



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 16, 2021

Lori L. Jobe
Senior Attorney
Office of the General Counsel
State Health Office
Florida Department of Health
4052 Bald Cypress Way
Tallahassee, FL 32399-1703

Attention: Deann Peltz

Dear Ms. Jobe:

Your adoption package for Emergency Rule 64JER21-1, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 1:09 p.m. on February 16, 2021. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is February 16, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/ag

Grosenbaugh, Anya C.

From: Peltz, Deann <Deann.Peltz@flhealth.gov>
Sent: Tuesday, February 16, 2021 1:09 PM
To: Reddick, Ernest L.; Grosenbaugh, Anya C.; Administrative Code
Cc: Bush, Amanda; St Laurent, Louise R; Lamia, Christine E; Young, Wanda; Lori Jobe
Subject: 64JER21-1 > Emergency Rule Adoption
Attachments: 64JER21-1 Pkg to DOS (emerg rule) - 20210216.pdf; 64JER21-1 Coded Rule_v4.docx
Importance: High

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Ernie and Anya:

Attached is the adoption package for the above-referenced **emergency** rule which has been fully-executed by the State Surgeon General. Pursuant to Emergency Rule 1ER20-3 which became effective on 4/17/20, this package is hereby being submitted electronically for adoption today and the documents bearing original signatures will be mailed thereafter. Also attached is an MS Word version of the proposed emergency rule adoption text.

Thank you for your attention to this matter, and we look forward to receipt of your approval of this adoption package.

Sincerely,



Deann L. Peltz

Senior Legal Assistant
Office of the General Counsel
Florida Department of Health
4052 Bald Cypress Way, Bin A-02
Tallahassee, FL 32399-1703
850-617-1422 | 850-245-4790 Fax
Deann.Peltz@flhealth.gov
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Values: (ICARE)

- I**nnovation: We search for creative solutions and manage resources wisely.
- C**ollaboration: We use teamwork to achieve common goals & solve problems.
- A**ccountability: We perform with integrity & respect.
- R**esponsiveness: We achieve our mission by serving our customers & engaging our partners.
- E**xcellence: We promote quality outcomes through learning & continuous performance improvement.

Mission: To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

Vision: To be the Healthiest State in the Nation

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public available to the public and media upon request. Your email may, therefore, be subject to public disclosure.

Please consider the environment before printing this email.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Scott A. Rivkees, MD
State Surgeon General

Vision: To be the Healthiest State in the Nation

February 16, 2021

VIA U.S. MAIL & EMAIL: Ernest.Reddick@DOS.MyFlorida.com; anya.grosenbaugh@DOS.MyFlorida.com

Mr. Ernest L. Reddick, Program Administrator
BUREAU OF ADMINISTRATIVE CODE
Florida Department of State – The Capitol
500 S. Bronough Street, Room 701
Tallahassee, FL 32399

**Re: Dept. of Health: Emergency Preparedness and Community Support
Rule 64JER21-1, F.A.C. – (Emergency) Rule Adoption Package**

Dear Mr. Reddick:


Enclosed are the **original and one (1) copy** of the rule adoption package in anticipation of adoption of the above-referenced EMERGENCY rule(s). Each package includes the following documents:

1. Certification of the Department of Health Emergency Rule Filed with the Department of State;
2. Designation of Rule the Violation of Which is a Minor Violation Certification;
3. Statement of Facts, etc.;
4. Proposed rule text (double-spaced).

The proposed rule text was provided in Microsoft Word format via email. Should you have any questions regarding the enclosures, Lori Jobe is the attorney handling this rule promulgation and can be contacted directly at 245-4685 or the mailing address below; also, my direct line is 617-1422.

If you deem this rule adoption package to be in order, please send your approval email to the handling attorney and me at Deann.Peltz@flhealth.gov. Thank you for your attention to this matter.

Sincerely,


Deann L. Peltz
Senior Legal Assistant

/dlp

Enclosures

cc: Amanda G. Bush, Chief Legal Counsel (w/o encs.)
Lori L. Jobe, Assistant General Counsel (w/o encs.)

CERTIFICATION OF THE DEPARTMENT OF HEALTH

EMERGENCY RULE FILED WITH THE DEPARTMENT OF STATE

I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with Section 120.54(4), F.S. The adoption of this rule was authorized by the head of the agency and this rule is hereby adopted upon its filing with the Department of State.

