

Guidance regarding H1N1 Influenza Clinics Sponsored by Community Partners

Several local health departments (LHD) and community organizations have expressed interest in expanding the number of influenza vaccination sites. The following documents will assist local *non-profit* community organizations in collaborating with Local Health Officers in developing vaccination programs. The first document is the *Community Partner Agreement*. The second is a proposed letter that can be obtained from the LHD and signed by individuals who volunteer at the clinic. The third document is an information sheet summarizing the H1N1 Vaccine Declaration under the Public Readiness and Emergency Preparedness (PREP) Act. These forms can be on the Maryland DDA website under “Provider Alerts” at <http://www.ddamaryland.org/>.

The *Community Partner Agreement* ensures that volunteers who staff the clinic will be afforded protection from liability for any negligent acts committed within the scope of their duties. The state statute that affords this protection is called the Maryland Tort Claims Act (MTCA). Although the MTCA applies to “state personnel,” formally recognized **volunteers** of a state agency or program meet this definition.

Volunteers must be formally recognized either through completion of the *LHD Draft Letter* or by registering with the Maryland Professional Volunteer Corps (MPVC). Personnel who are referred by the Community Partner to staff the clinic qualify as “formally recognized volunteers” by signing the *LHD Draft Letter* entitled “Confirmation of Your Participation as a State of Maryland Volunteer at a H1N1 Vaccination Site.” [The *LHD Draft Letter* is intended to recognize those individuals who serve as volunteers at the site. This fairly simple format can be used as an alternative to having volunteers formally enroll in the MPVC. It is structured to cover both lay and professional volunteers.]

In the alternative, nurses and other clinical personnel can register with the Maryland Professional Volunteer Corps (MPVC) at www.mdresponds.dhmfh.maryland.gov. As “formally recognized volunteers,” the vaccination clinic personnel cannot be compensated by either the Local Health Department (LHD) or DHMH. However, said personnel can receive compensation from the Community Partner.

To illustrate, suppose a LHD partners with a DDA-licensed provider agency to host an H1N1 vaccination clinic at the agency’s administrative office. If the agency’s employees—who could include nurses, house managers, and/or administrative staff—wish to assist in staffing the clinic, *and wish to be protected from liability under the MTCA*, they need to be formally recognized as volunteers. While only the nurses can register with the MPVC, all of the agency’s staff can sign the *LHD Draft Letter*. Although said staff cannot receive compensation from the LHD or DHMH for services related to the vaccination clinic, the agency may pay them as it normally would for typical work hours.

Of note, the *Community Partner Agreement* does not immunize the Community Partner itself (i.e., the DDA-licensed provider agency in the example above) from liability. Instead, the Community Partner is covered by Secretary of Health and Human Services Kathleen Sebelius’ H1N1 Vaccine Declaration under the Public Readiness and Emergency Preparedness (PREP) Act. We have attached a summary of the PREP Act and the H1N1 Vaccine Declaration, with links to additional information, to this letter.

Before entering a *Community Partner Agreement*, the Local Health Department (LHD) will confirm that:

- The LHD has sufficient physician resources to provide medical supervision for the nurse volunteers who will staff the vaccination clinic;
- The LHD has reviewed the Community Partner's proposal to affirm all necessary vaccine handling and delivery requirements are met ;
- The LHD will provide needed logistical support for the clinic;
- The Community Partner will provide a suitable vaccination clinic site and enlist sufficient personnel to staff the program;
- All clinic volunteers agree to perform this service without reimbursement from the State or the local health department.

Although the Community Partner helps to organize and operate the vaccination program, the LHD has significant responsibilities as well. As such, after entering a Community Partner Agreement, the LHD should:

- Review the proposal
- Check the volunteers' IDs, licenses, and/or credentials
 - If an individual signs the attached volunteer letter, LHDs should check the validity of the individual's license via the appropriate Board website
 - If an individual registers with the MPVC, the individual will either have a MPVC badge or the Office of Preparedness and Response of DHMH will provide the LHD with a list of registered volunteers.
- Make the necessary logistical arrangements for delivering and tracking vaccines and related supplies.

If your local health department can meet these requirements, this approach expands the number of vaccination sites available to the public and expedites the vaccination of people receiving services and care givers.

DHMH staff and legal advisors are available to discuss any questions regarding these documents. Please contact Meseret Bezuneh at (410) 767-6525 if you have questions.