

ADMINISTRATIVE ORDER NO. 2021-1

DATE: JANUARY 7, 2021

**SUBJECTS: (1) AUTHORIZATION FOR UNLICENSED PERSONS TO ADMINISTER COVID-19 VACCINES UNDER SUPERVISION, (2) MANDATORY 24-HOUR REQUIREMENT TO REPORT ADMINISTRATION OF EACH DOSE OF COVID-19 VACCINE, AND (3) APPROVED COVID-19 VACCINATION SITES ARE NOT MASS GATHERINGS**

By the virtue of the authority vested in the Director of the District of Columbia Department of Health by Mayor's Order 2020-046, dated March 11, 2020, Mayor's Order 2020-050, dated March 30, 2020, Mayor's Order 2020-063, dated April 15, 2020, Mayor's Order 2020-066, dated May 13, 2020, Mayor's Order 2020-067, dated May 27, 2020, Mayor's Order 2020-079, dated July 22, 2020, Mayor's Order 2020-103, dated October 7, 2020, Mayor's Order, dated November 23, 2020, Mayor's Order 2020-127, dated December 18, 2020, section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases ("Communicable and Preventable Diseases Act"), approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 et seq. (2018 Repl.), any substantially similar legislation, Mayor's Order 98-141, dated August 20, 1998, and any other applicable legal authority, it is hereby ORDERED that:

## **I. PURPOSE**

The purpose of this Administrative Order is to set forth certain authorities of the District of Columbia Department of Health necessary to address, as determined by the Director of the District of Columbia Department of Health, the administration of vaccinations against the coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SAR-CoV-2), a respiratory disease that spreads easily from person to person and may result in serious illness or death. This Order may be amended from time to time as needed and shall be binding on all persons and entities regulated by the District of Columbia Department of Health.

## **II. DEFINITIONS**

1. "COVID-19 Vaccine" means any COVID-19 vaccine that has U.S. Food and Drug Administration (FDA) approval or has been granted an Emergency Use Authorization from the FDA.
2. "District of Columbia COVID-19 Vaccination Plan" means the living plan approved by the U.S. Centers for Disease Control and Prevention (CDC) as an interim plan for COVID-19 vaccine

distribution and that is subject to change over time as more is learned about the vaccines and how to determine the most equitable way to distribute them.

3. “District of Columbia Immunization Information System (DOCIIS)” means the system for reporting the administration of a vaccine to the District of Columbia Department of Health.
4. “Employer” means a person or entity employing a Provider in the District of Columbia.
5. “Facility” means a health care facility operating in the District of Columbia regulated or not regulated by the District of Columbia Department of Health that receives doses of COVID-19 Vaccine allocated to the District of Columbia.
6. “Organization” means an entity in the District of Columbia with a COVID-19 Vaccination Provider Agreement with the CDC and receiving publicly funded COVID-19 Vaccine.
7. “Provider” means a licensed health care professional authorized by an existing scope of practice of a health profession to administer a vaccination in the District of Columbia or a licensed health care professional authorized to supervise the administration of a COVID-19 Vaccine by an unlicensed person pursuant to the terms of this Administrative Order.
8. “Vaccination Site” means any location approved by the District of Columbia Department of Health to administer COVID-19 Vaccines to the public in accordance with the District of Columbia COVID-19 Vaccination Plan.

### III. FINDINGS

1. Mayor’s Order 2020-045, dated March 11, 2020, and Mayor’s Order 2020-046, dated March 11, 2020, established a public emergency and a public health emergency that has been extended through March 31, 2021 to control and prevent the spread of COVID-19.
2. The Director of the District of Columbia Department of Health, as the lead in the District’s efforts in containment and mitigation of COVID-19, may coordinate emergency response activities with local, regional, or federal agencies, the private sector, and non-governmental organizations, in furtherance of the District’s response to COVID-19.
3. Mayor’s Order 2020-046, dated March 11, 2020, required the Director of the District of Columbia Department of Health to issue Administrative Order No. 2020-1, dated March 13, 2020, as a delegation of the Mayor’s statutory authority to issue a public health emergency order, with the approval of the City Administrator, in consultation with the Deputy Mayor for Health and Human Services, and consistent with and authorized by section 5a(d) of the Public Health Protection Amendment Act, D.C. Official Code § 7-2304.01(d), notwithstanding any other laws or rules to the contrary.

