

**Division of Public Health, Wisconsin Department of Health Services  
Standing Medical Orders for Additional Medical Personnel to Support Administration of Influenza  
A (H1N1) 2009 Vaccines for Wisconsin Local Health Departments**

**Purpose, intent, scope, and limitations of the standing medical order:**

1) This medical order is directed to the health officer of the Wisconsin local health department listed below. This health officer may need additional health care professionals and support personnel to assist the local health department staff with the administration of influenza A H1N1 2009 vaccine within its mass clinic plans or public health emergency plans during this declared public health emergency. This medical order identifies the licensed health professionals and other individuals who are authorized under Wisconsin law to administer influenza A H1N1 2009 vaccine.

2) This medical order authorizes, under the authority of the local health officer, the use of the following currently licensed Wisconsin health care providers as volunteer or paid contract staff to administer the influenza A H1N1 2009 vaccine: registered nurses, licensed practical nurses, physicians, physician assistants, doctors of osteopathy, immunizing pharmacists (limited to immunize persons 18 years of age and older) and licensed emergency medical technicians (EMTs) and paramedics under the direction of their local medical director and affiliation with a local EMS provider agency (refer to Appendix A). The vaccine shall be administered in accordance with the local public health emergency plan or mass clinic plan. All such persons shall successfully pass “just in time training” (JITT) provided by the \_\_\_\_\_ local health department.

3) This medical order authorizes, under the authority of the local health officer and my overall supervision, the use of the following non-licensed health professionals as volunteer or paid contract staff to administer the influenza A H1N1 2009 vaccine: individual, non-affiliated EMTs and paramedics (refer to Appendix A) and skilled certified medical assistants, all under the general supervision of the \_\_\_\_\_ local health department public health nurse(s) in accordance with the local public health emergency plan or mass clinic plan. All such persons shall successfully pass “just in time training” (JITT) provided by the \_\_\_\_\_ local health department.

**Definitions:**

1) “Administration” means the direct application of a vaccine or a prescribed drug or device, whether by injection, ingestion or any other means, to the body of a patient or research subject by any of the following: a practitioner or his or her authorized agent, a patient or research subject at the direction of a practitioner, a pharmacist (Source: Wisconsin Statute, Section 450.01(1)(a-c)).

2) Just in time training (also known as incident specific training) means brief training that takes place right before it is needed. It is used with staff and volunteers who will be working during a public health emergency (Source: National Association of City and County Health Officials (NACCHO) Toolbox: Project Public Health Ready Tool Kit).

Local health departments are encouraged to review their local Public Health Emergency Plans, Mass Clinic Plans for other personnel. “Just in time training” should be provided as needed. Other resources to be used by the local health departments in seeking additional personnel support with the administration of influenza vaccine include WEAVR (Wisconsin Emergency Assistance Volunteer Registry) and the Medical Reserve Corps (currently more limited in personnel and locations in Wisconsin).

**Liability Issues:**

Please refer to Appendix B: “Federal Liability Protection and State Liability Protection, dated September 11, 2009.

**Physician:**

Physician Name (Print) \_\_\_\_\_

Physician Signature \_\_\_\_\_

Wisconsin Medical License # \_\_\_\_\_

Date \_\_\_\_\_



1 WEST WILSON STREET  
P O BOX 2659  
MADISON WI 53701-2659

608-266-1251  
FAX: 608-267-2832  
TTY: 888-701-1253  
dhs.wisconsin.gov

Jim Doyle  
Governor

Karen E. Timberlake  
Secretary

**State of Wisconsin**  
Department of Health Services

**Appendix A**

Date: September 10, 2009

To: Emergency Medical Service Providers, Local Health Officers and Tribal Health Directors

From: Joe Cordova  
Strategic National Stockpile Coordinator

Dana Sechler, NREMT-P, CCEMTP  
Wisconsin EMS Section Office

Subject: Use of Emergency Medical Services Personnel in Public Health Immunization Clinics

To assist you with administering Influenza A (H1N1) monovalent vaccines, the Division of Public Health encourages you to use Emergency Medical Services (EMS) personnel in administering vaccine. Liability protection for administering Influenza A (H1N1) monovalent vaccines is provided by the federal Public Readiness and Emergency Preparedness (PREP) Act (details below).