Rule No. 64JER21-1

Under the provision of Section 120.54(4)(d), F.S., this rule takes effect upon filing unless a later time and date less than 20 days from filing, is set out below:

Effective Date: _____
(month) (day) (year)



Scott A. Rivkees, MD
State Surgeon General, Department of Health

2
Number of Pages Certified

Department of Health, Emergency Rule 64JER21-1

Paramedic and Emergency Medical Technician Administration of COVID-19 Vaccines

STATEMENT OF FACTS AND REASONS FOR FINDING IMMEDIATE DANGER

Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. COVID-19 is a communicable disease with significant morbidity and mortality. The Surgeon General has declared a statewide Public Health Emergency due to the spread of COVID-19. As a result, it presents an immediate, severe danger to public health that warrants an accelerated effort to administer COVID-19 vaccine using all available resources, including paramedics and emergency medical technicians.

STATEMENT OF REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES

COVID-19 presents a public health threat to the state of Florida. There is an immediate need to set forth procedures for the control of this communicable disease in the State of Florida; specifically, to facilitate the widespread administration of the COVID-19 vaccine. Adoption of an emergency rule that permits certified paramedics and emergency medical technicians to administer COVID-19 vaccine under appropriate medical direction at State-operated vaccination sites is fair under the current circumstances, which require immediate action to address the Public Health Emergency.

64JER21-1 Paramedic and Emergency Medical Technician Administration of COVID-19 Vaccines

(1) As used in this Rule:

(a) "Medical Direction" means oral instruction either in person or through remote two-way voice communication, and written instruction by standing order, of a licensed physician.

(b) "Supervise" or "Supervision" means the inspection, oversight, and direction of the administration of COVID-19 vaccine.

(c) "COVID-19 vaccine" means a qualified product that limits the harm COVID-19 might otherwise cause, as defined by 42 U.S.C. 247d-6d(i)(1)(A).

(d) "COVID-19 vaccine administration training" means the training developed by the Department of Health, Bureau of Emergency Medical Oversight, or training that requires completion of the Centers for Disease Control and Prevention (CDC) COVID-19 Vaccine Training Modules followed by an observation period by a currently practicing healthcare professional who holds an active license or certification permitting the professional to administer vaccines who confirms competency in the administration of the COVID-19 vaccine.

(2) A paramedic or emergency medical technician (EMT) certified in Florida may be employed by or enter into a written agreement with the Florida Department of Health, the Florida Division of Emergency Management, the contracted health care service provider(s) of either of these agencies, or an emergency medical services (EMS) provider licensed in Florida, to administer COVID-19 vaccine in a non-emergency environment as provided by this Rule.

(3) A paramedic acting under medical direction may constitute, draw, and administer COVID-19 vaccine.

(4) A paramedic acting under medical direction may supervise an EMT in the intramuscular administration of COVID-19 vaccine.

(5) An EMT acting under medical direction and acting under the supervision of a paramedic or other health care practitioner authorized by law, may only administer COVID-19 vaccines intramuscularly. An EMT may not determine whether administration of COVID-19 vaccine is medically appropriate, constitute COVID-19 vaccine, or draw COVID-19 vaccine.

(6) Paramedics and EMTs must assure themselves that monitoring and aftercare are available for vaccine recipients prior to administering COVID-19 vaccine and must comply with established protocols when administering COVID-19 vaccine.

(7) Paramedics and EMTs who are employed by or enter into a written agreement with the Florida Department of Health, the Florida Division of Emergency Management, or the contracted health care service provider(s) of either of these agencies must complete COVID-19 vaccine administration training provided by the Department of Health, Bureau of Emergency Medical Oversight.

(8) Paramedics and EMTs who are employed by licensed EMS providers must complete COVID-19 vaccine administration training provided by the EMS provider.

(9) Paramedics and EMTs must obtain written documentation of their successful completion of COVID-19 vaccine administration training prior to handling COVID-19 vaccine or COVID-19 vaccine supplies and must present documentation of their successful completion of the training upon request of the department.

(10) Paramedics and EMTs employed by the United States or its personnel, contractors, or volunteers are not precluded from administering COVID-19 vaccines at sites operated by the United States as permitted under the Public Readiness and Emergency Preparedness (PREP) Act, 42 U.S.C. § 247d-6d, and its implementing secretarial Declarations and are otherwise exempt from this Rule.

Rulemaking Authority 401.35, FS. Law Implemented 401.27, FS. History-New _____.