

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6506, 6507, 6527, 6801, 6802 and 6909 of the Education Law, and Chapter 116 of the Laws of 2012

Paragraphs (1) and (2) of subdivision (b) of section 63.9 of the Regulations of the Commissioner of Education are amended, effective December 26, 2012, as follows:

(1) Pursuant to section 6801 of the Education Law, a pharmacist with a certificate of administration issued by the department pursuant to paragraph (3) of this subdivision shall be authorized to administer immunization agents prescribed in paragraph (2) of this subdivision to patients therein specified, [pursuant to either a patient specific order or a non-patient specific order and protocol] provided that:

(i) the pharmacist meets the requirements for a certificate of administration prescribed in paragraph (3) of this subdivision and the order and protocol meet the requirements set forth in paragraph (5) of this subdivision; and

(ii) with respect to non-patient specific orders:

(a) the immunization is prescribed or ordered by a licensed physician or certified nurse practitioner with a practice site in the county in which the immunization is administered; or

(b) if the immunization is administered in a county with a population of 75,000 or less, the immunization shall be prescribed or ordered by a licensed physician or certified nurse practitioner with a practice site in the county in which the immunization is administered or in an adjoining county.

(2) Authorized immunization agents. A certified pharmacist who meets the requirements of this section shall be authorized to administer;

(i) immunizing agents to prevent influenza or pneumococcal disease to patients 18 years of age or older, pursuant to a patient specific order or a non-patient specific order; and

(ii) immunizing agents to prevent acute herpes zoster, pursuant to a patient specific order.