

PREP Act FAQs

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What is the PREP Act?

The Public Readiness and Emergency Preparedness (PREP) Act, enacted in 2005, authorizes the Secretary of the U.S. Department of Health and Human Services (HHS) to issue a public health emergency (PHE) declaration

What are the provisions of a PREP Act Declaration?

The PREP Act declarations provide immunity from tort liability claims (except willful misconduct) to individuals or organizations involved in the manufacture, distribution, or dispensing of medical countermeasures.

The COVID-19 PREP Act declaration provides immunity from liability to qualified COVID-19 vaccinators

What about the COVID-19 PHE?

On April 15, 2021 Secretary Xavier Becerra renewed the January 31, 2020 determination of a PHE existing since January 27, 2020, nationwide. This declaration must be renewed every 90 days.

The PHE is expected to remain in place for the entirety of 2021. When a decision is made to terminate the declaration or let it expire, HHS has pledge to provided states with 60 days' notice prior to termination.

What flexibilities were provided to pharmacists under the COVID-19 PHE?

Pharmacists and pharmacies have been given the authority to:

- 1) Bill Medicare Part B directly for vaccine and monoclonal antibody treatment administration
- 2) Test, treat, and immunize against infectious diseases
- 3) Engage in telemedicine
- 4) Compounding flexibilities
- 5) Operate, where necessary, across state lines and conduct certain routine tasks remotely

What impact does the repeal of state/local emergency declarations have on the PREP Act and vaccinators?

Since federal law supersedes state/local laws, the repeal of state or municipal public health emergency declarations should have no impact on vaccinator status under the PREP Act. ASPR has issued guidance that individuals empowered to administer COVID-19 vaccines under the PREP Act should be allowed to continue administering vaccines until the end of the federal PHE.