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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO: 20-037
Authorization for Members of the Healthcare Provider Community to Conduct COVID-19 Vaccination Administration

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, on March 9, 2020, Governor Philip D. Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq, and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, the Public Health Emergency was extended by Governor Murphy under Executive Orders 119, 138, 151, 162, 171, 180, 186, 191, 200 and 210; and

WHEREAS, the federal government, through Operation Warp Speed, has been working expeditiously to develop, manufacture, and deliver one or more safe and effective COVID-19 vaccines; and

WHEREAS, on December 11, 2020, the U.S. Food and Drug Administration (FDA) issued an Emergency Use Authorization (EUA) for a COVID-19 vaccine manufactured by Pfizer and BioNTech; and

WHEREAS, on December 18, 2020, the FDA issued an EUA for a COVID-19 vaccine manufactured by Moderna; and

WHEREAS, it is anticipated that the FDA will authorize additional COVID-19 vaccines in 2021; and

WHEREAS, distribution and administration of the Pfizer and BioNTech vaccine in the State began the week of December 13, 2020 and distribution and administration of the Moderna vaccine began the week of December 20, 2020; and

WHEREAS, because the supply of COVID-19 vaccines is expected to gradually increase over the coming months, it is necessary to ensure that there are an adequate number of health care providers in the State who can administer the vaccines in order to keep up with the demand for vaccination; and

WHEREAS, under the declared public health emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls and treatment for infectious disease; and

WHEREAS, under the declared public health emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-18(a), "[t]o require in-State health care providers to assist in the performance of vaccination"; and

WHEREAS, under N.J.S.A. 26:13-2, a "health care provider" is defined as any person who provides health care services.

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the New Jersey Department of Health, pursuant to the powers afforded to me under the Emergency Health Powers Act, hereby ORDER and DIRECT the following:

1. For purposes of this Executive Directive, "health care providers" include, but are not limited to, physicians, physician assistants, dentists, nurses, and paramedics. Also included as "health care providers" are pharmacists, ancillary healthcare personnel, such as pharmacy interns, pharmacy externs, and pharmacy technicians, and health care providers-in-training, to the extent that health care providers regulated by the Department of Law and Public Safety, Division of Consumer Affairs (DCA) are authorized to delegate vaccination functions within their scope of practice or through an Administrative Order that sets forth training, supervision requirements and conditions for vaccination administration.

2. The health care providers referenced in paragraph 1 above are authorized to administer COVID-19 vaccines that are approved or authorized by the FDA at any vaccination site established within the State.

3. Any COVID-19 vaccination site established within the State shall ensure that a physician, registered professional nurse, advanced practice nurse, physician assistant, or pharmacist proficient in reconstitution and drawing of medications provides training to the health care provider, consistent with the Centers for Disease Control and Prevention's (CDC) "COVID-19 Vaccination Training Programs and Reference Materials for Healthcare Professionals" and FDA COVID-19 vaccination guidance, and determines competencies of the health care provider before permitting the health care provider to administer a COVID-19 vaccine. A health care provider's vaccine administration knowledge and skills may be validated using training materials available through the CDC website at https://www.cdc.gov/vaccines/ed/index.html and the Skills Checklist for Vaccine Administration available through the Immunization Action Coalition website at https://www.immunize.org/catg.d/p7010.pdf. The COVID-19 vaccination site shall also ensure that the health care provider's vaccination skills and knowledge are kept up to date.

4. All health care providers who administer COVID-19 vaccinations shall comply with the requirements of the “New Jersey Interim COVID-19 Vaccination Plan,” as amended and supplemented.

This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

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Judith Persichilli, R.N., B.S.N., M.A.
Commissioner

January 6, 2021

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Date