

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

**ADMINISTRATIVE ORDER AND NOTICE OF RULE ADOPTION
PURSUANT TO P.L. 2020, c. 18**

IMMUNIZATION ADMINISTRATION BY PHARMACY INTERNS AND EXTERNS

DCA Administrative Order No. 2020-19

Administrative Order and Temporary Rule Adoption by Paul R. Rodríguez, Acting Director,
Division of Consumer Affairs

Date: October 26, 2020

Authority: P.L. 2020, c. 18

Effective Date: October 26, 2020

Expiration Date: Concurrent with the end of the state of emergency or the public health emergency declared pursuant to Executive Order No. 103 (2020) (EO 103), whichever is later.

* * *

WHEREAS, on March 9, 2020, through EO 103, the facts and circumstances of which are adopted by reference herein, Governor Murphy declared both a public health emergency and a state of emergency throughout the State due to the public health hazard posed by coronavirus disease 2019 (COVID-19); and

WHEREAS, the public health emergency declared in EO 103 has been extended through Executive Order Nos. 119, 138, 151, 162, 171, and 180 (2020) issued on April 7, May 6, June 4, July 2, August 1, and August 27, 2020, respectively, and continues to exist today; and

WHEREAS, on April 14, 2020, Governor Murphy signed into law P.L. 2020, c. 18, which permits the Director to issue administrative orders to adopt temporarily any rule relating to the practice of any profession licensed or certified by a board in the Division of Consumer Affairs (Division), upon concurrence by the Attorney General, after determining that such order is necessary to promote the public welfare and further such other purposes of the state of emergency or public health emergency declared in EO 103; and

WHEREAS, a registered pharmacy intern is a person who is employed in an approved pharmacy training site for the purpose of acquiring practical experience and who has first registered for such purposes with the Board of Pharmacy, and who meets the criteria set forth in the Board's regulations at N.J.A.C. 13:39-2.6:

WHEREAS, a pharmacy extern is a person who is in the fifth or sixth college year, or the third or fourth professional year, at an ACPE-approved school or college of pharmacy who is acquiring practical experience under the supervision of the school or college; and

WHEREAS, N.J.S.A. 45:14-63 and N.J.A.C. 13:39-4.21 permit pharmacists to administer vaccines and related emergency medications, which are limited to diphenhydramine and epinephrine, to eligible patients who are 18 years of age and older consistent with the following conditions:

- Pursuant to a prescription by an authorized prescriber for a vaccine and related emergency medications;
- In immunization programs implemented pursuant to an authorized prescriber's standing order for the vaccine and related emergency medications; or
- In immunization programs and programs sponsored by governmental agencies that are not patient specific; and

WHEREAS, N.J.S.A. 45:14-63, as amended by P.L. 2018, c.143, permits pharmacists, registered pharmacy interns, and pharmacy externs to administer vaccines and related emergency medications to eligible patients who are 18 years of age and older, and to administer the influenza vaccine to patients under 18 years of age who are 10 years of age or older without a prescription, and with a prescription for children between the ages of seven and nine, under the direct supervision of a pharmacist, pursuant to rules jointly promulgated by the New Jersey State Board of Pharmacy and the State Board of Medical Examiners; and

WHEREAS, the State Boards of Pharmacy and Medical Examiners determined that, in order to administer vaccines and related emergency medications, limited to diphenhydramine and epinephrine, under the direct supervision of a pharmacist, registered pharmacy interns and pharmacy externs must meet the same education and training qualifications currently required of licensed pharmacists to administer vaccines and related emergency medications, as established by regulation at N.J.A.C. 13:39-4.21; and

WHEREAS, in accordance with P.L. 2018, c. 143, the State Boards of Pharmacy and Medical Examiners jointly approved proposed rule amendments to establish the education and training qualifications for, and supervision requirements of, registered pharmacy interns and pharmacy externs to administer vaccines and related emergency medications, limited to diphenhydramine and epinephrine, and a rule proposal reflecting those amendments is to be published in the New Jersey Register; and

