

## BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

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### **PHASE 1-B SUPPLEMENTAL VACCINE SHORTAGE ORDER**

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Pursuant to the authority contained in Iowa Code sections 135.11(1), 135.144(3), and 139A.8A, the Iowa Department of Public Health (IDPH) hereby rescinds the Phase 1-B Supplemental Vaccine Shortage Order issued on January 15, 2021, and issues the following replacement 1-B Supplemental Vaccine Shortage Order (Order):

Effective date of Order: This Order is effective upon issuance, and shall remain in effect until rescinded or modified by IDPH.

Individuals, facilities, and other entities covered by this Order: All Iowa licensed health care providers, hospitals, clinics, pharmacies, local boards of health, and public health agencies; and any person licensed, certified, or otherwise authorized or permitted by the laws of the state of Iowa or Gubernatorial Proclamations of Disaster Emergency issued on or after March 9, 2020, to administer vaccinations are covered by this Order. All healthcare providers, facilities, and entities which receive and administer COVID-19 vaccines in Iowa are required to complete the CDC COVID-19 Vaccination Program Provider Agreement.

Compliance with CDC Guidance: The Centers for Disease Control and Prevention (CDC) has issued COVID-19 vaccine distribution guidance which directs jurisdictions to plan for a three-phased approach to vaccine distribution. See COVID-19 Vaccination Program Interim Playbook for Jurisdictional Operations issued September 16, 2020, amended October 29, 2020. This Order shall be applicable during Phase One of the guidance, defined as that period of time in which a limited supply of COVID-19 vaccine doses is available.

Conditions of Order: Due to the expected phased approach to administering COVID-19 vaccine and the limited number of doses available in the State of Iowa during Phase One, you are hereby ordered to immediately comply with the following directives to protect the public health and prevent and control the spread of COVID-19.

1) You shall ONLY administer COVID-19 vaccine to individuals included in Priority Designation Phases 1-A and 1-B, including:

- a. Phase 1-A.
  - i. Healthcare Personnel. Paid and unpaid people serving in health care settings who have the potential for direct or indirect exposure to patients or infectious materials and are unable to work remotely.
  - ii. Long Term Care Facility (LTCF) residents. Adults who reside in a residential care facility, nursing facility, skilled nursing facility, assisted living program, or elder group home.

- b. Phase 1-B.
  - i. Persons aged 65 years and over.
  - ii. The following populations vulnerable to high risk of exposure or severity of illness:
    - a) Tier 1:
      - 1. First responders (e.g., firefighters, police officers, and child welfare social workers).
      - 2. PK-12 school staff, early childhood education, and childcare workers.
    - b) Tier 2:
      - 1. Individuals with disabilities living in home settings that are dependent on attendant care staff, and their attendant care staff, if not otherwise vaccinated under Phase 1-A.
      - 2. Frontline essential workers in the food, agricultural, distribution, and manufacturing sectors who work in or live in congregate settings that do not allow for social distancing such as workers in a meatpacking or manufacturing production line or migrant workers who live in bunkroom-style housing
    - c) Tier 3:
      - 1. Staff of and individuals living in congregate settings not covered by sections “a” and “b”, including shelters, sober living homes, behavioral health treatment centers, and detention centers. Individuals residing in college dormitories shall not be included as part of Phase 1-B.
      - 2. Government officials, including staff, to ensure continuity of government, engaged in state business at the Iowa Capitol during the legislative session
    - d) Tier 4:
      - 1. Inspectors responsible for health, life and safety, including those in hospital and long-term care settings, child, and food production safety.
    - e) Tier 5:
      - 1. Correctional facility staff and individuals incarcerated, including state, county, and city operated facilities.

2) Phase 1-A was activated on December 14, 2020 and remains in effect. Phase 1-B populations identified in subsections (1)(b)(i) and (1)(b)(ii) of this order are activated effective February 1, 2021. For populations identified in subsection (1)(b)(ii), a vaccine provider shall prioritize populations by tier, commencing with Tier 1. A vaccine provider shall have flexibility to administer vaccines to populations in subsequent tiers if the provider has made reasonable efforts to reach populations in the previous tier(s).

IDPH shall conduct periodic reviews of vaccine characteristics, vaccine supply, vaccine demand, the disease epidemiology of the COVID-19 pandemic, and local community factors. Based on these reviews, IDPH will periodically reassess when to expand vaccination to other priority populations as supply increases, demand changes, or information on the epidemiology and impact of the pandemic changes. IDPH will communicate each expansion of priority populations through:

- a. A Supplemental Vaccine Shortage Order that shall be posted on its website,
- b. Vaccine Allocation Instructions that are issued with each allocation to local public health agencies, and
- c. an alert on the Iowa Health Alert Network (HAN).

3) You shall only vaccinate persons who are included in priority designation Phases 1-A and 1-B which have been activated by IDPH, and in accordance with the Vaccine Allocation Instructions issued to local public health agencies. You are prohibited from vaccinating any person who is not included in priority designation Phase 1-A or Phase 1-B, subject to the following two exceptions:

- a. A vaccine provider who has vaccine supply remaining after that county's Phase 1-A population has been fully vaccinated may immediately provide the vaccine for individuals in Phase 1-B who are 65 years of age or older. Vaccine providers will not be eligible to receive additional vaccines for Phase 1-B priority populations until the delivery of vaccines the week of February 1, 2021.
- b. Residual vaccine from vials that would otherwise have to be discarded may be used to vaccinate a person who is included in a phase that has not yet been activated only if necessary to avoid vaccine waste.

4) If you have additional doses of vaccine following vaccination of all persons included in a priority designation which has been activated by IDPH, you may transfer such doses to another approved COVID-19 vaccine provider only after receiving approval from IDPH. You must submit a COVID-19 Vaccine Redistribution Form to IDPH and receive approval of such request prior to transfer of COVID-19 Vaccine. IDPH will review each vaccine transfer request within 24 hours and notify providers if the transfer request has been approved.

5) You shall cooperate with the Iowa Department of Public Health and local boards of health or health departments to assess and monitor vaccine supply and coordinate the vaccination of persons in priority designations.

6) You shall cooperate with the Iowa Department of Public Health and local boards of health and health departments to redistribute the vaccine as needed in order to protect those at highest risk of contracting COVID-19.

7) You shall prominently post this Order in locations where COVID-19 vaccine is administered.

Immunity: Iowa law provides that a health care provider, hospital, clinic, pharmacy, health care facility, local board of health, public health agency, or other person or entity that distributes or administers vaccines shall not be civilly liable in any action based on a failure or refusal to distribute or administer a vaccine to any person if the failure or refusal to distribute or administer the vaccine was consistent with the terms of this Order. Iowa Code section 139A.8A(2)

Iowa law also contains immunity provisions protecting persons, corporations, and other legal entities, and employees and agents of such persons, corporations, and other legal entities who provide medical care or assistance in good faith under the direction of the Department of Public Health during a public health disaster. Iowa Code § 135.147.

A health care provider, hospital, health care facility, and any other person, corporation, or other legal entity or employee of all such entities acting in good faith compliance with this Order is acting at the request of and under the direction of the Iowa Department of Public Health for purposes of the immunity provisions of Iowa Code section 135.147.

Violation of Order: Pursuant to Iowa Code section 139A.25, an individual who violates this Order may be subject to criminal prosecution.

In addition, health care providers who violate this Order may be referred to the appropriate professional licensing board for investigation and possible disciplinary action.

Executed by:

A handwritten signature in black ink that reads "Kelly Ancia". The signature is written in a cursive, flowing style.

Interim Director  
Iowa Department of Public Health

Issue Date: January 21, 2021