STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-107

Authorizing Out-of-State Pharmacists to Administer Vaccines in Minnesota During the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. Since declaring the peacetime emergency, I have extended it every 30 days, with the most recent extension occurring on December 14, 2020.

Healthcare professionals, including pharmacists licensed by the Minnesota Board of Pharmacy ("Board of Pharmacy"), are critical frontline responders to the COVID-19 pandemic. These healthcare professionals work long hours and take extraordinary measures to protect the health, safety, and lives of their neighbors. Fully utilizing this dedicated workforce is vital to protecting all Minnesotans. The United States Department of Health and Human Services has reached agreements with certain pharmacies to administer approved COVID-19 vaccines to individuals in long-term care facilities and to individuals who seek to be vaccinated at pharmacies. As the pandemic continues, some pharmacies are facing shortages of pharmacists due to staff illness or inability to work for other reasons. Further shortages are expected due to the volume of COVID-19 vaccinations that must be administered. I call on health care systems, hospitals, and pharmacies to work closely with their pharmacists to ensure that adequate personal protective equipment is available to them when they are administering COVID-19 vaccines. Finally, it should be noted that nothing in this Executive Order is meant to undermine the rights of Minnesota's pharmacists and other healthcare professionals to collectively bargain.

Pharmacies and pharmacists will play a critical role in administering COVID-19 vaccines to residents and staff of long-term care facilities during the initial phases of COVID-19 vaccinations. Given that they are readily accessible to the public, pharmacies and pharmacists will also play a critical role in providing COVID-19 vaccinations to other individuals in later phases. To respond quickly during this pandemic, hospitals, pharmacies, and other healthcare

providers need temporary flexibility, including the ability to hire qualified pharmacists from other states, especially those with existing experience in administering vaccines. For all of these reasons, I have determined that it is necessary to support the efforts of Minnesota's healthcare professionals and pharmacies by allowing out-of-state pharmacists to administer COVID-19 vaccines in Minnesota at this critical time of the peacetime emergency.

During a peacetime emergency, Minnesota Statutes 2020, section 12.42, authorizes professionals who hold a license, certificate, or other permit issued by a state of the United States or the District of Columbia evidencing the meeting of qualifications for professional, mechanical, or other skills, to render aid involving those skills in this State when such aid is requested by the Governor to meet the needs of the emergency. The license, certificate, or other permit of the person, while rendering aid, has the same force and effect as if issued in Minnesota, subject to such limitations and conditions as the Governor may prescribe. I have concluded that during this critical time of the peacetime emergency, qualifying out-of-state pharmacists should be authorized to render aid in our State to meet Minnesotans' healthcare needs. Pursuant to statutory requirements, I formally request aid from those pharmacists licensed in other states as set forth below.

For these reasons, I order as follows:

1. This Executive Order applies only to out-of-state pharmacists who, to administer COVID-19 vaccines in Minnesota, would otherwise be required to obtain a license from the Board of Pharmacy. In this Executive Order, such healthcare professionals are referred to as "Out-of-State Pharmacists."

2. Pursuant to Minnesota Statutes 2020, section 12.42, I authorize and request Out-of-State Pharmacists who hold an active, relevant license, certificate, or other permit in good standing issued by a state of the United States or the District of Columbia to administer COVID-19 vaccines in Minnesota until March 23, 2021 or until the peacetime emergency declared in Executive Order 20-01 is terminated, whichever occurs first.

3. Before administering vaccines in this State, Out-of-State Pharmacists must be engaged with a healthcare system or provider, such as a hospital, clinic, pharmacy, or other healthcare entity, in Minnesota.

4. A healthcare system or provider, or other healthcare entity that engages an Out-of-State Pharmacist must verify that each Out-of-State Pharmacist authorized to practice under this Executive Order holds an active, relevant license, certificate, or other permit in good standing issued by a state of the United States or the District of Columbia evidencing qualifications for the administration of vaccines in Minnesota.

5. A healthcare system or provider, or other healthcare entity that engages an Out-of-State Pharmacist pursuant to this Executive Order must file a report with the Minnesota Department of Health and the Board of Pharmacy that includes the number of Out-of-State Pharmacists engaged, license type, and length of engagement. The report must be filed with the Minnesota Department of Health and Board of Pharmacy no later than May 22, 2021.

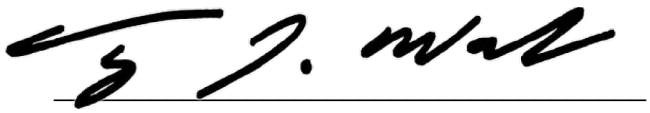
6. When administering COVID-19 vaccines under this Executive Order, an Out-of-State Pharmacist's license, certificate, or other permit, has the same force and effect as if issued in this State.

7. By administering COVID-19 vaccines in Minnesota, Out-of-State Pharmacists who would otherwise need to obtain a license from the Board of Pharmacy submit to the jurisdiction of the Board of Pharmacy. The Board of Pharmacy may revoke the authorization provided by this Executive Order from any Out-of-State Pharmacist under the Board of Pharmacy's jurisdiction. Upon such a revocation, the Out-of-State Pharmacist must immediately cease administering COVID-19 vaccines in Minnesota.

Pursuant to Minnesota Statutes 2020, section 4.035, subdivision 2, this Executive Order is effective immediately. It remains in effect until March 23, 2021, until the peacetime emergency declared in Executive Order 20-01 is terminated, or until it is rescinded by proper authority, whichever occurs first.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on December 23, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed on December 23, 2020
Office of the Minnesota
Secretary of State,
Steve Simon