WHEREAS, because of healthcare concerns associated with COVID-19, starting in September 2020, there is anticipated to be an increased demand for influenza vaccine and other vaccines to minimize preventable diseases; and

WHEREAS, additional qualified personnel will be needed to meet this increased demand for the influenza vaccine and other vaccines to minimize preventable diseases, while maintaining social distancing measures to minimize exposure to COVID-19; and

WHEREAS, there is therefore an urgent need to allow qualified registered pharmacy interns and pharmacy externs to administer vaccines and related emergency medications, limited to diphenhydramine and epinephrine, under the direct supervision of a pharmacist, while the adoption of such requirements through the joint Boards of Pharmacy and Medical Examiners rule proposal is pending;

NOW, THEREFORE, I, Paul R. Rodríguez, Acting Director of the Division of Consumer Affairs, by virtue of the authority vested in me by the statutes of this State, and upon concurrence by the Attorney General, determine that this ORDER is necessary to promote the public welfare and further such other purposes for which the state of emergency and public health emergency was declared, and hereby ORDER as follows:

Registered pharmacy interns and pharmacy externs, as defined by N.J.A.C. 13:39-2.6, are authorized to administer vaccines and related emergency medications, which shall be limited to diphenhydramine and epinephrine, to eligible patients who are 18 years of age and older consistent with N.J.A.C. 13:39-4.21; and are authorized to administer influenza vaccine to eligible patients who are under 18 years of age and who are 7 years of age or older, subject to the following conditions:

1. Registered pharmacy interns and pharmacy externs shall meet the education and training requirements of N.J.A.C. 13:39-4.21(b)1 and 2;
2. Registered pharmacy interns shall obtain pre-approval by the Board of Pharmacy in accordance with N.J.A.C. 13:39-4.21;
3. For pharmacy externs, the supervising pharmacist shall confirm that the pharmacy extern satisfies the education and training requirements of N.J.A.C. 13:39-4.21(b)1 and 2;
4. A registered pharmacy intern or pharmacy extern who administers vaccines and related emergency medications shall act under the direct supervision of the supervising pharmacist;
5. The supervising pharmacist shall be a licensed pharmacist authorized to administer vaccines and related emergency medications pursuant to the requirements of N.J.A.C. 13:39-4.21;
6. The supervising pharmacist must be physically present at the pharmacy practice site and is responsible for ensuring that the registered pharmacy interns and pharmacy externs administer vaccines accurately and safely;

7. Registered pharmacy interns and pharmacy externs must comply with all other requirements of N.J.A.C. 13:39-4.21, including but not limited to those pertaining to documentation, informed consent, and policies and procedures:
 - a. For purposes of N.J.A.C. 13:39-4.21(i)4 the name and address of the supervising pharmacist must be provided;
 - b. For purposes of N.J.A.C. 13:39-4.21(j), the supervising pharmacist is responsible for reporting all clinically adverse events.
8. For patients under 18 and who are 7 years of age or older, registered pharmacy interns and pharmacy externs may administer influenza vaccine in accordance with N.J.S.A. 45:14-63 and N.J.A.C. 13:39-4.21A.
 - a. For purposes of N.J.A.C. 13:39-4.21A(c), and in accordance with N.J.S.A. 45:14-63, for patients between seven and nine years of age, the influenza vaccine may be administered only pursuant to a prescription by an authorized prescriber.
9. To the extent that they are inconsistent with this Order, the provisions of N.J.A.C. 13:39-4.21 and 4.21A are waived and suspended. Any provisions of these rules that are not inconsistent with this Order remain in full force and effect.

This Order shall take effect immediately and shall remain in effect until the end of the state of emergency or public health emergency declared by the Governor in EO 103, whichever is later, unless expressly revoked or superseded by a subsequent Administrative Order issued by the Director of the Division of Consumer Affairs.



Date: October 26, 2020

Paul R. Rodríguez, Acting Director