

## ORDER OF THE SECRETARY OF THE PENNSYLVANIA DEPARTMENT OF HEALTH REQUIRING HEALTH SYSTEMS, HOSPITALS, FEDERALLY QUALIFIED HEALTH CENTERS AND PHARMACIES TO VACCINATE CERTAIN HEALTH CARE PERSONNEL

The 2019 novel coronavirus (COVID-19) is a contagious disease that is spreading rapidly from person to person in the world, the United States, and this Commonwealth. COVID-19 can be transmitted from any person who is infected, even if they have no symptoms. Symptoms of COVID-19 may include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Older adults and people who have serious chronic medical conditions are at a higher risk for serious illness. There have been 631,333 cases and 15,672 deaths in this Commonwealth caused by the still present and ongoing pandemic.

COVID-19 is a threat to the public's health, for which the Secretary of Health may order general control measures. This authority is granted to the Secretary of Health pursuant to Pennsylvania law. See section 5 of the Disease Prevention and Control Law, 35 P.S. § 521.5; section 2102(a) of the Administrative Code of 1929, 71 P.S. § 532(a); and the Department of Health's ("Department") regulation at 28 Pa. Code § 27.60 (relating to disease control measures). Particularly, the Department of Health (PA DOH) has the authority to take any disease control measure appropriate to protect the public from the spread of infectious disease. See 35 P.S. § 521.5; 71 P.S. §§ 532(a), and 1403(a); 28 Pa. Code § 27.60.

Health systems, hospitals, federally qualified health centers, pharmacies, and other vaccine providers that have entered into an agreement with the federal government to accept and provide vaccine have agreed to vaccinate in accordance with guidance from the federal government and the state departments of health. See [Provider Agreement](#). The federal government, through the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention has recommended vaccine priorities for Phase 1A of vaccination, which have, for the most part, been adopted by the Department. See PA DOH [Interim Vaccine Plan](#). Those priorities call for vaccination of health care personnel, both connected to the vaccine providers, and in surrounding communities, first, in order to vaccinate those in health and life saving roles who do or have the risk of coming into contact with the virus as part of their job duties. Because the initial rollout of certain vaccines required cold chain storage considerations, the federal plan calls for a push out of the vaccine to these health systems, hospitals and federally qualified health centers first. The intention, however, is not to limit vaccination to the staff and employees of those vaccine providers, but to vaccinate all health care personnel to prevent and control the spread of disease among them as a barrier to the continued spread of disease.

Accordingly, on this day, December 30, 2020, in order to prevent and control the spread of disease, I hereby order:

Section 1. Definitions

For purposes of this Order, the listed terms have the following meanings:

“EMS organization” means an entity licensed by the Pennsylvania Department of Health as an Emergency Medical Services Agency as defined in 35 Pa.C.S. § 8103.

“Health care personnel” means all paid and unpaid persons serving in healthcare settings who have the potential for direct or indirect exposure to patients or infectious materials.

“Interim Plan” means the PA DOH [Interim Vaccine Plan](#) which is incorporated to this Order by reference.

“Vaccine providers” means hospitals, health systems and federally qualified health centers (FQHCs) that are receiving and providing COVID-19 vaccines.

“Phase 1A non-hospital affiliated health care personnel” means individuals who meet the definition of health care personnel in the Interim Plan who are eligible for vaccination in Phase 1A; but who are not a member of hospital staff, employed by a hospital or health system, or otherwise affiliated with a hospital or health system, or are not employed by a long-term care facility as defined in the Interim Plan that is participating in the Federal Pharmacy Partnership Program.

“Vaccine” means a vaccine authorized for emergency use by the Food and Drug Administration to prevent COVID-19.

Section 2. Vaccination of Phase 1A Non-Hospital Affiliated Health Care Personnel

- A. Each vaccine provider shall follow the eligibility criteria and prioritization decision tree in the Interim Plan.
- B. Each vaccine provider receiving COVID-19 vaccine shall designate at least 10% of each vaccine shipment received for vaccination of Phase 1A non-hospital affiliated health care personnel and shall continue to designate and utilize that amount of vaccine for the vaccination of Phase 1A non-hospital affiliated personnel until the Department terminates this Order.

- C. A hospital or health system must offer to vaccinate those personnel of an EMS organization that meets the requirements of Phase 1A in accordance with this Order if that hospital or health system has a primary affiliation with the EMS organization, or the EMS organization routinely brings patients to that facility.
- D. Vaccine providers should rotate vaccine stock so that no vaccine is wasted. In no case may vaccine designated for vaccination of non-affiliated health care personnel be held over for longer than two weeks without use, and at the end of two weeks should be rotated into the general use cache.

Section 3. Pharmacies

- A. Pharmacies shall vaccinate eligible Phase 1A non-hospital affiliated health care personnel with their vaccine orders until Phase 1A is completed.
- B. Phase 1A non-hospital affiliated health care personnel will access pharmacies through individual pharmacy appointment processes.
- C. Names of pharmacies and locations participating in the vaccination program will be listed on the PA DOH website.
- D. This Order is not intended to apply to pharmacies during their implementation of the federal Pharmacy Program. It does, however, apply to vaccine obtained by pharmacies outside that program.

Section 4. Vaccination Appointments other than Pharmacy Appointments

- A. Each vaccine provider shall identify to the Department a point of contact for Phase 1A non-hospital affiliated health care personnel, and, if appropriate, a link to the vaccine provider's public facing information that includes how to schedule an appointment.
- B. the COVID-19 vaccine reminder card that provides a date for a return appointment for the second dose of vaccine.

Section 5. Vaccine Reporting

- A. All vaccine providers and pharmacies receiving vaccine shall report vaccinations and the information required by my [Order Requiring Reporting of Data Related to Each Administration of an Immunization for COVID-19](#), dated December 15, 2020, on each vaccine administered for each person vaccinated, whether or not that person is connected to the vaccine provider.
- B. In addition to the reporting requirements in Subsection A, vaccine providers and pharmacies shall report how many eligible Phase 1A non-hospital affiliated health care personnel have been vaccinated each week to the Department upon request.

Section 6. Exceptions

- A. Because the Philadelphia Department of Public Health receives vaccine through the federal government as an independent jurisdiction, this Order is not applicable to hospitals, FQHCs and pharmacies in the PDPH's jurisdiction.
- B. This Order is not applicable to facilities owned and operated by the federal government who have received vaccine from the federal government, including facilities operated by the federal Department of Veterans Affairs.

Section 7. Effective Date and Duration:

This Order is effective at 12:01 a.m. on January 6, 2021 and will remain in effect until further notice.



Rachel L. Levine, MD  
Secretary of Health