



February 10, 2021

TO: District Superintendents and Chief Business Officials

FROM: Robert J. Kretzmer
Director

SUBJECT: COVID-19 Vaccinations

SISC has become aware that several member districts are considering the establishment of COVID-19 vaccination clinics on district premises.

It has come to our attention that the establishment of these clinics are being proposed in various forms.

- Some will establish a clinic by following the application process established by the Centers for Disease Control (CDC) to become a COVID-19 vaccine provider. We recommend that those districts doing so first consult with their County Office of Education regarding their intentions and further consult with legal counsel regarding the establishment of such a clinic.
- Other districts are working through a vendor such as an urgent care center to provide vaccine services. Once again districts should consult with legal counsel regarding the agreement entered into with the vendor to be certain that appropriate indemnification, hold harmless and insurance language is in the agreement to protect the interests of the district.
- There are other districts who may choose a hybrid model where a vendor is coming to the district to administer vaccinations, however, district nurses are also being utilized to administer the vaccine as well.

The SISC Liability Memorandum of Coverage (MOC) extends professional liability coverage to district nurses who are employees of or volunteers with the district. The pre-screening and administration of the vaccine **to employees or students** fall within the scope of a district nurse's duties and those activities would therefore fall within the coverage parameters established in the MOC.

As we progress through the vaccination stage of the pandemic crisis we would encourage our member districts to contact the undersigned in the event it becomes the intention of a district to establish or run a vaccination clinic for the benefit of the general public.

Further it is our understanding that liability protection may also be afforded through the immunity afforded under Government Code section 8659, as this section states that a nurse shall have no liability for any injury sustained while the nurse is rendering services under a duly declared "state of emergency", as well as under the PREP Act, 42 U.S.C. § 247d—6d, which, pursuant to the Declaration of the Secretary of the Department of Health and Human Services, provides immunity "for the administration or use of" vaccines by "any person authorized in accordance with the" appropriate public health authority overseeing vaccine administration. Declaration Under the

Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19, 58 Fed. Reg. 15198 (March 17, 2020).

The administration of vaccines **may amount to** such a service as long as we continue to be under the “state of emergency” as authorized by Governor Newsom under his Emergency Proclamation of March 4, 2020, which as of this date remains in effect.

In summary we encourage our districts to consult with their County Office of Education prior to the establishment of a vaccination clinic on district premises and to consult with legal counsel before entering into any agreement with a third party vendor to provide a vaccination service.

The undersigned is available to answer any questions you may have concerning SISC’s coverage response should claims or suits arise out of the vaccination program established by your district.

RJK: 2021-02-10