

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6527, 6801, 6802, and 6909 of the Education Law and Chapter 555 of the Laws of 2021.

1. Section 63.9 of the Regulations of the Commissioner of Education is amended, as follows:

Section 63.9. Immunizations and emergency treatment of anaphylaxis pursuant to patient specific and non-patient specific orders and protocols

(a) [Applicability. This section shall apply only to the extent that the applicable provisions in Education Law sections 6527, 6801, 6802, 6828 and 6909, authorizing certified pharmacists to administer certain immunization agents and medications for the emergency treatment of anaphylaxis, have not expired or been repealed.

(b)] Immunizations.

(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, 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 New York State licensed and registered physician or certified nurse practitioner, with a practice site in [the county or adjoining county in which the immunization is administered] New York State; and

(b) if the commissioner of health determines that there is an outbreak of disease, or that there is the imminent threat of an outbreak of disease, then the commissioner of health may issue a non-patient specific regimen applicable statewide.

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

(i) administer to patients 18 years of age or older, immunizing agents to prevent influenza, pneumococcal, acute herpes zoster, hepatitis A, hepatitis B, human papillomavirus, measles, mumps, rubella, varicella, COVID-19, meningococcal, tetanus, diphtheria, [COVID-19,] or pertussis disease, pursuant to a patient specific order or a non-patient specific order; [and]

(ii) administer to patients between the ages of two and [eighteen] 18 years of age, immunizing agents to prevent influenza, pursuant to a patient specific order or a non-patient specific order[.]; and

(iii) administer other immunizations recommended by the advisory committee on immunization practices of the centers for disease control and prevention for patients 18 years of age or older, pursuant to a patient specific or a non-patient specific order, if the commissioner of health in consultation with the commissioner determines that an immunization:

(a) may be safely administered by a licensed pharmacist within their lawful scope of practice; and

(b) is needed to prevent the transmission of a reportable communicable disease that is prevalent in New York State; or

(c) is a recommended immunization for such patients who:

(1) meet age requirements;

(2) lack documentation of such immunization;

(3) lack evidence of past infection; or

(4) have an additional risk factor or another indication as recommended by the advisory committee on immunization practices of the centers for disease control and prevention.

[(c)] (b) Anaphylaxis treatment agents.

(1) ...

(2) ...

(3) ...