



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

August 16, 2010

TO: Health Care Providers, Hospitals, and Local Health Departments

FROM: New York State Department of Health, Bureau of Immunization

**HEALTH ADVISORY: 2010-2011 INFLUENZA SEASONAL VACCINE SUPPLY
DETERMINATION AS REQUIRED BY PUBLIC HEALTH LAW §2112**

Please distribute to the Infection Control Department, Emergency Department, Employee Health Service, Infectious Disease Department, Director of Nursing, Medical Director, Pharmacy Department, Pediatrics, Obstetrics and all primary care providers.

Effective July 1, 2008, New York State Public Health Law (PHL) § 2112 prohibits the administration of vaccines containing more than trace amounts of thimerosal, a mercury-containing preservative, to children less than 3 years of age and women who know they are pregnant, with certain exceptions. This law requires that the Commissioner of Health make a yearly determination as to whether there exists an adequate supply of influenza vaccine that contains not more than 1.25 micrograms of mercury per 0.50 milliliter dose for women who know they are pregnant and not more than 0.625 micrograms of mercury per 0.25 milliliter dose for vaccination of children less than 3 years of age.

The Commissioner of Health has determined that, as of September 1, 2010, it appears that there will be an adequate supply of thimerosal-free seasonal influenza vaccine for vaccination of pregnant women and children under the age of three years. **Therefore, health care providers (physicians, nurse practitioners, physician assistants, nurse midwives) providing influenza vaccinations to pregnant women and children under 3 years of age should purchase sufficient supplies of seasonal influenza vaccine that complies with PHL § 2112.** In the event of late failure of vaccine production, the Commissioner may modify this determination.

Health care providers vaccinating pregnant women and children less than 3 years of age are expected to seek out vaccine that complies with PHL § 2112. The NYSDOH, however, recognizes that in prior years, although the supply of thimerosal-free vaccine appeared adequate, certain New York State health care providers were unable to order such vaccine. In those instances when health care providers have in good faith sought out influenza vaccine that complies with PHL § 2112, but such vaccine cannot be obtained, vaccination of children less than 3 years of age and pregnant women is still recommended because the substantial risk of complications or death from influenza disease in these groups outweighs the unproven risk of vaccination with thimerosal-containing vaccine. Health care providers should document the attempts that were made to locate and obtain the vaccine. They should also be aware that a pregnant woman or parent/guardian of a

child less than 3 three years of age must provide informed consent to administration of vaccine that contains more than trace amounts of thimerosal as noted above.

Additional Information

An official notification about PHL §2112 was released on April 23, 2008, in the form of a Health Advisory and can be viewed at:

https://commerce.health.state.ny.us/hcsportal/docs/Source/hpn/hanweb/flu/toolkit/PHL_2112_Update.pdf For additional information, please go to the NYSDOH webpage as noted below:

http://www.nyhealth.gov/regulations/public_health_law/section/2112/information_for_physicians/

Additional information regarding vaccine safety, including the use of thimerosal in vaccines, can be obtained at the Centers for Disease Control and Prevention's National Immunization Program website at <http://www.cdc.gov/od/science/iso/>, and at the website of the U.S. Food and Drug Administration at <http://www.fda.gov/cber/vaccine/thimerosal.htm>.

For further information, please contact your local health department or your regional New York State Department of Health Bureau of Immunization representative at the following:

Western Regional Office

Buffalo: 716-847-4385

Rochester: 585-423-8014

Capital District Regional Office

Troy: 518-408-5278

Central New York Regional Office

Syracuse: 315-477-8164

Metropolitan Area Regional Office

New Rochelle: 914-654-4995

Central Islip: 631-851-3081

Monticello: 845-794-2045

For questions about ordering vaccine in New York State (outside of New York City), Vaccines for Children (VFC) providers can call 518-474-4578 or toll free at 800-KID-SHOT during business hours.

Providers and facilities in **New York City** should contact the New York City Department of Health and Mental Hygiene at 212-676-2323. For questions about ordering vaccine in New York City, VFC providers can call 212-447-8175 during business hours.