

**Executive Office**

1625 North Market Boulevard, Suite N-308, Sacramento, CA 95834  
P (800) 952-5210 | [www.dca.ca.gov](http://www.dca.ca.gov)



## **Order Waiving Restrictions On Healthcare Providers With Expired, Inactive Or Lapsed Licenses Ordering And Administering COVID-19 Vaccines In Association With State or Local Vaccination Efforts**

On March 4, 2020, the Governor proclaimed a [State of Emergency](#) to exist in California as a result of the impacts of COVID-19 to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare to respond to an increasing number of individuals requiring medical care and hospitalization as a result of a broader spread of COVID-19.

Pursuant to the Governor's Executive Order N-39-20, during the State of Emergency, the Director of the California Department of Consumer Affairs may waive any statutory or regulatory professional licensing requirements and amend scopes of practice pertaining to individuals licensed pursuant to Division 2 of the Business and Professions Code (the Code).

On March 11, 2021, the Acting Secretary of the federal Department of Health and Human Services issued the [Seventh Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19](#) (the Declaration). In relevant part, the Declaration designated categories of currently inactive, expired or lapsed healthcare licensees, including physicians and surgeons, registered nurses, pharmacists, midwives, respiratory care practitioners, dentists, physician assistants, podiatrists, optometrists, or veterinarians, to independently order and administer COVID-19 vaccines, subject to specified conditions.

Pursuant to the Governor's Executive Order, and consistent with the Declaration, the Director waives any statutory or regulatory provision in Division 2 of the Code and the implementing regulations, to the extent that such provision prohibits any individual described above from independently ordering or administering COVID-19 vaccines, subject to the following conditions:

- The individual held an active license or certification within the last five years;
- The individual's license was active and in good standing prior to the date it went inactive, expired or lapsed, and it was not revoked by the applicable licensing authority, surrendered while under suspension, discipline, or investigation by a licensing authority, or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General;

- The individual orders or administers the subject vaccine in association with a State, local, or institutional COVID-19 vaccination effort;
- The individual successfully completes the required COVID-19 training programs prescribed by the California Department of Public Health at the following website:  
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/COVIDTraining-Non-Traditional.aspx>;
- The individual has documentation of an observation period by a currently-practicing healthcare professional experienced in administering intramuscular injections, and for whom administering vaccinations is in their ordinary scope of practice, who confirms competency of the individual in preparation and administration of the subject COVID-19 vaccines;
- When administering vaccines, the individual is supervised by a currently-practicing healthcare professional who is experienced in administering intramuscular injections;
- The individual has a current certificate in basic cardiopulmonary resuscitation;
- The individual complies with all applicable federal and state recordkeeping and reporting requirements, including providing documentation to the patient's primary care provider, as applicable, and entering information in the appropriate immunization information system designated by the immunization branch of the State Department of Public Health;
- The individual complies with any applicable requirements (or conditions of use) as set forth in the Centers for Disease Control and Prevention COVID-19 vaccination provider agreement;
- The subject vaccine is authorized, approved, or licensed by the federal Food and Drug Administration (FDA); and,
- The subject vaccine is administered in accordance with any applicable FDA emergency use authorization or license.

Inactive, expired or lapsed licensees acting within the scope of this Order may independently order and administer any COVID-19 vaccines that are approved or authorized by the FDA, as specified.

This waiver is effective immediately but may be amended as circumstances require.

Dated: March 30, 2021

**Signature on File**

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Kimberly Kirchmeyer  
Director