

## SUMMARY OF LEGAL AUTHORITIES FOR PHARMACISTS TO ADMINISTER COVID-19 VACCINE

There are 4 provisions that exist under state and federal law for pharmacists to administer vaccine to those over 18 years of age. For those that are under 18 years of age, there are 3 provisions. See specific information below:

1. The Secretary of HHS issuance of the Public Readiness and Emergency Preparedness (PREP) Act Declaration authorizes licensed pharmacists to order and administer, and registered qualified pharmacy interns and pharmacy technicians acting under the supervision of the qualified pharmacist to administer, to persons ages three or older. The PREP Declaration will last through (a) the final day the Declaration is in effect, or (b) October 1, 2024, whichever occurs first. The PREP Act preemption provision includes requirements such as additional training, CPR certification, recordkeeping and documentation, and reporting. More information may be found in a [Virginia Board of Pharmacy document](#) revised 11/25/2020. Pharmacists must also follow Virginia Department of Medical Assistance Services (DMAS) provider enrollment requirements.

2. [Standing Order issued by Health Commissioner on August 15, 2021](#)

54.1-3408 (P) of the Code of Virginia authorizes pharmacists, and pharmacy technicians and pharmacy interns who have satisfied the requirements of the PREP Act acting under the supervision of a pharmacist to administer vaccines as authorized by the State Health Commissioner during a public health emergency pursuant to § [32.1-42.1](#). The Secretary of Health and Human Services (HHS) has declared a public health emergency (PHE) for COVID-19, under section 319 of the Public Health Service Act (42 U.S.C. §247d). The PHE for COVID-19 was originally declared on January 31, 2020 and has been renewed every 90 days since. The current PHE was renewed effective July 19, 2021 and will be in effect for 90 days.

As of May, 2021, the U.S. Food and Drug Administration has authorized the use of the Pfizer vaccine for persons 12 years of age and older. Moderna has filed for authorization for 12 years and older. As the COVID-19 vaccine manufacturers seek further approval for minors, the Health Commissioner has the ability to modify the standing order.

3. Board of Nursing-approved protocol for those 18 years or older

54.1-3408 (I) of the Code of Virginia authorizes pharmacists to administer vaccines to **adults** pursuant to a Board of Nursing-approved protocol

4. Patient-specific prescription issued by a prescriber

Current law authorizes a pharmacist to administer any vaccine to any person pursuant to a patient-specific prescription issued by a prescriber and directing the pharmacist to administer such vaccine. This method may create challenges, requiring time and effort of both the pharmacist and prescriber for each individual order.