



**SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL**

PUBLIC HEALTH ORDER No. COVID-19-7A

WHEREAS, on March 13, 2020, Governor Henry McMaster declared a State of Emergency based on a determination that Coronavirus Disease 2019 (COVID-19) posed an actual or imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the Governor also directed the South Carolina Department of Health and Environmental Control (DHEC) to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with Section 44-4-500 of the South Carolina Code of Laws, as amended, the Governor ordered that DHEC shall "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment;" and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 ("Stafford Act"); and

WHEREAS, on March 24, 2020, the Governor requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act; and

WHEREAS, on March 27, 2020, the President of the United States granted the Governor's request and declared that a major disaster exists in the State of South Carolina and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on December 23, 2020, the Governor declared a continued State of Emergency due to COVID-19 via Executive Order No. 2020-77; and

WHEREAS, as of January 4, 2021, COVID-19 is widespread throughout the state and in all 46 counties, with 299,685 confirmed cases statewide and 5,484 total deaths; and

WHEREAS, the Centers for Disease Control and Prevention (CDC), located within the United States Department of Health and Human Services, created the Vaccine Administration Management System (VAMS), a web-based application that supports planning and execution for temporary, mobile, or satellite COVID-19 vaccination clinics, as well as traditional medical practices that do not have existing IT systems for vaccination clinic management; and

WHEREAS, DHEC has determined that providers other than retail pharmacies within the state will utilize VAMS for the collection and monitoring of COVID-19 vaccination data; and

January 7, 2021

WHEREAS, DHEC has determined that retail pharmacies within the state will utilize the Statewide Immunization Online Network (SIMON) for the collection and monitoring of COVID-19 vaccination data; and

WHEREAS, the collection and understanding of rapid and accurate COVID-19 vaccination data from the state's pandemic providers is necessary for dose-level accountability and critical decision-making, including decisions regarding allocation of resources; and

WHEREAS, CDC has recommended that states require providers administering COVID-19 vaccines to report information about each dose within no more than seventy-two (72) hours of administration; and

WHEREAS, DHEC is invested with all the rights and charged with all the duties pertaining to organizations of like character and is the sole advisor of the state in all questions involving the protection of public health within its limits (S.C. Code Ann. § 44-1-110); and

WHEREAS, DHEC has determined that COVID-19 vaccine providers must report information about each dose within twenty-four (24) hours of administration in order to account for each dose in a more accurate and timely manner; and

WHEREAS, DHEC must enforce or prescribe preventive measures as may be needed to suppress or prevent the spread of these diseases by proper quarantine or other measures of prevention, as may be necessary to protect citizens of the State (S.C. Code Ann. § 44-1-80(A)); and

WHEREAS, DHEC shall have, upon request, full access to the medical records, tumor registries, and other special disease record systems maintained by physicians, hospitals and other health facilities as necessary to carry out its investigation of epidemic and endemic diseases (S.C. Code Ann. § 44-1-110); and

WHEREAS, DHEC is granted the authority to make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in the State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease (S.C. Code Ann. § 44-1-140(12)); and

WHEREAS, DHEC may also make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other danger to the public life and health (S.C. Code Ann. § 44-1-140); and

WHEREAS, South Carolina is engaged in an all-hands effort to both reduce the spread of COVID-19 and to ensure the availability of medical resources to care for those who become ill; and

WHEREAS, as the Interim Director of Public Health, I have reviewed the data regarding confirmed COVID-19 cases, reported exposures among the population in South Carolina,

including cases and reported exposures in vulnerable populations and have reviewed the guidance provided by CDC and other trusted public health authorities; and

WHEREAS, I have determined that requiring all pandemic providers required to report information pertaining to the administration of each dose of COVID-19 vaccine within twenty-four (24) hours of administration is critical to the efforts to stop the spread of COVID-19 cases in South Carolina.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Section 44-1-140 of the South Carolina Code of Laws, that all designated pandemic providers who are required to record vaccination data in VAMS must do so no more than twenty-four (24) hours after administration of COVID-19 vaccine.

Should any provider or facility face human resource or information technology challenges in completing any requirement of this Order, or should a provider or facility require technical assistance with enrolling in or using VAMS, the provider or facility should notify DHEC immediately by contacting DHEC's VAMS Coordinator at VAMS@dhec.sc.gov.

IT IS FURTHER ORDERED, pursuant to Section 44-1-140 of the South Carolina Code of Laws, that all retail pharmacies who have been instructed by DHEC to record COVID-19 vaccinations in SIMON must do so no more than twenty-four (24) hours after administration of COVID-19 vaccine.

IT IS FURTHER ORDERED, pursuant to Section 44-1-150 of the South Carolina Code of Laws, that any person or facility that violates this Order is subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) a day for each violation.

This Order is effective immediately and shall remain in effect unless otherwise modified, amended, or rescinded by subsequent order.

AND IT IS SO ORDERED.



L. Brannon Traxler, MD, MPH
Director of Public Health - Interim

Date: 01/07/2021