

**FOR IMMEDIATE RELEASE**

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## HHS Amends PREP Act Declaration to Increase Workforce Authorized to Administer COVID-19 Vaccines

The U.S. Department of Health and Human Services (HHS) today issued a fifth amendment to the Declaration under the Public Readiness and Emergency Preparedness Act (PREP Act) to add additional categories of qualified persons authorized to prescribe, dispense, and administer COVID-19 vaccines authorized by the U.S. Food and Drug Administration.

“To respond to the nationwide public health emergency caused by COVID-19, the Biden Administration is broadening use of the PREP Act to expand the vaccination workforce quickly with additional qualified healthcare professionals,” said HHS Acting Secretary Norris Cochran. “As vaccine supply is made more widely available over the coming months, having additional vaccinators at the ready will help providers and state health departments meet the demand for vaccine and protect their communities more quickly.”

Among other things, the [amendment](#):

- Authorizes any healthcare provider who is licensed or certified in a state to prescribe, dispense, and/or administer COVID-19 vaccines in any other state or U.S. territory.
- Authorizes any physician, registered nurse, or practical nurse whose license or certification expired within the past five years to prescribe, dispense and/or administer COVID-19 vaccines in any state or U.S. territory so long as the license or certification was active and in good standing prior to the date it went inactive.
- Requires any healthcare professional described above to complete Centers for Disease Control and Prevention (CDC) COVID-19 Vaccine Training and, for healthcare providers who are not currently practicing or whose license or certification is expired, requires an on-site observation period by a currently practicing healthcare professional.

Under the PREP Act and the Declaration, a qualified person is a covered person. Subject to certain limitations, a covered person is immune from suit and liability under federal and state law with respect to all claims for loss resulting from the administration or use of a covered countermeasure if a declaration under the PREP Act has been issued with respect to such countermeasure.

### **Further Background**

## **Why is HHS expanding the size of COVID-19 vaccinators across state lines?**

Working with state and territorial health departments, the Acting Secretary identified an urgent need to expand the pool of COVID-19 vaccinators to help increase access to COVID-19 vaccinations. This will help states and U.S. territories meet the demand for vaccines and protect their communities as quickly as possible.

## **Where can I find a list of healthcare providers in my state who are authorized to administer a COVID-19 vaccine?**

Contact your state health department for a list of providers authorized under state law to prescribe, dispense, or administer a COVID-19 vaccine. If the state does not maintain a list, each state licensing and certification agency (state licensing board) would have this information. The intent of this PREP Act amendment is to expand the available providers beyond those licensed in each state.

## **Does this action preempt state and local restrictions on which providers are authorized to administer a COVID-19 vaccine?**

If a person is authorized under the Declaration to administer covered countermeasures, including a COVID-19 vaccine, any state law that prohibits or effectively prohibits such a person from doing so is preempted.

## **How will this affect Medicaid and Children's Health Insurance Program (CHIP) payments for the administration of COVID-19 vaccines across state lines?**

Information from the Centers for Medicare & Medicaid Services on the implications of this Amendment for Medicaid and CHIP payments will be forthcoming.

## **What happens if a person is injured by someone who is made immune under the Declaration?**

As is typically the case under the PREP Act, persons with serious physical injury or death arising from the administration or use of a covered countermeasure may be eligible for compensation from the Countermeasures Injury Compensation Program. This is a fund managed by the Health Resources and Services Administration. Moreover, the PREP Act and Declaration do not provide immunity to persons who engage in willful misconduct.

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