

**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**

**REGISTERING WITH AND REPORTING TO THE NEW JERSEY IMMUNIZATION
INFORMATION SYSTEM (NJIIS)**

DCA Administrative Order No. 2021-04

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

Date: January 5, 2021

Authority: P.L. 2020, c. 18

Effective Date: January 5, 2021

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, 180, 186, 191, 200 and 210 (2020) issued on April 7, May 6, June 4, July 2, August 1, August 27, September 25, October 24, November 22, and December 21, 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 suspend temporarily any provision of Title 45 of the Revised Statutes or suspend or modify temporarily any rule adopted pursuant to such authority, or 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, the Statewide Immunization Registry Act, N.J.S.A. 26:4-131 et seq., established the New Jersey Immunization Information System (NJIS), which is the official Statewide immunization registry and single repository of immunization records; and

WHEREAS, the NJIS was implemented pursuant to N.J.A.C. 8:57-3.1 et seq., and specifically pursuant to N.J.A.C. 8:57-3.16, any health care provider administering vaccines to children less than seven years of age is required to register as an NJIS site and as an authorized user, and to report the administration of a vaccine to a child less than seven years of age to the NJIS within 30 days of administration, as reporting is critical so that information on immunizations is available to treating health care providers; and

WHEREAS, two vaccines against COVID-19 have been granted Emergency Use Authorization by the Food and Drug Administration and are being administered in New Jersey, and additional vaccines against COVID-19 are in development and are expected to become available in the near future; and widespread administration of the vaccine will be vital to slowing the spread of the disease; and

WHEREAS, on December 4, 2020, through EO 207, Governor Murphy required that all individuals, regardless of age, shall be enrolled in the NJIS prior to or concurrent with receipt of a COVID-19 vaccination in New Jersey, if the individual is not already participating in the NJIS at the time of vaccine administration, to enable appropriate tracking of vaccines against COVID-19; and

WHEREAS, there is a vital need to ensure that records of vaccine administrations are available and accessible to current and/or future health care providers, to protect the health and safety of individuals who have and have not received vaccine administrations; and

WHEREAS, timeliness of reporting to NJIS is critical to ensure patient health and safety, particularly because administration of certain vaccines is required to occur at specific intervals; and

WHEREAS, timely reporting to NJIS of vaccine administration pursuant to State and federal requirements will coordinate and promote disease prevention control efforts in this State by tracking vaccination uptake, ensuring multiple doses of the same vaccine are administered to patients when necessary, and preventing individuals from inadvertently receiving duplicate vaccines;

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 were declared, and hereby ORDER as follows:

1. The following words and terms, when used in this order, shall have the following meanings, unless the context clearly indicates otherwise:

- a. “Licensee” means a health care provider whose professional scope of practice includes administration of vaccines and/or the authority to delegate the administration of vaccines to medical professionals, and who is required to report all such vaccine administrations to the NJIIS, pursuant to regulatory requirements at N.J.A.C. 8:57-3, and/or pursuant to any reporting requirements imposed in any Executive Orders, Executive Directives and/or Administrative Orders issued by the Governor, the Department of Health, the Division of Consumer Affairs or any other government agency. The term includes, but is not limited to, physicians (M.D. and D.O.), advanced practice nurses, midwives, pharmacists, and physician assistants who administer or direct the administration of vaccines that must be reported to the NJIIS.
 - b. “Medical professional” means a health care provider who may administer a vaccine pursuant to the direction or delegation of a licensee. The term includes, but is not limited to, registered nurses, licensed practical nurses, certified home health aides, certified medical assistants, pharmacy interns, and pharmacy externs.
2. All licensees shall register with and make reports to the NJIIS in a manner consistent with State requirements, including but not limited to Department of Health regulations at N.J.A.C. 8:57-3, any Executive Orders, and any orders issued by Department of Health, the Division of Consumer Affairs or any other government agency, that impose additional registration or reporting requirements.
3. A licensee shall ensure that a report is made to the NJIIS within such timeframe as may be established hereafter by State or federal requirements, whenever the licensee:
 - a. administers a vaccine against COVID-19 and is required pursuant to State or federal requirements to report such administration to the NJIIS, or
 - b. directs a medical professional to administer a vaccine against COVID-19.
4. A licensed pharmacist who administers at a pharmacy practice site any vaccine, the administration of which is required to be reported to NJIIS, shall ensure that the site is registered with the NJIIS.
5. Failure to make any required registration of a practice site, and/or to timely make any required reporting of the administration of a vaccine to the NJIIS may constitute “professional misconduct” pursuant to N.J.S.A. 45:1-21(e), subjecting the licensee to disciplinary action by the licensee’s board.

All provisions of this Order shall take effect immediately, except for paragraph 5, which shall take effect thirty days from the date of entry of this Order. This Order shall remain in effect until the end of the state of emergency or public health emergency initially 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.

A handwritten signature in black ink that reads "Paul Rodríguez". The signature is written in a cursive style with a large, looped initial "P".

Date: January 5, 2021

Paul R. Rodríguez, Director