

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6801, 6802 and Chapter 802 of the Laws of 2022, as amended by Chapter 746 of the Laws of 2023.

1. The Regulations of the Commissioner of Education are amended by adding a new section 63.17 to read as follows:

Section 63.17. Administering injectable medications pursuant to patient-specific prescriptions or patient-specific orders and emergency treatment of anaphylaxis

(a) Definitions. As used in this section:

(1) *Injectable medication* shall mean injectable medications approved by the Federal Food and Drug Administration for the treatment of mental health and substance use disorder.

(2) *Certified pharmacy intern* shall mean a pharmacy intern as defined in Education Law §6806 who has met the requirements set forth in section 63.4(d) of this Part and has been issued a certificate of administration by the department pursuant to section 63.9(a)(3) of this Part.

(b) *Injection of medications.*

(1) Pursuant to Education Law §6802(22), a certified pharmacist shall be authorized to administer injectable medications to patients for the treatment of mental health and substance use disorder provided that:

(i) the pharmacist has received training as prescribed in Education Law §6801(3) and has been issued a certificate of administration issued by the department pursuant to section 63.9(a)(3) of this Part;

(ii) the administration of the injectable medication is conducted pursuant to a valid patient-specific prescription or patient-specific order;

(iii) the pharmacist has maintained continued competency regarding the populations served and medications available for administration; and

(iv) the injectable medications are approved by the Federal Food and Drug Administration for the treatment of mental health and substance use disorder.

(2) With the exception of a certified pharmacy intern, a certified pharmacist shall not delegate the administration of an injectable medication to another person. When administering an injectable medication, the certified pharmacy intern shall be under the immediate personal supervision of the certified pharmacist. Administration by a certified pharmacy intern shall not occur unless the patient has been informed and has consented to such administration. If the patient does not consent to the administration of an injectable medication by a certified pharmacy intern, a certified pharmacist shall be present to administer the injectable medication to the patient.

(3) Prior to administering an injectable medication each certified pharmacist shall:

(i) verify that the patient has already received an initial dose of the injectable medication and has been deemed eligible for maintenance treatment by their prescriber. Such eligibility shall be communicated by the prescriber in writing, electronically or via facsimile. Where such means of communication are not possible, a prescriber may communicate patient eligibility to a pharmacist

verbally, provided that the pharmacist documents such communication within the patient's medication profile as defined in section 63.6(b)(7) of this Part;

(ii) inform the patient, or the person legally responsible for the patient when the patient is incapable of consenting to the administration of the injectable medication, of the injectable medication's common side effects, drug interactions, injection site reactions and other information that is routinely provided to patients upon the dispensing of a medication. Such information shall be provided orally and in writing;

(iii) assess the patient for any contraindications to the injectable medication;

(iv) be responsible for having emergency anaphylaxis treatment agents, related syringes and needles available at the location where the injectable medication is being administered;

(v) obtain written consent from the patient to administer the injectable medication. If the patient is incapable of providing written consent, it may be obtained from the person legally responsible for the patient. For the purposes of this section, such consent shall be obtained in writing or electronically and noted within the patient's medication profile as defined in section 63.6(b)(7) of this Part;

(vi) provide the patient, or person legally responsible for the patient if the patient is not able to consent to the administration of the injectable medication, with written instructions regarding the course of action to be taken if an adverse reaction or contraindication occurs; and

(vii) provide an area that ensures patient privacy when administering the injectable medication.

(4) Reporting of injectable medications:

(i) the certified pharmacist or the pharmacist's designee shall notify the patient's prescriber within five days of administering the injectable medication.

Such notification may occur via an electronic medical records system, an electronic prescribing technology or pharmacy records, facsimile, electronic transmission or other electronic means. If an electronic means is not available to communicate the administration of the injectable medication, a certified pharmacist or their designee may communicate the information via telephone. Such notification shall be documented in the patient's medication profile as defined in section 63.6(b)(7) of this Part.

(ii) in the event that the patient does not receive their scheduled injectable medication, the certified pharmacist shall notify the patient's prescriber within 72 hours after the injectable medication was scheduled to be administered.

(iii) If the patient experiences any side effects or adverse reactions to the medications the certified pharmacist shall notify the prescriber immediately and make themselves available to discuss the adverse reaction with the patient's prescriber.

(b) Anaphylaxis treatment agents.

(1) Each certified pharmacist who receives training as prescribed in Education Law §6801(3) and is issued a certificate of administration pursuant to

section 63.9(a)(3) of this Part shall be authorized to administer medications for the treatment of anaphylaxis to patients receiving injectable medications.

(2) each certified pharmacist who administers medication for the treatment of anaphylaxis to patients receiving an injectable medication shall follow the standards, procedures and reporting requirements for the administration of anaphylactic medication set forth in section 63.9(b) of this Part.

(c) Nothing in this section shall prevent a certified pharmacist from refusing to administer an injectable medication if, in their professional judgment, potential adverse effects, interactions, or other therapeutic complications could endanger the health of a patient.