



NATIONAL ASSOCIATION OF
CHAIN DRUG STORES

June 25, 2021

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Sonya Sackner-Bernstein
Senior Policy Advisor
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

RE: Urgent Request for Enforcement of Public Readiness and Emergency Preparedness Act (PREP Act) Declaration Amendments & Guidances for Public Access to Pharmacy-based COVID-19 Vaccinations, Routine Vaccinations, and COVID-19 Testing

Dear Secretary Becerra and Ms. Sackner-Bernstein,

The National Association of Chain Drug Stores (NACDS) thanks you for your ongoing leadership and partnership in the COVID-19 response. Since the start of the pandemic, the nation's pharmacies have helped to ensure the public has broad, equitable access to critically needed preventive care, including testing and vaccinations. The ability for pharmacies to provide comprehensive access to these key interventions across communities has been in large part due to HHS' issuance of PREP Act declaration amendments and guidances that clear the patchwork of undue state pharmacy scope of practice restrictions.

With use of these critical tools as the foundation of our collective vaccination campaign and other mitigation efforts, the nation has seen promising reductions in COVID-19 cases, hospitalizations, and deaths. However, our fight against COVID-19 is not yet over, and continued, targeted efforts are still essential in reaching unvaccinated populations, mitigating the spread of variants, advancing equity, and preserving access to routine vaccines and COVID-19 testing. As states are beginning to rescind their executive orders and allow their declared state of emergencies to expire, Americans across the nation risk losing critical access to care at pharmacies, especially when the state does not recognize the preemptive nature of the PREP Act declaration amendments and guidances. Put simply, states that fail to recognize the clear federal directive under the PREP Act declaration can undermine the Administration's achievement of milestones and aims to accessibly and equitably provide COVID-19 vaccinations nationwide.

HHS' prior engagement to address specific states that have claimed not to recognize the PREP Act has been immensely helpful to remove care access barriers. As we enter this new phase of the pandemic, similar support is appreciated and urgently needed. **Specifically, we request your assistance in New York** where the ending of the declared State of Emergency may lead to the state effectively prohibiting public access to pharmacy-based COVID-19 vaccinations, routine childhood vaccinations, and COVID-19 testing across the state. Approximately half of New Yorkers have yet to complete a COVID-19 vaccination series,¹ and leveraging the strength of all vaccinators across the state is needed to reach unvaccinated individuals. Rolling back pharmacy-based access at this most critical time would be a detriment to the

¹ <https://covid19vaccine.health.ny.gov/covid-19-vaccine-tracker>

COVID-19 response and recovery efforts in New York, and stands to undermine the nation's collective effort at driving toward 70% vaccination rate for at least one COVID-19 shot among adults.

Looking ahead, we foresee similar challenges unfolding in other states, which is why taking prompt supportive action in New York now is so critical. Further, we request your corresponding action, in all states claiming to not recognize the authorities granted under the PREP Act, for example, New Hampshire and California. HHS action against such examples will be critically important to vigorously forge ahead in the nation's COVID-19 response and recovery efforts to prevent unnecessary delays and access to care gaps.

We look forward to our ongoing work together to sustain momentum in the COVID-19 response and promote better health for all moving forward. To discuss this matter further, please contact NACDS' Michael Ayotte, RPh, Senior Vice President of Pharmacy, Transformation & Advocacy at mayotte@nacds.org or 703-837-4360.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven C. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven C. Anderson, FASAE, CAE, IOM
President & Chief Executive Officer