



State of New Jersey
DEPARTMENT OF HEALTH
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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO. 21-009

**Expanded Access to COVID-19
NJIS Reports for LINCS Agencies and Local Health Departments**

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App. A 9-33 et seq., throughout the State due to the public health hazard created by Coronavirus disease 2019 (“COVID-19”); and

WHEREAS, the Public Health Emergency was extended multiple times by Governor Murphy pursuant to various Executive Orders; and

WHEREAS, the federal government has been working expeditiously to develop, manufacture, and deliver safe and effective COVID-19 vaccines; and

WHEREAS, to date, the U.S. Food and Drug Administration has issued Emergency Use Authorizations for three COVID-19 vaccines; and

WHEREAS, to ensure that all individuals who live, work and/or are educated in New Jersey had equitable access to the COVID-19 vaccine, the Department of Health issued Executive Directive No. 20-035, which implemented the State’s COVID-19 Vaccination Plan; and

WHEREAS, consistent with N.J.S.A. 26:13-21, the NJLINCS agencies served as the planning and coordinating agencies for all municipalities and local health agencies relating to the public health emergency response during the declared Public Health Emergency, including the coordination of the local health departments’ efforts to prevent and control the spread of COVID-19, pursuant to the New Jersey COVID-19 Vaccination Plan; and

WHEREAS, the New Jersey Immunization Information System (NJIS), the statewide electronic immunization registry, is an existing means to coordinate and promote disease prevention and control efforts in the State, to track vaccination uptake critical to the COVID-19 response, and ensure that individuals are not inadvertently receiving duplicative vaccines; and

WHEREAS, the State's COVID-19 vaccination efforts necessitated NJLINCS agencies and local health departments to have expanded access to reports in the NJIIS; and

WHEREAS, on June 4, 2021 Governor Murphy issued Executive Order 244, which among other things, terminated the Public Health Emergency, declared in Executive Order 103, but continued the State of Emergency; and

WHEREAS, by its own terms, P.L. 2021, c. 103 does not diminish, limit, or impair the power of any head of a State agency pursuant to the provisions of the Civilian Defense and Disaster Control Act; and

WHEREAS, P.L. 2021, c. 103 explicitly authorizes the Commissioner of Health to issue orders, directives, and waivers pursuant to the Emergency Health Powers Act related to (1) vaccination distribution, administration, and management; (2) COVID-19 testing; (3) health resources and personnel allocation; (4) data collection, retention, sharing, and access; (5) coordination of local health departments; and (6) implementation of any applicable recommendations of the Centers for Disease Control and Prevention (CDC) to prevent or limit the transmission of COVID-19, including in specific settings; and

WHEREAS, despite the State's extensive progress in combatting COVID-19 and the termination of the Public Health Emergency, COVID-19 remains a threat to New Jersey necessitating NJLINCS agencies to continue to serve as the planning and coordinating agencies for all municipalities and local health agencies relating to the COVID-19 pandemic response and the continuation of the NJLINCS agencies' expanded access to reports in NJIIS in order to provide local health departments with information to effectively implement the management, administration, and tracking of the State's COVID-19 vaccination efforts, consistent with P.L. 2021, ch. 103.

NOW, THEREFORE, I, JUDITH PERSICILLI, Commissioner of the Department of Health, hereby orders and directs the following:

1. NJLINCS agencies shall continue to serve as the planning and coordinating agencies for all municipalities and local health agencies relating to the COVID-19 pandemic response; and
2. The Department of Health shall continue the NJLINCS agencies' expanded access to reports in NJIIS in order to provide local health departments with information to effectively implement the management, administration, and tracking of the State's COVID-19 vaccination efforts; and
3. In order to obtain continued access to NJIIS reports, each NJLINCS agency shall execute the attached Secure Protection and Handling of COVID-19 Immunization Data Agreement ("Agreement"), which is incorporated herein by reference; and

4. The NJLINCS agencies shall share the NJIIS reports with local health departments within the NJLINCS agencies' jurisdiction if the local health department has requested the report in order to aid in the management, administration, and tracking of the State's COVID-19 vaccination efforts; and

5. The NJLINCS agencies and local health departments shall maintain the confidentiality of all immunization information obtained through the NJIIS in accordance with the Statewide Immunization Registry Act, N.J.S.A. 26:4-131, et seq., and the rules promulgated thereunder, N.J.A.C. 8:57-3.1, et seq.

This Order shall take effect immediately. The provisions of this Directive shall remain in force and effect in accordance with P.L. 2021, c 103, unless otherwise modified, supplemented and/or rescinded.



Judith Persichilli, R.N., B.S.N., M.A.
Commissioner

July 26, 2021
Date
