

Order of the Acting Secretary of the Pennsylvania Department of Health Requiring Skilled Nursing Care Facilities to Complete the COVID-19 Vaccine Needs Assessment Survey

On March 6, 2020, the first two cases of COVID-19 were confirmed in the Commonwealth. That same day, the Governor issued a Proclamation of Disaster Emergency due to the emergence of COVID-19 in the United States and the Commonwealth of Pennsylvania, which has been extended and remains in effect as of this date. As of March 15, 2021, the Commonwealth of Pennsylvania has over 967,598 positive cases of COVID-19 and over 24,530 deaths from the virus. Skilled nursing facilities were hard hit by the vagaries of a novel virus that spread rapidly within congregate care settings. Cases within the Commonwealth have risen and fallen three times, but as of the date of this Order have plateaued. The Commonwealth's attempts to mitigate the effects of COVID-19 continue, but the number of cases and deaths in skilled nursing facilities is still of vital concern. With the U.S. Food and Drug Administration's emergency use authorizations for select COVID-19 vaccines, the Commonwealth prioritized residents and staff of skilled nursing facilities as recipients of the vaccine.

The Department recognizes the tireless efforts made by health care professionals throughout this current emergency, and that they are the front line of the response to this health care crisis. This Order is designed to inform the Department of necessary information to effectively vaccinate residents and staff of skilled nursing facilities. COVID-19 is a threat to the public health, for which the Secretary of Health is authorized to order general control measures. This authority is granted to the Secretary of Health pursuant to Pennsylvania law. *See* Section 5 of the Disease Prevention and Control Law, 35 P.S. § 521.5, sections 2102(a) and 2106 of the Administrative Code of 1929, 71 P.S. § 532(a) and 536 and the Department's regulations found at 28 Pa. Code §§ 27.60-27.68 (relating to disease control measures). Particularly, the Department has the authority to take any disease control measure appropriate to protect the public from the spread of infectious disease. *See* 35 P.S. §§ 521.5; 71 P.S. § 532(a), and 1403(a); 28 Pa. Code § 27.60.

Pursuant to the regulations promulgated under the Health Care Facilities Act, 35 P.S. § 448.801-904(b), skilled nursing care facilities are required to report on forms issued by the Department, census, rate and program occupancy information as the Department may request. *See* 28 Pa. Code § 201.14(h). The Skilled Nursing Facility COVID-19 Vaccine Assessment Survey (Survey) is related to the facility's census and program occupancy.

Additionally, skilled nursing care facilities must maintain minimum standards as set by the Department. *See* 28 Pa. Code § 201.14(a). As part of these minimum standards, the Department is requiring skilled nursing facilities to timely complete the Survey as provided under Section 1. Additionally, maintaining minimum standards requires following any disease control measure ordered by the Secretary of Health under the authority afforded to her by law and regulation. The current Order is such an order.

Demand for the COVID-19 vaccinations has stretched the limits of supply of the vaccine throughout the country and in the Commonwealth. To continue preparations to effectively and efficiently allocate the vaccine within the Commonwealth, it is important that the Department receive information about the vaccine uptake and needs of all skilled nursing facilities. It is necessary for these facilities to work with the Department by providing the most accurate vaccination information. Maintaining accurate information between skilled nursing facilities and the Department is essential to best manage the vaccine supply. Therefore, I have determined that the appropriate disease control measure based upon COVID-19, the manner of its spread in the Commonwealth and in the world, and its danger to Pennsylvanians, is for skilled nursing facilities to report information to the Department as required in the Survey:

Accordingly, on this day, March 16, 2021, in order to prevent and control the spread of disease, I hereby order:

Section 1. Survey

- A. All skilled nursing facilities licensed in this Commonwealth shall complete the initial (and any subsequent) Survey found at: <http://bit.ly/SNFVaccineAssessment>.
- B. Skilled nursing facilities must complete the fields of the initial Survey indicated to be mandatory by **March 23, 2021**.
- C. Due dates for responses to subsequent Survey requests will be determined by the Department, as needed.

Section 2: Effectiveness and Duration

This Order shall take effect immediately and remain in full force and effect until further order.

A handwritten signature in black ink that reads "Alison V. Beam". The signature is written in a cursive style with a large initial 'A' and a distinct 'V'.

Alison V. Beam
Acting Secretary of Health