

ATTENTION: PHARMACISTS AS IMMUNIZERS

EXECUTIVE ORDER EXTENDED 30 DAYS

**CHANGE IN MEDICAID FEE FOR SERVICE BILLING FOR FLU VACCINE
ADMINISTRATION FOR CHILDREN BETWEEN THE AGES OF SIX
MONTHS AND 18 YEARS**

On January 12, 2013, Governor Andrew M. Cuomo declared a Public Health Emergency for all of New York State in response to this year's increasingly severe flu season. The Governor issued an Executive Order which allows NYS certified pharmacists to administer flu vaccinations to patients between six months and 18 years of age. This Order suspended for 30 days the section of State Education Law that limits the authority of NYS certified pharmacists to administer immunizing agents only to individuals 18 years of age or older.

The Governor, having reconsidered all of the relevant facts and circumstances, has extended the Executive Order No. 90 for an additional thirty days, effective February 12, 2013. In addition, the New York State Commissioner of Health has been permitted to prescribe or order a State-wide non-patient specific regimen for seasonal influenza vaccine, covering individuals six months of age and older, to pharmacists already authorized to administer vaccinations against influenza to individuals 18 years of age and older.

**The Standing Order is attached below and will be made available on the following website:
<http://www.health.ny.gov/diseases/communicable/influenza/seasonal/>
For further information on the Executive Order refer to:
<http://www.governor.ny.gov/executiveorder/93>.**

The seasonal flu vaccine for individuals under the age of 19 is provided free of charge by the Vaccines for Children (VFC) program. Therefore, Medicaid does not reimburse providers for the seasonal flu vaccine for individuals under the age of 19. However, Medicaid does reimburse for vaccine administration.

NYS certified pharmacists may secure flu vaccine to administer to Medicaid enrolled children and uninsured children through the Vaccine for Children Program (VFC). Pharmacies not already enrolled in VFC may enroll, or for those who are already enrolled, may reactivate their enrollment. For VFC enrollment information, go to:
http://www.health.ny.gov/prevention/immunization/vaccines_for_children.htm. The flu vaccine is provided free of charge by Centers for Disease Control (CDC) to the VFC and in turn to enrolled pharmacies.

NYS: For questions contact the New York State Vaccines for Children Program at nyvfc@health.state.ny.us or 1-800-543-7468.

NYC: For more information about the Vaccines for Children program or to enroll in the program, call 1-347-396-2405.

Non-Patient Specific Order for Administration of Influenza Vaccine (2012-2013 Season)

Purpose: To reduce morbidity and mortality from influenza virus infection by vaccinating children six months of age and older and adults who meet the criteria established by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices.

Policy: Under this non-patient specific order, a licensed pharmacist with a certificate of administration issued by the New York State (NYS) Education Department may vaccinate patients six months of age and older against seasonal influenza. Pharmacists opting to immunize those in the pediatric population, must have completed appropriate immunization training pertinent to this population (e.g. pediatric CPR). New York State Education Law §§ 6801 and 6802 allow licensed pharmacists with a certificate of administration to vaccinate patients 18 years of age and older against seasonal influenza. Per Governor Andrew M. Cuomo's Executive Order (EO) No. 93 issued February 12, 2013, pharmacists may also administer influenza vaccinations to patients between 6 months and 18 years of age. A copy of the EO is available at: <http://www.governor.ny.gov/executiveorder/93>. Executive Order No. 93 expires on March 14, 2013; if emergency conditions continue, the EO may be extended for an additional 30 day period. Unless it is extended, when Executive Order No. 93 expires, pharmacists will no longer have the authority to vaccinate children between 6 months and 18 years of age. Pharmacists must follow all pertinent NYS laws and regulations. Regulations specific to pharmacist administration of vaccines can be found at <http://www.op.nysed.gov/prof/pharm/part63.htm>.

Procedure:

1. Identify children and adults who have not received their influenza vaccination(s) for the current (2012-2013) influenza season.
2. Provide an area for immunization that provides for a patient's privacy.
3. Screen all patients for contraindications and precautions to influenza vaccine (reminder: children less than 6 months of age can't be vaccinated):
 - a) Do not vaccinate persons with a history of serious systemic or anaphylactic reaction to a prior dose of the vaccine or any of its components.
 - b) Do not give live attenuated influenza vaccine (LAIV) to patients who:
 - are 6-23 months of age;
 - are 50 years and older;
 - are pregnant;
 - have a chronic health problem or immunosuppressive condition;
 - are close contacts of a severely immunocompromised person (requires protective environment); or
 - are less than 19 years of age and on long term aspirin therapy.
 - c) Do not vaccinate persons with moderate or severe acute illness with or without fever (until symptoms have abated).
 - d) Do not vaccinate persons with a history of Guillain Barré syndrome.
4. Provide all patients, or other persons legally responsible when the patient is incapable of consenting to immunization, with a copy of the most current federal Vaccine Information Statement (VIS) before administering the immunization: You must document, in the patient's medication profile, the publication date of the VIS and the date it was given to the patient. Provide non-English speaking patients with a copy of the VIS in their native language, if available. These documents can be found at www.immunize.org/vis.
5. Obtain consent for immunization: You must inform each recipient of potential side effects and adverse reactions, orally and in writing, prior to immunization. You shall not administer the immunization unless the recipient is adequately informed and consents to the immunization. For recipients incapable of consenting to the administration of an immunization, before an immunization may be administered, either a person legally responsible for the recipient must give prior written consent to the immunization after having been informed in writing of potential side effects and adverse reactions, or a person legally responsible for the recipient must be present during the immunization and consent to the immunization after having been informed of potential side effects and adverse reactions.
6. Advise Patient About Adverse Events: You must provide each patient with written instructions to call their primary care physician or seek care at the local emergency department if they have an adverse reaction to the vaccine.
7. Administer Vaccine: For complete vaccination information, please visit: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6132a3.htm#tab>
 - a) Inactivated influenza vaccine (intramuscular administration): Administer injectable inactivated influenza vaccine intramuscularly in the vastus lateralis for infants (and toddlers lacking adequate deltoid mass) or in the deltoid muscle (for older children, and adults). Use a 22-25 g needle. Choose needle length appropriate to the person's age and body mass: infants 6 through 11 months of age: 1"; 1 through 2 yrs: 1-1.25"; 3 yrs and older: 1-1½". Give 0.25 mL for children 6-35 months and 0.5 mL for all others age 3 years and older (Note: A 5/8" needle may be used for patients