There are two ways that a tribal or local public health agency may partner with EMS personnel to assist with the administration of the Influenza A (H1N1) monovalent vaccines. They are as follows:

The EMS service director (or medical director) may coordinate with the tribal or local public health agency to use the EMS service resources, including personnel and vehicles. The EMS personnel would function under the EMS service's medical direction to participate in the administration of Influenza A (H1N1) monovalent vaccine. EMS agencies will need to update their Operation Plan, and adopt the Wisconsin EMS protocol and procedure for vaccinations when they become available in the near future. Watch the EMS web page <http://dhs.wisconsin.gov/ems/index.htm>. In addition to their protocol and procedure EMS personnel will need to follow all public health guidelines. In this scenario, the authority for the Paramedic or EMT to vaccinate is shared between the EMS agency, and the tribal or local public health agency.

The tribal or local public health agency may request and use volunteers or paid contract employees to assist in the administration of Influenza A (H1N1) monovalent vaccines as part of their local practices, and/or in accordance with the local Public Health Emergency Plan or Mass Clinic Plan. Individual Paramedics and EMTs may volunteer or be paid as a contract employee to assist the tribal or local public health agency with these vaccinations. The Paramedics and/or EMTs would be working under the immediate direction of the tribal or local public health agency and can be provided with 'Just in Time' training, as appropriate. It is the responsibility of the tribal or local public health agency to verify the Paramedics' and/or EMTs' skill level and ability to administer vaccine. When an individual Paramedic or EMT is acting in this capacity, he/she would not be working under his/her EMS license, as he/she is not acting in conjunction with a recognized EMS agency or medical director at that point in time. In this scenario the Paramedic or EMT is a volunteer or paid contract employee. Authority to vaccinate is from the tribal or local public health agency.

The Secretary of the Department of Health and Human Services has declared a public health emergency and has enacted the Public Readiness and Emergency Preparedness (PREP) Act as a result of the outbreak of novel Influenza A (H1N1) 2009. The Secretary has included novel H1N1 vaccines as a covered countermeasure under the PREP Act. This provides immunity from tort liability (except for willful misconduct) for claims of loss, caused arising out of, relating to, or resulting from administration or use of covered countermeasures. The PREP Act provides liability immunity to licensed health professionals or other individuals who are authorized to prescribe, administer, or dispense covered countermeasures under the law of the State. Therefore it is essential that EMS agencies and personnel work closely with their medical director and the tribal health director or local health officer.

Please share this letter with other interested parties. If you have any questions, please contact:

Joe Cordova at 608-267-9010 or [joe.cordova@dhs.wisconsin.gov](mailto:joe.cordova@dhs.wisconsin.gov) and/or  
Dana Sechler at (608) 266-8853 or [dana.sechler@dhs.wisconsin.gov](mailto:dana.sechler@dhs.wisconsin.gov)

Resources:

Public Readiness and Emergency Preparedness (PREP) Act -  
<http://www.hhs.gov/disasters/discussion/planners/prepact/index.html>

EMS Scope of Practice documents -  
[http://dhs.wisconsin.gov/ems/License\\_certification/scope\\_of\\_practice.htm](http://dhs.wisconsin.gov/ems/License_certification/scope_of_practice.htm)

