NEW MEXICO
Department of Health
Office of the Secretary

MICHELLE LUJAN GRISHAM
Governor

DR. TRACIE C. COLLINS, M.D.
Cabinet Secretary

PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
SECRETARY TRACIE C. COLLINS, M.D.

FEBRUARY 26, 2021

Public Health Emergency Order Implementing Administration Requirements for All COVID-19 Vaccine Providers and Requiring Accurate Information be Provided by Individuals Registering to Receive the COVID-19 Vaccine

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 ("COVID-19") that had not previously circulated in humans, but has been found to have adopted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, COVID-19 has been confirmed in New Mexico since March 11, 2020, when the New Mexico Department of Health confirmed the first cases of individuals infected with COVID-19 in New Mexico and additional cases have been confirmed each day since then;

WHEREAS, on March 11, 2020, because of the spread of COVID-19, Michelle Lujan Grisham, the Governor of the State of New Mexico, issued Executive Order 2020-004 declaring that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act and invoking her authority under the All Hazards Emergency Management Act;

WHEREAS, Governor Michelle Lujan Grisham has renewed the declaration of a Public Health Emergency through March 5, 2021;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, wellbeing and property of the residents in the State due to, among other things, illness from COVID-19, illness-related absenteeism from employment particularly among public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the State, potential displacement of persons, and closures of schools or other places of public gathering;

WHEREAS, in an effort to halt the spread of COVID-19, the state, through the New Mexico Department of Health, has begun to distribute COVID-19 Vaccine (the "Vaccine") to medical providers for administration to specific populations by phase;

WHEREAS, New Mexico has prioritized vaccine allocation consistent with the Centers for Disease Control and Prevention (CDC) phases, adapting those phases where necessary to protect New Mexican residents as effectively as possible. The state's vaccination distribution plan aims to ensure the continuing functioning of the health care system and essential services in the community, and protect people at increased risk for severe COVID19-related illness.

WHEREAS, it is essential that medical providers, including physicians, nurses, pharmacists, nurse practitioners, physician's assistants and other health care providers authorized by the New Mexico Department of Health (collectively, "Vaccine Providers") to receive doses of the Vaccine, oversee administration of the Vaccine, and follow the phases outlined in the current Vaccine Allocation Plan in their administration of the Vaccine;

WHEREAS, the New Mexico Department of Health developed an online Vaccine Registration System allowing individuals in New Mexico to register for receipt of the Vaccine and provide information regarding their eligibility to receive the Vaccine during a phase of the Allocation Plan, and it is essential that individuals provide accurate information leading to the determination of their eligibility for receipt of the Vaccine during the relevant allocation phase; and

WHEREAS, the New Mexico Department of Health possess legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -19, the Department of Health Act, NMSA 1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state government to preserve and promote public health and safety.

NOW, THEREFORE, I, Tracie C. Collins, M.D., Secretary of the New Mexico Department of Health, in accordance with authority vested in me by the Constitution and the Laws of the State of New Mexico, and by as directed by the Governor pursuant to the full scope of emergency powers under the All Hazard Emergency Management Act, do hereby declare that is it necessary that Vaccine Providers administer the vaccine following the phased administration approach outlined in this Order so as to respond to the instant public health emergency, to ensure the quality and accessibility of health care services and the provision of health care when healthcare is unavailable or in limited supply, and to ensure a competent public health workforce pursuant to NMSA 1978, Section 24-1-3.

I ORDER AND DIRECT as follows:

(1) All Vaccine Providers who administer the Vaccine in the state must administer the Vaccine to eligible individuals based on the appropriate phase of the most current Vaccine Allocation Plan, as published by the New Mexico Department of Health.

(2) If the Vaccine Provider has Vaccine doses remaining that, if not administered would otherwise go to waste, the Vaccine Provider must document the circumstances leading to the excess Vaccine. The Vaccine Provider must then attempt to contact the next eligible individual to receive the Vaccine before it expires and document such attempts. If no eligible individual is available to receive the Vaccine before it expires, the Vaccine Provider may administer the Vaccine to an individual who is outside of the current Vaccine allocation phase.

(3) All persons registering on the Vaccine Registration System to receive the Vaccine or providing information directly to a Vaccine Provider for the purpose of receiving the Vaccine must provide true and accurate information regarding their eligibility to receive the Vaccine during the current vaccine allocation phase.

(4) Vaccine Providers may rely on the information provided by individuals in the Vaccine Registration System or provided directly from the individual certifying their Vaccine eligibility.

(5) Any and all State officials authorized by the Department of Health may enforce this Order by issuing a citation of violation to any person who willfully violates this order, which may result in civil administrative penalties of up to $5,000 for each violation under NMSA 1978, Section 12-10A-19, in addition to other civil or criminal penalties that may be available at law.

I FURTHER ORDER AND DIRECT as follows:

(1) This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

(2) This Order shall take effect on February 26, 2021 and remain in effect for the duration of the public health emergency first declared in Executive Order 2020-004 and any subsequent renewals of that public health emergency declaration unless otherwise rescinded. This Order may be renewed consistent with any direction from the Governor.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 26TH DAY OF FEBRUARY 2021

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Tracie C. Collins

TRACIE C. COLLINS, M.D.
SECRETARY OF THE STATE OF NEW MEXICO
DEPARTMENT OF HEALTH