



## AMENDED DIRECTIVE AND ORDER REGARDING VACCINATION MATTERS

Pursuant to Health General Article §§ 18-102, 18-103, 18-109 and COMAR 10.06.01.06

MDH No. 2021-09-08-01

I, Dennis R. Schrader, Secretary of Health, finding it necessary for the prevention and control of 2019 Novel Coronavirus and the disease that it causes (“SARS-CoV-2” or “2019-NCoV” or “COVID-19”), and for the protection of the health and safety of patients, staff, and other individuals in Maryland, hereby authorize and order the following actions for the prevention and control of the spread of this infectious and contagious disease that endangers public health in this State.

**This Amended Directive and Order replaces and supersedes the Directive and Order Regarding Vaccination Matters, dated August 18, August 5, June 15, March 22, February 4, January 21, January 14, January 1, 2021, and December 8, 2020.**

### 1. Definitions

- A. “Vaccination Site” means any location at which COVID-19 vaccinations are offered to the public in accordance with the State of Maryland’s Vaccination Plan and includes, but is not limited to, facilities as defined in the [Order of the Governor of the State of Maryland No. 20-11-17-02 Establishing Alternate Care Sites and Authorizing Regulation of Patient Care Space in Health Care Facilities](#), healthcare facilities designated by the Secretary of Health under the terms of the [Order of the Governor of the State of Maryland No. 21-03-09-02 Amending and Restating the Order of March 16, 2020 Relating to Various Health Care Matters](#) (the “Health Care Matters Executive Order”) as listed in this order, the offices of health care practitioners, local health departments, pharmacies, urgent care centers, and any event at which vaccinations are offered in accordance with the State of Maryland’s Vaccination Plan or any other site or location within Maryland as designated by the Maryland Department of Health.
- B. “COVID-19 Vaccine(s)” means any COVID-19 vaccine that has U.S. Food and Drug Administration (FDA) approval or has been granted an Emergency Use Authorization from the FDA.

### 2. Personnel Who May Administer Vaccines

The following individuals may administer COVID-19 vaccines at vaccination sites:

- A. Health care practitioners licensed, certified, or registered under the provisions of the Health Occupations Article whose scope of practice includes the administration of vaccines;
- B. Other individuals provided that:
  - i. Each individual has successfully completed training on the administration of COVID-19 vaccines;
  - ii. Qualified supervisory personnel at the vaccination site reasonably determine that each individual is able to administer COVID-19 vaccines under appropriate supervision; and
  - iii. The individual administers the COVID-19 vaccine at the vaccination site under the reasonable supervision of qualified supervisory personnel; and
- C. Covered persons as defined in the [Eighth Amendment to Declaration under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19](#) (August 4, 2021) or as subsequently amended by the Secretary of the U.S. Department of Health and Human Services.

### 3. Vaccine Eligibility

Any eligible Marylander shall be eligible to receive COVID-19 vaccine, as determined by the U.S. Food and Drug Administration’s approval for that vaccine or its emergency use authorization.

For more information, please see the COVID-19 vaccine provider bulletin, as made available here: <https://coronavirus.maryland.gov/pages/provider-resources>.

### 4. Vaccine Administration Reporting Requirements

- A. Definitions:
  - i. “Employer” means a person employing a Provider.
  - ii. “HG” means the Health-General Article of the Maryland Code.
  - iii. “ImmuNet” has the meaning provided in HG § 18-109(a)(4).
  - iv. “Provider” means (i) a health care provider, as defined in HG § 18-109(a)(3); and (ii) any other person who administers a COVID-19 vaccination.
- B. For each COVID-19 vaccination administered in Maryland, the Provider shall give notice of such vaccination to the Maryland Department of Health via ImmuNet within 24 hours after administration.
- C. If a Provider administers a COVID-19 vaccination in the course of the Provider’s employment by an Employer, the Employer is jointly and severally responsible for the Provider’s compliance with Section 5.B of this Order.

- D. Compliance with Section 4.B of this Order with respect to a COVID-19 vaccination satisfies HG § 18-109(d)(6)(i)3 with respect to that COVID-19 vaccination.