## Appendix B Federal Liability Protection

Law	Citation	Coverage
Public Readiness and Emergency Preparedness (PREP) Act	Part of the Public Health Service Act, 42 USC Sec. 247d-6d	<p>Requires a declaration from the Secretary of the Department of Health and Human Services. Currently there are PREP Act Declarations covering antiviral medications (Tamiflu and Relenza) and H1N1 vaccine for Influenza A (H1N1) SOIV i.e., covered countermeasures.</p> <p>Covers: All persons (paid or volunteer) involved in the administration or use of covered countermeasures who are one of the following:</p> <ul style="list-style-type: none"> <li>• Manufacturers</li> <li>• Distributors</li> <li>• State, local or tribal governments and their officials, agents, and employees, while planning and administering countermeasures</li> <li>• Licensed health professional or other individuals who are authorized to prescribe, administer, or dispense covered countermeasures under the law of the State in which the countermeasure was prescribed, administered, or dispensed.</li> </ul> <p>Protection: Immunity from tort liability under state and federal laws for losses caused by, arising out of, relating to, or resulting from the administration or use of a countermeasure. Immunity means exempt from civil liability.</p> <p>Immunity is not available for death or serious physical injury caused by willful misconduct.</p> <p>The PREP Act also authorizes a "Covered Countermeasures Process Fund" to provide compensation to eligible individuals who suffer specified injuries from administration or use of a countermeasure pursuant to the declaration.</p> <p>For more detailed information:  <a href="http://www.hhs.gov/disasters/discussion/planners/prepact/index.html">http://www.hhs.gov/disasters/discussion/planners/prepact/index.html</a></p>
Federal Volunteer Protection Act	42 USC Sec. 14501 <i>et seq.</i>	<p>Covers: Individual volunteer workers for nonprofit organizations and governmental entities while acting within the scope of their volunteer responsibilities. This VPA does not protect the nonprofit organization or governmental entity.</p> <p>A "volunteer" is an individual who does not receive compensation for his or her services other than reasonable reimbursement or compensation for expenses actually incurred in excess of \$500 per year.</p> <p>Protection: Immunity from tort liability for harm to a third party that is not caused by willful or reckless misconduct, gross negligence or operating a vehicle. Does not apply to claims brought against the volunteer by the nonprofit organization or governmental entity.</p> <p>Supersedes any narrower state protection.</p>

***This is a synopsis for planning purposes only and does not constitute legal consultation or advice. Consult the statutes for complete details.***

## State Liability Protection

State Statute	Coverage
<p>State Volunteer Health Care Protection Act Wis. Stat. § 250.042 (4)</p>	<p>Covers: Health care volunteer providing services during a declared emergency for a mass clinic or health care facility and who has been licensed/certified within the last 10 years as a: physician; physician assistant; podiatrist; registered nurse; practical nurse; nurse-midwife; nurse's assistant; dentist; pharmacist; veterinarian; respiratory care practitioner; psychologist; social worker; clinical social worker; marriage and family therapist; professional counselor; school counselor; school psychologist; school social worker; substance abuse prevention provider (counselor; clinic supervisor; prevention specialist).</p> <p>Also covers the health care facility.</p> <p>Protection: Treated as a state employee/agent for purposes of workers' compensation and state indemnification. May be sued but the state will provide legal representation and will pay any civil damages that are owed. Applies only while acting within scope of volunteer activities and providing services for which licensed/certified to provide.</p>
<p>Emergency Management: Wis. Stat. § 166.03 (10) Exemption from liability</p>	<p>Covers: Persons and organizations that provide equipment, materials, facilities, labor or services, on a paid or free basis, under the direction of the Governor or emergency management authorities (including DHS during a public health emergency).</p> <p>Protection: Immunity from tort liability for death or injury, or damage to property. Does not apply to reckless or wanton acts or omissions or intentional misconduct.</p>
<p>Emergency Management Wis. Stat. § 166.03 (8) Personnel</p>	<p>Covers: Employees and registered volunteers of state or local emergency management units while providing emergency management services under the direction of emergency management authorities.</p> <p>Protection: Treated as an employee/agent of the registering emergency management unit for purposes of workers' compensation and indemnification and representation.</p>
<p>Emergency Management Assistance Compact Wis. Stat. § 166.30</p>	<p>Covers: Officers and employees of a state rendering aid to another state.</p> <p>Protection: Workers' compensation and whatever protection from liability is available to an agent of the receiving state while acting in good faith.</p>

***This is a synopsis for planning purposes only and does not constitute legal consultation or advice. Consult the statutes for complete details.***