

## Authority to Vaccinate

### **Issue #1: Who has the authority to administer vaccines during a state public health emergency?**

#### ➤ **Georgia Code**

Various health professionals are currently considered to have the authority to administer vaccines under the Georgia Code due to their job duties, job descriptions, protocols, or delegation from a physician. Some of these professionals can only administer medications/drugs while under the supervision of another. Following is a list of health professionals followed by the statute that defines the term and provides them with the authority to administer medications/drugs, i.e. vaccinate:

- Pharmacists. O.C.G.A. § 26-4-4, 26-4-5 (30)(A) and (31).
- Licensed Practical Nurse (LPN). O.C.G.A. § 43-26-3 (6) and § 43-26-32 (7).
- Registered Professional Nurse (RN). O.C.G.A. § 43-26-3 (6) and (8), O.C.G.A. § 43-34-26.1 (b) and O.C.G.A. § 43-34-23 (a)(6-8)(b)(2).
- Advanced Practice Nurses - Certified Nurse Midwife, Certified Registered Nurse Anesthetist, Nurse Practitioner and Clinical Nurse Specialist. O.C.G.A. § 43-26-3 (1), (6) and (8) and § 43-34-23.1 (b)(1)(B).
- Physician Assistant (PA). O.C.G.A. § 43-34-105 and O.C.G.A. § 43-34-23 (b)(1-2).
- Medical Student, Intern or Resident. O.C.G.A. § 43-34-22 (b)(9)(A) and O.C.G.A. § 43-34-26 (a)(3).
- Certified Emergency Medical Technicians. O.C.G.A. § 31-11-53.
- Paramedics. O.C.G.A. § 31-11-54.
- Certified Cardiac Technicians. O.C.G.A. § 31-11-55.

**The Code does not give the following professionals authority to administer drugs:**

- Acupuncturists. O.C.G.A. § 43-34-62 (1) and (4) (acupuncture does not include administering drugs).
- Veterinarians. O.C.G.A. § 43-50-3 (5) (can only administer drugs to animals).
- Chiropractors. O.C.G.A. § 43-9-1 (2) (cannot use drugs).
- Dentists. O.C.G.A. § 43-11-1 (5) and § 43-11-17 (can prescribe drugs, but can only perform procedures in the oral cavity).

**Issue #2: Do volunteers who are not licensed health care professionals have the authority to administer vaccines?**

There are no statutes in the Code or in the state's rules and regulations that specifically state that individuals who are not licensed health care providers have the authority to vaccinate. However, one school of thought is that under the Georgia Emergency Act of 1981, emergency management workers and volunteers can administer vaccinations because it can be considered an emergency management activity. See. O.C.G.A. § 38-3-3(2), § 38-3-35(b).

Code Sections § 31-12-2.1(b) and § 50-13-4(b) give DCH the authority to develop and implement rules and regulations in response to a public health emergency. The Code also gives DCH and county boards of health the authority to develop and implement rules and regulations regarding vaccination. See O.C.G.A. § 31-12-3(a). It appears then that this issue can also be resolved through the rules and regulations process. DCH can develop a rule that specifically authorizes volunteers, who are not licensed health care professionals, to administer vaccines. The Governor, in his declaration of a public health emergency, could waive restrictions against volunteers administering vaccines.