be performing any additional immunizations that may be recommended by ACIP in the future as ACIP reviews newer vaccines.

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, and 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 recognized 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
5/21/19**