weighing less than 130 lbs (<60kg) for injection in the deltoid muscle *only* if the skin is stretched tight, subcutaneous tissue is not bunched, and the injection is made at a 90-degree angle.)

- b) Inactivated influenza vaccine (intradermal administration): For adults age 18-64 years of age, give 0.1 mL TIV-ID intradermally by inserting the needle of the microinjection system at a 90 degree angle in the area of the deltoid muscle.
 - c) Attenuated influenza vaccine (nasal administration): Healthy, non-pregnant persons ages 2 through 49 years may be given 0.2 mL of intranasal LAIV; 0.1 mL is sprayed into each nostril while the patient is in an upright position.
8. *Recommendations for Future Vaccines:* Notify the patient that the influenza vaccine must be taken annually. **For Children age 6 mos - 8 yrs**, notify the parent or guardian that the child should receive a second dose of vaccine 4 wks or more after the first dose if he or she (a) is receiving influenza vaccine for the first time or (b) did not get at least 2 doses of seasonal influenza vaccine since July 1, 2010.
9. *Document each patient's vaccine administration information and follow up in the following places:*
- a) **Patient medication profile:** Record the recipient's name, date, address of administration, administering pharmacist, immunization agent, manufacturer and lot number. If vaccine was not given, record the reason(s) for non-receipt of the vaccine (e.g., medical contraindication, patient refusal).
 - b) **Immunization Record Card:** You must provide a signed immunization record card with this information to the recipient or a person legally responsible when the recipient is incapable of consenting to immunization.
 - c) **Patient's primary care physician:** With the consent of the recipient or a person legally responsible when the recipient is incapable of consenting, communicate this information to the recipient's primary health care practitioner, if one exists, within one month of the administration of such immunization. Such communication may be transmitted in electronic format.
 - d) **New York State Department of Health (NYSDOH):** Immunization information must be submitted to the New York State Immunization Information System (NYSIIS) or the New York City Immunization Registry (CIR) if the patient is less than 19 years old. More information about NYSIIS is available at www.nyhealth.gov/prevention/immunization/information_system and CIR at <http://www.nyc.gov/html/doh/html/cir/cir-home.shtml>.
10. *Advise patient on importance of having a primary care provider:* More information can be found on the NYSDOH website, http://www.health.state.ny.us/prevention/immunization/having_a_medical_home.htm.
11. *Be prepared for management of a medical emergency related to the administration of vaccine:* Have a written emergency medical protocol available, as well as equipment and medications, including emergency anaphylaxis treatment agents, related syringes and needles available at the location at which immunizations will be administered.
- a) Vaccine Adverse Event Reporting System (VAERS): Report all adverse reactions to influenza vaccine to VAERS. Contact VAERS through www.Vaers.hhs.gov or (800) 822-7967. VAERS report forms are available at www.vaers.hhs.gov.

In accordance with Governor Cuomo's Executive Order No. 93 issued on February 12, 2013 and New York State Education Law §§6527, 6801, and 6802, and associated regulations, and subject to the Purpose, Policy and Procedure set forth herein, I am prescribing this state-wide non-patient specific order to allow vaccination of patients six months of age and older against seasonal influenza by all licensed pharmacists with a certificate of administration issued by the NYS Department of Education. Licensed pharmacists employed by or under contract with a pharmacy and possessing a certificate of administration issued by NYS Department of Education are authorized to administer influenza vaccines (both live attenuated and inactivated) and anaphylaxis treatment agents only in connection with their employment or contract with said pharmacy. As set forth in the Policy section above, Executive Order No. 93 expires on March 14, 2013; if emergency conditions continue, the EO may be extended for an additional 30 day period. This non-patient specific order will expire at the earlier of (i) the expiration of Executive Order No. 93 or any extension of that Executive Order; or (ii) my discontinuance of this non-patient specific order, which I may do at my discretion. In the event I discontinue this non-patient specific order prior to expiration of Executive Order No. 93 or any extension of that Executive Order, notice of discontinuance will be posted at <http://www.health.ny.gov>.

Signature: Nirav R. Shah Date: February 12, 2013

Name of physician: Nirav R. Shah, M.D. M.P.H.

Title: Commissioner of Health

Institution: New York State Department of Health

NYS License #: 228064-1

Effective Date of Order: February 12, 2013