**5. Facilities that Require Proof of Vaccination Status**

- A. **Vaccine Requirement:** All staff of the facilities listed in paragraph 5B are required to show proof of first dose or single dose of COVID-19 vaccination by Wednesday, September 1, 2021. Staff includes, but is not limited to, regular and contractual employees, contractual staff, volunteers, and other state employees performing any duties at the facility.

All staff are required to complete the full shot regimen, including any booster shot, as clinically indicated in order to satisfy this requirement.

- B. **Facilities:**

- i. All residential facilities operated by the Maryland Department of Health or any local health department;
- ii. All state correctional facilities under the direction of the Secretary of the Department of Public Safety and Correctional Services in the Correctional Services Article;
- iii. All state facilities operated by the Department of Juvenile Services under Title 9 of the Human Services Article;
- iv. The Home maintained by the Department of Veterans Affairs under Title 9, Subtitle 9 of the State Government Article; and
- v. Other state congregate living facilities as identified by the Secretary of the Department of Health.

- C. **Failure to comply:**

- i. Staff that fail to show proof of full vaccination shall be subject to mandatory minimum of COVID-19 testing once a week and will be required to wear appropriate personal protective equipment, as determined by each facility's management, in consultation with the relevant federal and state guidance, while on the facility's premises.
- ii. The State shall provide:
  - a. Mandatory weekly COVID-19 testing on site for individuals who fail to show proof of full vaccination status, as scheduled by the facility's management; and
  - b. Appropriate and adequate supplies of personal protective equipment to be worn while in facilities described in Section 5.B.

- iii. Results of the mandatory weekly COVID-19 testing shall be disclosed to staff subjected to the test and the facility's appropriate administrative offices.

**D. Reasonable Accommodation Requests**

- i. A staff individual may request an accommodation by providing appropriate and sufficient documentation for bona fide medical or religious reasons. This request for an accommodation shall be made to and reviewed and documented by the requesting staff's agency Equal Employment Opportunity/Fair Practices office.

**E. Other Facilities Subject to Proof of Vaccine Requirement**

- i. **All staff of the facilities listed below are required to show proof of first dose or single dose of COVID-19 vaccination by Wednesday, September 1, 2021.** Staff includes, but is not limited to, regular and contractual employees, contractual staff, volunteers, and other employees performing any duties at the facility.

All staff are required to complete the full shot regimen, including any booster shot, as clinically indicated in order to satisfy this requirement.

- a. Nursing Homes licensed under Title 19, subtitles 3 and 14 of the Health-General Article and COMAR 10.07.02; and
- b. Hospitals as defined in Section 19-301 of the Health-General Article.
- ii. Each facility covered by this paragraph shall develop its own procedures to handle failure to comply with the requirements of paragraph 5.E.i., which procedures cannot be less stringent than those outlined in paragraph 5.C above.
- iii. Facilities shall develop a policy and procedures to allow for reasonable accommodation requests provided the staff member provides appropriate and sufficient documentation for bone fide medical or religious reasons.

**6. Certain Residential Facilities**

- i. The following facilities or their COVID-19 vaccination clinical partner, if the facility is incapable to administer COVID-19 vaccines, shall offer the opportunity to each resident to receive an additional dose of a COVID-19 vaccine; or the first or single shot of a COVID-19 vaccine if the resident has not received a COVID-19 vaccine previously.
  - a. "Assisted Living Programs" licensed under Title 19, Subtitle 18 of the Health-General Article and COMAR 10.07.14;

- b. “Developmental Disabilities Group Homes” as defined under Title 7, Subtitle 1 of the Health General Article and COMAR 10.22.01.01B(25); and
- c. “Residential Drug Treatment Centers” licensed under COMAR 10.63.03.11, COMAR 10.63.03.12, COMAR 10.63.03.13 and COMAR 10.63.03.14.

**7. Penalties**

Persons who violate this Order and Directive may face administrative and criminal sanctions.

**8. Termination**

This Directive and Order shall cease to have effect and be rescinded at 11:59 P.M. on December 31, 2021 or when the [federal Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus](#) is terminated, whichever condition comes first.

**9. Severability**

If any provision of this Directive and Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of this Directive and Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Directive and Order are severable.

THIS DIRECTIVE AND ORDER IS ISSUED UNDER MY HAND THIS 8TH DAY OF SEPTEMBER 2021 AND IS EFFECTIVE IMMEDIATELY.



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Dennis R. Schrader  
Secretary