

MEDICAL SOCIETY
of the
STATE OF NEW YORK

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Division of Governmental Affairs
MEMORANDUM IN OPPOSITION

On Senate Calendar

S. 4807-A (STAVISKY)

**On Assembly Higher Education
Committee Agenda**

A.6476-A (HYNDMAN)

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 any vaccines to adults recommended by the Centers for Disease Control and Prevention on the adult immunization schedule. While we appreciate the increasing role that pharmacists can play in broadening patients' ability to receive necessary protective vaccines, we are concerned that this legislation goes too far. Therefore, **The Medical Society of the State of New York opposes this bill.**

This measure would not only greatly expand the number of vaccines that pharmacists would be allowed to administer to adults it would also remove the discretion of the State Legislature in the future to add or subtract vaccinations to the list of those that can be administered by a pharmacist. Instead, it would turn that discretion over to the federal government.

We are particularly concerned that Legislation such as this proposal would causes further fragmentation in our care delivery system in a manner that is not conducive with the concept of the patient centered medical home many have sought to develop in New York. As more and more patient care is relegated to pharmacists and other non-physician providers, the medical home at the heart of our primary care system is eroding and will ultimately be destroyed.

MSSNY does not object to adding individual vaccinations on a case-by-case basis as information becomes available as to the appropriateness of pharmacist delivery, but objects to an across-the-board change. This legislation would increase from 7 to 16 the number of vaccines on the ACIP schedule that a pharmacist could administer, plus whatever vaccines may be added by the federal agency in the future. Many of these immunizations are given as a series with specific time parameters and calling back a patient; even where contact information is available, is at times difficult. MSSNY recognizes that with the team effort to facilitate COVID-19 immunizations many patients did return to the pharmacy to receive their second Covid vaccination, but according to national and state statistics, there were still significant numbers of patients that did not return for the second immunizations.

Furthermore, we are concerned with ensuring that the immunization information is shared with the patient's physician as well as to the state NYSIIS immunization database. Currently, the law 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. Physicians have reported that some pharmacies may not be complying fully with the law, and strongly recommends that the NYS Legislature require reporting of any immunizations into the NYSIIS system. We believe these concerns need to be fully addressed before enacting legislation that would more than double the number of vaccinations that can be performed by pharmacists.

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

5/24/21