

## DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY RULEMAKING

The Acting Director of the Department of Health, pursuant to the authority set forth in section 3(a) of the Preventive Health Services Amendments Act of 1985 ("Act"), effective February 21, 1986, D.C. Law 6-83, D.C. Official Code § 7-131(a) and Mayor's Order 98-141, dated August 20, 1998, hereby gives notice of the adoption, on an emergency basis, of an amendment to Chapter 2 of Title 22 of the District of Columbia Municipal Regulations (DCMR) (Public Health and Medicine)(August 1986). This emergency rule requires health care providers to limit distribution of influenza vaccine during the 2004 to 2005 influenza season to only those persons in high risk categories. Emergency action is necessary because there is a temporary shortage of vaccine such that existing stocks of vaccine are not sufficient to distribute it to otherwise healthy individuals. To ensure that as many high risk persons as possible receive the vaccine it is necessary to take emergency action to restrict distribution of vaccine only to those high risk individuals.

The emergency rulemaking was adopted on October 14, 2004, and became effective immediately on the date of adoption. The emergency rules will expire February 11, 2005.

**Chapter 2 of Title 22 DCMR is amended by adding two new sections 219 and 220 to read as follows:**

**219 Temporary Control of Influenza Vaccine**

219.1 Due to a shortage of influenza vaccine during the 2004-2005 influenza season, health care providers shall administer influenza vaccine until February 11, 2005, only as follows:

- (a) To children aged six (6) to twenty-three (23) months;
- (b) To adults aged sixty-five (65) years or older;
- (c) To persons aged two (2) to sixty-four (64) years with underlying chronic medical conditions;
- (d) To women who are pregnant;
- (e) To residents of nursing homes and long-term care facilities;
- (f) To children aged six (6) months to eighteen (18) years on chronic aspirin therapy;
- (g) To health care workers involved in direct patient care; and

DISTRICT OF COLUMBIA REGISTER

- (h) To out-of-home caregivers and household contacts of children younger than six (6) months of age.

**220            Penalty**

220.1 Any person who willfully does not comply with the influenza vaccine distribution requirements in section 219 shall be guilty of a misdemeanor and, upon conviction, subject to a fine not to exceed one thousand dollars (\$1,000).