



STATE OF NEW YORK DEPARTMENT OF HEALTH

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April 9, 2010

Executive Order 29, which declared a State disaster emergency and authorized suspension and modification of specified laws and regulations for the purpose of facilitating the timely distribution and administration of 2009 H1N1 influenza and seasonal influenza vaccine, expires April 17, 2010. Beginning on April 18, 2010, all modifications and suspensions of laws and regulations under the Executive Order will be no longer in effect, and affected parties must fully comply with existing New York State law, as follows:

- Physician assistants may only perform medical services under the supervision of a physician and only when such acts and duties as are assigned to them are within the scope of practice of such supervising physician as provided in Education Law § 6542(1). Physician assistants will no longer be permitted to supervise state or locally sponsored flu vaccine programs without being under the direct supervision of a physician.
- Specialist assistants may only perform medical services under the supervision of a physician and only when such acts and duties as are assigned to them are related to the designated medical specialty for which they are registered and are within the scope of practice of their supervising physician as provided in Education Law § 6542(2).
- Midwives will be able to practice only in accordance with their written practice agreements with physicians or hospitals, as provided in Education Law § 6951(1), and to administer influenza vaccines only within their ordinary practice and if certified as provided in Education Law § 6951(2).
- Dentists, dental hygienists who have been issued a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate, pharmacists without a certificate authorizing them to administer vaccinations, podiatrists, and advanced emergency medical technicians will no longer be permitted to administer 2009 H1N1 or seasonal influenza vaccine.
- Licensed physicians and certified nurse practitioners are no longer authorized to order non-patient specific regimens to physician assistants, specialist assistants, dentists, dental hygienists who have been issued a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate, pharmacists without a certificate authorizing them to administer vaccinations, midwives, podiatrists, and advanced emergency medical technicians to administer 2009 H1N1 influenza and seasonal influenza.
- Certified pharmacists will no longer be permitted to immunize individuals age 6 months and older. Certified pharmacists may only administer immunizing agents to individuals who are 18 years of age or older in accordance with Education Law § 6802(22) and 8 N.Y.C.R.R. § 63.9(b)(2).

- Certified pharmacists will no longer be permitted to administer influenza vaccinations pursuant to a non-patient specific order of any physician or certified nurse practitioner practicing anywhere in New York State. Immunizations may only be provided under a patient specific or non-patient specific order issued by a licensed physician or certified nurse practitioner with a practice site within the county in which the immunization is administered or, if the immunization is administered in a county with a population of 75,000 or less, by a licensed physician or certified nurse practitioner with a practice site in an adjoining county in accordance with Education Law § 6802(22) and 8 N.Y.C.R.R. § 63.9(b)(1)(ii).
- Certified pharmacists administering immunizations in any setting will be required to keep a record of and report immunizations performed under a non-patient specific order to the patient's attending physician and to provide patients they immunize with information regarding the importance of having a primary care physician in accordance with Education Law § 6801(2) and 8 N.Y.C.R.R. § 63.9(b)(4).
- Registered professional nurses trained, but not certified in cardio-pulmonary resuscitation (CPR), will no longer be permitted to administer vaccinations pursuant to a non-patient specific order. A registered professional nurse authorized to administer immunizing agents pursuant to a non-patient specific order must be currently certified in CPR in accordance with 8 N.Y.C.R.R. § 64.7(a)(3).
- Registered professional nurses administering immunizing agents pursuant to a non-patient specific regimen in any setting, with consent of the recipient, must report such administration to the patient's attending physician in accordance with 8 N.Y.C.R.R. § 64.7(a)(4)(iii)(d).
- Registered professional nurses administering immunizing agents pursuant to a non-patient specific regimen in any setting must ensure that a record of all persons immunized is recorded, maintained, and retained in accordance with 8 N.Y.C.R.R. § 29.2(a)(3) and 8 N.Y.C.R.R. § 64.7(a)(4)(iii)(f).
- Certified pharmacists administering immunizing agents in any setting pursuant to a non-patient specific regimen must ensure that a record of all persons immunized is recorded, maintained and retained in accordance with 8 N.Y.C.R.R. § 29.2(a)(3) and 8 N.Y.C.R.R. § 63.9(b)(4)(ix)
- All persons practicing the professions listed within 8 N.Y.C.R.R. § 29.2(a) will be required to maintain and retain a record for each patient that accurately reflects the evaluation and treatment of the patient.
- Immunization information for 2009 H1N1 influenza and seasonal influenza vaccination of those individuals 19 years of age and older may no longer be entered into NYSIIS or CIR without written consent of the vaccinee in accordance with Public Health Law § 2168(3)(a).
- School-based health clinics may no longer be used as vaccination sites for adults.
- Health care services provided in schools to students during regular school hours no longer qualify as part-time clinics under Public Health Law Article 28.