

Order of the Acting Secretary of the Pennsylvania Department of Health Directing Vaccine Providers Support of COVID-19 Vaccination and Potential Booster Doses

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 by 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 1,387,872 cases and 28,932 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 regulation at 28 Pa. Code § 27.60 (relating to disease control measures). Particularly, the Department of Health (Department) 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.

In addition, older Pennsylvania adults have had an increased risk for severe COVID-19 associated illness and death.¹²³ Adults 65 years of age and older were some of the first Pennsylvanians to be eligible for COVID-19 vaccines. Following the introduction of COVID-19 vaccines, COVID-19 cases, emergency department visits, hospital admissions, and deaths for adults 65 years of age and older decreased within this age group.⁴ Despite the positive effect of COVID-19 vaccines, the Delta variant of the SARS-CoV-2 virus is now causing the general rate of cases of COVID-19 to increase, even among

¹ Athalia Christie, *et al.*, “Decrease in COVID-19 Cases, Emergency Department Visits, Hospital Admissions, and Deaths Among Older Adults Following the Introduction of COVID-19 Vaccine – United States, September 6, 2020–May 1, 2021,” *MMWR Morb Mortal Wkly Rep* 2021; 70(23):858-864, https://www.cdc.gov/mmwr/volumes/70/wr/mm7023e2.htm?s_cid=mm7023e2_w. (last visited Aug. 30, 2021).

² Heidi L. Moline, *et al.*, “Effectiveness of COVID-19 Vaccines in Preventing Hospitalization Among Adults Aged ≥65 Years – COVID-NET, 13 States, February–April 2021,” *MMWR Morb Mortal Wkly Rep* 2021; 70(32):1088-1093, https://www.cdc.gov/mmwr/volumes/70/wr/mm7032e3.htm?s_cid=mm7032e3_w (last visited Aug. 30, 2021).

³ Mark W. Tenforde, *et al.*, “Sustained Effectiveness of Pfizer – BioNTech and Moderna Vaccines Against COVID-19 Associated Hospitalizations Among Adults – United States, March–July 2021,” *MMWR Morb Mortal Wkly Rep* 2021; 70(34):1156-1162, https://www.cdc.gov/mmwr/volumes/70/wr/mm7034e2.htm?s_cid=mm7034e2_w (last visited Aug. 30, 2021).

⁴ *Id.*

children and adolescents.⁵⁶ The Delta variant is more infectious, and it is leading to increased transmissibility.⁷ However, serious illness happens in only a small portion of fully vaccinated people.⁸⁹ The vaccination of all eligible individuals is necessary to protect the most vulnerable Pennsylvanians, including children under 12 years of age who are not yet eligible to be vaccinated, and to continue to reduce cases, emergency department visits, hospital admissions, and deaths. This Order is intended to promote the administration of the COVID-19 vaccine (both the primary series and additional or booster doses) to all Pennsylvanians.

Accordingly, on this day, September 21, 2021, 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:

“Department” means the Department of Health of the Commonwealth.

“Vaccine” means a vaccine authorized for emergency use or approved for use by the U.S. Food and Drug Administration (“FDA”) to prevent COVID-19.

“Vaccine Providers” means all Pennsylvania vaccine providers who have a valid Centers for Disease Control and Prevention (“CDC”) COVID-19 Provider Agreement for the provision of the COVID-19 vaccine to individuals, with the following exceptions:

1. All Vaccine Providers whose Provider Agreement is solely with the Philadelphia Department of Public Health.

⁵ Delta Variant: What we Know about the Science, CDC, updated Aug. 26, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html> (last visited Aug. 31, 2021); Rachel Herlihy, *et al.*, “Rapid Increase in Circulation of SARS-CoV-2 B.1.617.2 (Delta) Variant,” *MMWR Morb Mortal Wkly Rep* 2021; 70(32):1084-1087, https://www.cdc.gov/mmwr/volumes/70/wr/mm7032e2.htm?s_cid=mm7032e2_w (last visited Aug. 31, 2021).

⁶ Miranda J. Delahoy, *et al.*, “Hospitalizations Associated with COVID-19 Among Children and Adolescents – COVID-NET, 14 States, March 1, 2020 – August 14, 2021,” *MMWR Morb Mortal Wkly Rep* 2021; 70(36):1255-1260, https://www.cdc.gov/mmwr/volumes/70/wr/mm7036e2.htm?s_cid=mm7036e2_w (last visited Sept. 17, 2021).

⁷ *Id.*

⁸ Interim Public Health Recommendations for Fully Vaccinated People, CDC, updated Aug 19, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html> (last visited Aug. 31, 2021).

⁹ Wesley H. Self, *et al.*, “Comparative Effectiveness of Moderna, Pfizer-BioNTech, and Janssen (Johnson & Johnson) Vaccines in Preventing COVID-19 Hospitalizations Among Adults Without Immunocompromising Conditions – United States, March – August 2021,” *MMWR Morb Mortal Wkly Rep* 2021; *Early Release*, https://www.cdc.gov/mmwr/volumes/70/wr/mm7038e1.htm?s_cid=mm7038e1_w (last visited Sept. 17, 2021).

2. Facilities owned or operated by the federal government who have received Vaccine from the federal government, including facilities operated by the federal Department of Veterans Affairs.

Section 2. Vaccine Providers.

- A. As a supplement to the [Updated Order of the Acting Secretary of Health Directing Vaccine Providers' Administration of COVID-19 Vaccines](#), dated July 26, 2021 and the [Order of the Acting Secretary of Health Directing Providers Support of COVID-19 Vaccination Clinics at Institutions of Higher Education and School Entities](#), dated August 13, 2021, Vaccine Providers shall:
 - a. Have operational and shall provide on their publicly available website, the following:
 1. An online system to directly schedule appointments and inform the public about appointment availability for the administration of any applicable dose of the Vaccine received by the Vaccine Provider; and
 2. A phone number for prompt access to live representatives or agents during normal business hours who directly schedule appointments and inform the public about appointment availability for the administration of any applicable dose of the Vaccine received by the Vaccine Provider.
 - b. Offer walk-in appointments to the extent practical.
 - c. When a booster Vaccine is authorized or approved by the FDA and recommended by the CDC's Advisory Committee on Immunization Practices ("ACIP"), to the extent practical and, if applicable to the circumstances, communicate, with the necessary consent, by phone, e-mail, or mail to individuals that received their second dose of a two-dose Vaccine or a single dose of a one-dose Vaccine to schedule an appointment for a booster dose of the Vaccine and provide an individual a specific date for when the booster dose of the Vaccine can first be administered.
 - d. In addition to the other requirements of this section, a Vaccine Provider under this section shall coordinate, when requested by the Department or its representative, with either of the

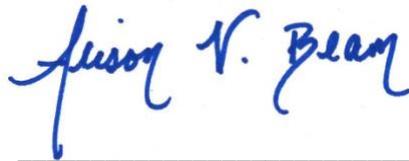
following to schedule appointments for individuals 65 years of age and older:

- a. The applicable local Area Agency on Aging.
- b. The applicable Medical Assistance Managed Care Organization(s).

Coordination shall include, at a minimum, the requirement to schedule an appointment for an individual, including a person who cannot leave the home, as defined by the [Centers for Disease Control and Prevention \(CDC\) as 'homebound,'](#) who is seeking vaccination and referred to the Vaccine Provider by either the local Area Agency on Aging or the Medical Assistance Managed Care Organization(s).

Section 3. Effective Date and Duration

This Order shall take effect at 12:01 a.m. on September 27, 2021, and shall remain in effect until otherwise terminated.



Alison V. Beam
Acting Secretary of Health