4. Mayor's Order 2020-046, dated March 11, 2020, also allows the Director of the District of Columbia Department of Health to issue additional administrative orders, as a delegation of the Mayor's statutory authority to issue a public health emergency order, during the period of this emergency, and notwithstanding any other laws or rules to the contrary.
5. The FDA has authorized two vaccines for the prevention of COVID-19.
6. To effectively control, and to ultimately terminate, the public emergency and the public health emergency, it is necessary to ensure that COVID-19 Vaccines are administered in the District.
7. It is necessary that the District have up-to-date information about the administration of COVID-19 Vaccines to effectively oversee the efficient use and distribution of COVID-19 Vaccines in the District.

#### IV. ORDER

Pursuant to the Mayor's delegations to the Director of the District of Columbia Department of Health and any other legal authorities:

1. Until the end of the Public Health Emergency created by Mayor's Order 2020-046, dated March 11, 2020, and extended thereafter, an unlicensed individual, including a medical assistant or a health technician, is authorized to administer COVID-19 Vaccines provided that (a) each unlicensed individual has successfully completed training on the administration of the COVID-19 Vaccine; (b) a Provider supervising the unlicensed person at the Vaccination Site reasonably determines that the individual is able to administer the COVID-19 Vaccine under appropriate supervision; (c) the unlicensed individual administers the COVID-19 Vaccine at the Vaccination Site under the general supervision of a Provider supervising the unlicensed person at the Vaccination Site; and, (d) the training, authorization, and supervision are appropriately documented.
2. Notwithstanding any other provision of law and pursuant to the terms of the CDC COVID-19 Vaccination Provider Agreement executed by each Facility or Organization receiving publicly funded COVID-19 vaccines, each dose of a COVID-19 Vaccine must be reported to the District of Columbia Department of Health, using DOCIIS, by the Provider (and the Employer, when applicable), facility, or organization within 24 hours of administering a dose of COVID-19 Vaccine.
3. If a Provider administers a COVID-19 Vaccine in the course of the Provider's employment by an Employer, the Employer is jointly and severally responsible for the Provider's compliance with the prior paragraph of this Administrative Order.

4. A Vaccination Site operating pursuant to a plan approved by the District of Columbia Department of Health and subject to specific COVID-19 requirements for spacing, ventilation, and other safety measures is not a “mass gathering” within the meaning of Mayor’s Order 2020-048, dated March 16, 2020, Mayor’s Order 2020-075, dated June 19, 2020, and Mayor’s Order 2020-119, dated November 23, 2020.

## V. ENFORCEMENT

1. Any individual or entity that knowingly violates this Administrative Order may be subject to criminal, civil, and administrative penalties authorized by law, including (a) sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fines and summary suspension or revocation of licenses, registrations, and certificates, (b) disciplinary action by the appropriate licensing body, and (c) suspension or termination of participation by the Provider, Facility, Organization, and/or Employer in the District of Columbia COVID-19 Vaccination Program.
2. The District of Columbia Department of Health reserves the right to exercise provisions of the Communicable and Preventable Diseases Act, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 et seq., if warranted; and to issue regulations providing for civil and criminal penalties and injunctive relief for violations of this Administrative Order.
3. The vaccine allocation for a Provider, Facility, or Organization may be reduced by the District of Columbia Department of Health if DOCIIS does not reflect that the Provider, Facility, or Organization has administered at least 75 percent of all of the total dose allocation received to date.

## VI. SEVERABILITY

If any provision of this Administrative Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of this Administrative Order shall remain in effect to extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Administrative Order are severable.



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Director

District of Columbia Department of Health