STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 9Q

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – VACCINE ADMINISTRATION, REPORTING, AND OUT-OF-NETWORK CHARGES

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall remain in effect until February 9, 2021, unless earlier terminated; and

WHEREAS, pursuant to such declarations, I have issued eighty-four (84) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic (the "COVID-19 Orders"); and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

WHEREAS, COVID-19 has caused unanticipated health effects that are not well understood by the medical community, no vaccine or effective treatment for COVID-19 has been approved or made available for wide distribution, residents, businesses, and government agencies face

new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

WHEREAS, in recent weeks, COVID-19 infection, hospitalization, and death rates have increased in Connecticut, surrounding states, and throughout the country, reinforcing the need for continued protective measures to limit transmission of the coronavirus; and

WHEREAS, several pharmaceutical companies have been working to develop a vaccine for COVID-19, have begun or completed widespread trials for vaccine candidates, and have applied or prepared to apply for Emergency Use Authorization for such vaccines, while pharmacies have begun to preorder vaccines in states where the law permits administration by a pharmacist; and

WHEREAS, once one or more COVID-19 vaccines are available, providing timely vaccination throughout Connecticut will be a critical tool for controlling the pandemic, reducing the size and spread of further outbreaks, and safely resuming social and economic activity; and

WHEREAS, public health experts are strongly encouraging that all people over six months of age get this year's influenza vaccine to minimize the risk that a large outbreak of influenza would create undue stress on a health care system already burdened by the COVID-19 pandemic, and to avoid the possibility of being infected by COVID-19 and the flu at the same time; and

WHEREAS the federal Department of Health and Human Services recently issued guidance to authorize pharmacists to administer vaccines to people over three years of age; and

WHEREAS, the administration of approved COVID-19 immunizations is a priority in the fight to combat the COVID-19 virus and health plans and health care providers must administer out-of-network coverage requirements in such a way that makes receiving out-of-network services for COVID-19 preventive services a meaningful benefit for participants, beneficiaries, and enrollees; and

WHEREAS, health plans must administer out-of-network coverage requirements in a way that ensures that participants, beneficiaries, and enrollees have access to a variety of out-of-network providers for such services; and

WHEREAS, it is in the public interest to mitigate the adverse impact on consumers' financial security that may result from immunization for COVID-19, as well as to limit the likely premium increases facing consumers in 2021 as a result of the COVID-19 response, either of which could create a disincentive to receive a COVID-19 vaccine;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020 and the new public health and civil preparedness emergencies declared on September 1, 2020, do hereby **ORDER AND DIRECT:**

1. **Administration of COVID-19 Vaccine by Licensed Pharmacists.** Section 20-633 of the Connecticut General Statutes is modified to authorize any person licensed as a pharmacist under Chapter 400j of the Connecticut General Statutes to administer: (i) a coronavirus vaccine or vaccine that contains a coronavirus vaccine in combination with other vaccines, that is approved or authorized by the federal Food and Drug Administration, to an adult patient; (ii) a coronavirus vaccine or vaccine that contains a coronavirus vaccine in combination with other vaccines, that is approved or authorized by the federal Food and Drug Administration for use in individuals over the age of ten, to a patient over the age of ten; and (iii) an influenza vaccination approved by the federal Food and Drug Administration for use in patients over the age of ten to a patient over the age of ten, provided that any administration of a vaccine pursuant to this order shall be conducted only on the order of a licensed healthcare provider and in compliance with the Regulations of Connecticut State Agencies established pursuant to Section 20-633(b) of the Connecticut General Statutes. Any current order to a pharmacy from a licensed health care provider pursuant to such regulations shall be updated to reflect the provisions of this order.

2. **Reporting of Influenza Vaccine Administration to Patients Younger than 18.** A pharmacist who administers an influenza vaccine to any patient under the age of 18 and obtains influenza vaccine through the Connecticut Vaccine Program established pursuant to Section 19a-7f of the Connecticut General Statutes shall order and report electronically the information about the administration of the vaccine to the immunization registry in a form and manner prescribed by the Commissioner of Public Health.

3. **Out-of-Network COVID-19 Immunization**. A hospital, health system, hospital-based facility, or other health care provider as defined in Section 38a-477aa of the Connecticut General Statutes, a pharmacist or pharmacy as defined in Section 20-571, and any other person administering an authorized COVID-19 immunization within the scope of their respective license to an individual covered by any health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of Section 38a-469 delivered, issued for delivery, renewed, amended or continued in this state for which said hospital, health system, hospital-based facility, other health care provider, pharmacist or pharmacy, or person does not have a contract for a negotiated rate for said health care services shall accept as payment in full from said health insurance policy the amount that would be paid under Medicare for the administration of said approved COVID-19 immunization.

This order shall take effect immediately and remain in effect for the duration of the existing renewed and newly declared civil preparedness and public health emergencies, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 7th day of December, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State