



AMENDED DIRECTIVE AND ORDER REGARDING VACCINATION MATTERS

Pursuant to the Governor's Executive Order Relating to Various Healthcare Matters

No. MDH 2021-03-22-01

I, Dennis R. Schrader, Acting Secretary of Health, finding it necessary for the prevention and control of 2019 Novel Coronavirus ("SARS-CoV-2" or "2019-NCoV" or "COVID-19"), and for the protection of the health and safety of patients, staff, and other individuals in Maryland, hereby authorize and order the following actions for the prevention and control of this infectious and contagious disease under the Governor's Declaration of Catastrophic Health Emergency.

This Amended Directive and Order replaces and supersedes the Directive and Order Regarding Vaccination matters, dated February 4, 2021, January 21, 2021, January 14, 2021, January 1, 2021 and December 8, 2020.

1. Definitions

- A. "Vaccination Site" means any location at which COVID-19 vaccinations are offered to the public in accordance with the State of Maryland's Vaccination Plan and includes, but is not limited to, facilities as defined in the [Order of the Governor of the State of Maryland No. 20-11-17-02 Establishing Alternate Care Sites and Authorizing Regulation of Patient Care Space in Health Care Facilities](#), healthcare facilities designated by the Secretary of Health under the terms of the [Order of the Governor of the State of Maryland No. 21-03-09-02 Amending and Restating the Order of March 16, 2020 Relating to Various Health Care Matters](#) (the "Health Care Matters Executive Order") as listed in this order, the offices of health care practitioners, local health departments, pharmacies, urgent care centers, and any event at which vaccinations are offered in accordance with the State of Maryland's Vaccination Plan.
- B. "COVID-19 Vaccine(s)" 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. Personnel Who May Administer Vaccines

The following individuals may administer COVID-19 vaccines at vaccination sites:

- A. Health care practitioners licensed, certified, or registered under the provisions of the Health Occupations Article or who meet the requirements for interstate reciprocity under section IV of the Health Care Matters Executive Order whose scope of practice includes the administration of vaccines;

- B. Health care practitioners licensed, certified, or registered under the provisions of the Health Occupations Article or who meet the requirements for interstate reciprocity under section IV of the Health Care Matters Executive Order whose scope of practice does not include the administration of vaccines provided that:
 - i. The health care practitioner has successfully completed training on the administration of COVID-19 vaccines;
 - ii. Qualified supervisory personnel at the vaccination site reasonably determine that said health care practitioner is able to administer COVID-19 vaccines under appropriate supervision; and
 - iii. The health care practitioner administers the COVID-19 vaccine at the vaccination site under reasonable supervision of qualified supervisory personnel;
- C. Paramedics as authorized by the Emergency Medical Services (EMS) Board under [EMS Board Public Order #6](#) (as amended);
- D. Other individuals provided that:
 - i. Each individual has successfully completed training on the administration of COVID-19 vaccines;
 - ii. Qualified supervisory personnel at the vaccination site reasonably determine that each individual is able to administer COVID-19 vaccines under appropriate supervision; and
 - iii. The individual administers the COVID-19 vaccine at the vaccination site under the reasonable supervision of qualified supervisory personnel; and
- E. Covered persons as defined in the [Seventh Amendment to Declaration under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19](#) (March 16, 2021) or as subsequently amended by the Secretary of the U.S. Department of Health and Human Services.

3. **Personnel Who May Prepare Vaccines for Administration**

The following individuals may prepare, as necessary when directed by the manufacturer, COVID-19 vaccines for administration at vaccination sites:

- A. Health care practitioners licensed, certified, or registered under the provisions of the Health Occupations Article who have received appropriate training in the preparation and dilution of COVID-19 vaccines; and
- B. Health care practitioners who meet the requirements for interstate reciprocity under section IV of the Health Care Matters Executive Order who have received appropriate training in the preparation and dilution of COVID-19 vaccines.

4. **Vaccine Allocation Priority**

- A. COVID-19 Vaccines shall be administered in accordance with the prioritization set forth in orders or directives of the Secretary of Health (the “Secretary”) from time to time (the “State Vaccine Prioritization Policy”) and as detailed in the weekly COVID-19 vaccine provider bulletin, as made available here:
<https://coronavirus.maryland.gov/pages/provider-resources>.
- B. From time to time the Secretary may establish, by giving public notice, which phase of the State Vaccine Prioritization Policy is then applicable (in each case, the “Current Phase”). As of the date of this order, the Current Phase is 1C. Effective, March 23, 2021, the Current Phase will be 2A.
- C. All persons included in the Current Phase and all prior phases of the State Vaccine Prioritization Policy shall be eligible to receive COVID-19 Vaccines. Political subdivisions shall not make orders or rules to the contrary.
- D. Political subdivisions and providers may use reasonable efforts to verify the eligibility of persons to receive COVID-19 Vaccine, including a requirement that persons self-certify their eligibility; *provided however*, that the political subdivision or provider:
 - i. Must apply the self-certification requirement to all persons seeking a COVID-19 vaccine; and
 - ii. May not require a person to provide proof of a co-morbid or underlying condition or disability (including, without limitation, a doctor’s note).
- E. Political subdivisions and providers shall establish reasonable policies for verifying the identity of persons receiving COVID-19 Vaccines.
 - i. The administration of COVID-19 Vaccines shall be subject to the supply of vaccine.

ii. Individuals in each priority group of the State Vaccine Prioritization Policy are strongly encouraged to get vaccinated when vaccines are made available to their priority group. If they choose not to get vaccinated with their group, they shall receive priority, to the extent feasible, when the individuals do seek to obtain vaccinations.

F. All policies adopted and efforts undertaken by political subdivisions and providers to verify the eligibility of persons to receive COVID-19 Vaccines and to verify the identity of persons receiving COVID-19 Vaccines shall be implemented consistently and comply with applicable federal, State, or local laws prohibiting discrimination based on race, color, religion, gender, sexual orientation, national origin, disability, and/or age.

5. **Wastage**

A. With respect to COVID-19 vaccine that is at risk of being wasted due to expiration or spoilage (“at-risk vaccines”), it is the general policy of the State of Maryland that reasonable efforts first be made to reallocate at-risk vaccines in accordance with the State’s prioritization requirements, but if such reallocation is not practical, at-risk vaccines shall be administered to any unvaccinated person to avoid wastage.

B. Each local health department shall develop and enforce a plan for minimizing wastage of at-risk vaccines, consistent with paragraph 4.A (an “anti-wastage plan”). In the absence of any anti-wastage plan, providers and facilities shall comply with the State’s general policy in paragraph 4.A. MDH may reduce the COVID-19 vaccine allocation to any:

i. Local health department that fails to develop and/or enforce an anti-wastage plan; or

ii. Provider or facility that commits or allows wastage of COVID-19 vaccines.

C. A provider or facility’s vaccine allocation may be reduced if Maryland’s Immunization Information System, ImmuNet, does not reflect that the provider or facility has administered at least 75 percent of all of the total first dose allocation received to date.

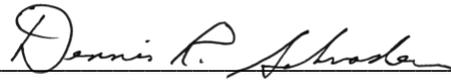
6. **Penalties**

Persons who violate this Order and Directive may face administrative and criminal sanctions to include imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.

7. **Severability**

If any provision of this Directive and 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 Directive and Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Directive and Order are severable.

THIS DIRECTIVE AND ORDER IS ISSUED UNDER MY HAND THIS 22ND DAY OF MARCH 2021 AND IS EFFECTIVE IMMEDIATELY.



Dennis R. Schrader
Secretary (Acting)