



[Practice Memorandum 2001.6]

October 3, 2001

To: Registered Professional Nurses, Nurse Practitioners, Pharmacists and Physicians

From: Johanna Duncan Poitier, Deputy Commissioner, Office of the Professions
Barbara Zittel, Executive Secretary, New York State Board for Nursing

Subject: Clarification about Administering Immunizations and Anaphylactic Agents
by Registered Professional Nurses using Non-Patient Specific Orders and
Protocols

On February 27, 2001, the Commissioner sent you a guidance memo about regulations to implement a new law [Chapter 573 of the Laws of 1999] concerning the administration of immunizations and anaphylactic agents by registered professional nurses using non-patient specific orders and protocols. In response to a number of questions we received from the field, the Department is pleased to provide this information to help clarify the implementation of those regulations in professional practice.

- CPR Certification:** The Regulations of the Commissioner of Education require that registered professional nurses who administer immunizing agents using a non-patient specific order be currently certified in cardiopulmonary resuscitation [CPR] by a program of the American Red Cross or the American Heart Association or an equivalent organization acceptable to the Education Department [section 64.7(a)(3)].
Guidance: Staff development or inservice departments that train individuals in CPR but do not necessarily provide “certification,” are considered equivalent organizations by the Department.
- Primary Care Provider Notification:** The regulation requires that the registered professional nurse, with the consent of a patient or a person legally responsible, notify each patient’s primary care provider, when there is one, when the patient is immunized under a non-patient specific order [section 64.7(a)(4)(iii)(d)]. The intent of this requirement is to ensure that a best effort is made to contact the patient’s primary care provider about the immunization.
Guidance: For the administration of the influenza vaccine to adults only, acceptable practices include such examples as having a patient fill out a postcard that the nurse or agency can send to the primary care provider or having a patient sign a consent form on the certificate of immunization agreeing to provide the primary care provider with a copy of the certificate listing the immunization provided.
- Information to be Kept with the Record:** The regulation requires that a registered professional nurse, administering immunizations under a non-patient specific order, attach and maintain a copy of the order and protocol with the individual record for each patient [section 64.7(a)(4)]. The purpose of this requirement is to protect vulnerable populations, such as the aged and children, from the effects of multiple immunizations, and to track immunizations administered in order to properly treat untoward reactions.

Guidance: For the purpose of administering the influenza vaccine to adults only, it is acceptable to maintain a log of the names, addresses and phone numbers of all adult patients, immunized with the influenza vaccine under non-patient specific orders in a dated file with a copy of the influenza order and the influenza protocol attached to the log.

4. **Record Maintenance by the Registered Professional Nurse:** The regulation requires the registered professional nurse who administers the immunizations to maintain the records of all persons immunized at clinics [section 64.7(a)(4)(iii)(f)].

Guidance: The sponsoring agency, with the agreement of the registered professional nurse, may take responsibility for record keeping and maintenance of the immunization record.

5. **Licensed Practical Nurses Assisting the Registered Professional Nurses in Executing Non-Patient Specific Orders:** The law authorizing registered professional nurses [RNs] to execute a non-patient specific order for immunizations is silent on the participation of licensed practical nurses [LPNs]. A number of questions have been raised concerning the role of LPNs and whether RNs can assign certain tasks related to immunizations to LPNs. Education Law authorizes RNs to direct the nursing care provided by LPNs. Thus, an RN may direct an LPN in administering immunizing agents, that is, injecting a recipient with a vaccine and administering anaphylactic agents, when appropriate. This authorization is conditioned on the on-site direction by the RN. The RN is responsible for exercising professional judgment, with knowledge of State regulations and practice guidelines, when assigning administration of the immunizing agent to the LPN, thereby retaining the traditional delineation in the scopes of practice between the RN and dependent practice of the LPN.

Guidance: An LPN can assist in administering immunizations (give the injection, assist in recordkeeping, and when appropriate, administer anaphylaxis agents) as long as the RN assesses the recipient, and is responsible for the on-site direction of the LPN in administering the immunizations. It is expected that, in this setting, a ratio of no more than three LPNs to one RN is maintained.

Please Note: Nothing in this memo prevents a licensed practical nurse, in the absence of a registered professional nurse, from administering epinephrine in an emergency situation. For example, an LPN responding to an emergency in which an individual has an anaphylactic reaction to a wasp sting or the ingestion of peanut butter can administer treatment such as an epi-pen.

We hope this information is helpful. Please continue to check our web site [www.op.nysed.gov] for additional information and updates on this important issue. If you have further questions or concerns regarding this regulation or the content of this memorandum, please contact the New York State Board for Nursing at (518) 474-3817 Ext. 120, the New York State Board for Medicine at (518) 474-3817 Ext. 560, or the New York State Board for Pharmacy at (518) 474-3817 ext. 130. You may also e-mail us at:

State Board for Nursing: NURSEBD@MAIL.NYS.GOV

State Board for Medicine: MEDBD@MAIL.NYS.GOV

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or, you may write to the appropriate professional board office at: New York State Education Department, Office of the Professions, Education Building-Second Floor, 89 Washington Avenue, Albany, NY 12234-1000.