

Vaccine-Related Information

10/20/2020

What is the latest on vaccine distribution in Texas?

On October 16, 2020, the Texas Department of State Health Services (DSHS) released the first draft of the [Texas COVID-19 Vaccination Plan](#). According to [reports](#), if a COVID-19 vaccine initially becomes available in November, it likely won't be widely available for all Texans until July.

DSHS's vaccination plan provides for four different phases to mirror the increase in vaccination supply. The first phase, when supply is the most limited, prioritizes vaccinations for vulnerable and frontline populations. Vulnerable and frontline populations include, among others, healthcare personnel, people 65 and older, those with underlying medical conditions, people from racial and ethnic minority populations, and people experiencing homelessness.

One thing that is clear from the plan is the important role that city governments and local officials will play in maximizing vaccine coverage. According to the plan, communication and coordination with local jurisdictions "are important in all phases of the COVID-19 Vaccination Program." DSHS will be relying heavily on local partners to share information locally to share information and data to promote a COVID-19 vaccine. The League will continue to provide updates on vaccine distribution in furtherance of DSHS's stated goal of partnering with local leaders on this important issue.

10/26/2020

What information can we get out to our citizens regarding flu vaccines?

Last week (October 22), Governor Abbott [announced](#) that the Texas Department of State Health Services (DSHS) secured a total of 2.8 million doses of flu vaccine to be used for [Texas Vaccines for Children Program](#) and the new [Adult Influenza Vaccine Initiative](#). According to the governor's press release, flu vaccines are taking on an additional level of importance this year so that medical providers can focus on treating COVID-19 patients.

DSHS has a good [webpage](#) dedicated to the Texas flu and flu vaccine information that can be shared with city residents.

11/5/2020

How might census reporting rates affect future Coronavirus recovery operations?

According to this [article](#) by the National League of Cities, census counts, of which there were several expected undercounts in parts of Texas, will likely have an effect on vaccine distribution among other things.

11/11/2020

Has the Governor's office said anything about plans for COVID-19 treatment distribution now that the U.S. Food and Drug Administration (FDA) recently authorized the use of the first medical treatment for the virus?

Yes. Yesterday (November 10), the Governor's office issued a [press release](#) describing the new antibody drug, bamlanivimab, and the FDA's recent (November 9) blessing to distribute it.

According to the Governor's press release:

The State of Texas has already prepared to distribute the COVID-19 vaccines and medical treatments.

The Department of State Health Services (DSHS) has already developed a [Vaccine Distribution Plan](#) and is working with health care providers to enroll in their [Immunization Program](#) to be eligible to administer these vaccines once available. Over 2,500 providers have already enrolled in the program. DSHS formed an Expert Vaccine Allocation Panel to develop vaccine allocation strategies.

The Texas Division of Emergency Management (TDEM) is prepared to assist the swift distribution of COVID-19 vaccines and treatments. In late October, TDEM hosted the State of Texas COVID-19 Vaccine Virtual Tabletop Exercise – over 1,000 local, state, federal, and non-governmental organization partners came together to test the state's vaccine support plan, understand its operational procedures, and examine their roles and responsibilities.

"Swift distribution of vaccines and medical treatments will begin to heal those suffering from COVID-19, slow the spread of the virus, and aid in reducing hospitalizations of Texans," said Governor Abbott. "As we anticipate the arrival of COVID-19 vaccines and treatments, the State of Texas is prepared to quickly distribute those medicines to Texans who voluntarily choose to use them."

11/17/2020

Is there any follow-up on the state's distribution of the anti-viral drug bamlanivimab?

Yes, on Friday (November 13), the Governor [announced](#) that the drug, which can prevent COVID-19 hospitalizations in some cases, will be distributed to acute care hospitals starting this week.

11/24/2020

What are the latest developments on future vaccine distributions in Texas?

Yesterday (November 23), Governor Abbott and DSHS jointly announced the state's [Vaccine Distribution Plan](#). The plan includes prioritizing healthcare workers and frontline workers.

12/3/2020

Is there any news on vaccine distribution?

Yes, the Governor [announced](#) yesterday (December 2) that the first allotment of over 1.4 million vaccine doses will arrive in Texas from the Centers for Disease Control during the week of December 14. The Governor also reiterated the priority [principles](#) by which the first, and presumably subsequent, rounds will be distributed.

There are obviously many unanswered questions at this point, one of the main ones being who is paying for what in the vaccination process? This question is especially pertinent given that some cities are being asked by state agencies to help identify potential distribution sources, but not being told what funding financial obligations that city involvement might place on the source or the city. League staff is talking now to our contacts in the Governor's office about this and other related questions and will report as soon as any new information is learned.

12/15/2020

How can residents of some long-term care facilities receive vaccines?

On December 11, the Governor [announced](#) a new program, the Pharmacy Partnership for Long Term Care Program, that will allow participating Walgreens and CVS stores to send staff and vaccines to facilities free of charge. There is information toward the end of the link that explains how to get stores signed up for the program.

What's the latest on vaccine distribution generally?

As outlined in this [piece](#) from *The Texas Tribune*, four Texas sites received a total of 19,500 vaccines yesterday, with close to a quarter million more this week being directed to 109 different facilities.

It is still unclear whether there are any payment expectations that will trickle down to Texas cities, though the League is making numerous inquiries about these issues with no clear guidance so far (perhaps no news is good news). Any member city that receives a request for funding participation from any state agency should email us for follow up: exec@tml.org. Suffice it to say, the vaccine rollout is somewhat chaotic.

12/17/2020

Our city is considering a requirement that certain employees, public safety for example, must receive a COVID-19 vaccination by a certain date to continue working with the public. If we adopt such a requirement, how should we handle requests by employees for an exception based on a disability of some sort?

When to allow exceptions to vaccination requirements is complicated. Cities should consult with their city attorney before taking adverse employment actions.

That being said, the U.S. Equal Employment Opportunity Commission (EEOC) recently updated their COVID-19 technical assistance Q&A to include helpful [questions and answers](#) to many vaccination-related questions, including this one about disability exceptions. What follows is quoted directly from the EEOC guidance related to disability exceptions.

The ADA allows an employer to have a [qualification standard](#) that includes “a requirement that an individual shall not pose a direct threat to the health or safety of individuals in the workplace.” However, if a safety-based qualification standard, such as a vaccination requirement, screens out or tends to screen out an individual with a disability, the employer must show that an unvaccinated employee would pose a direct threat due to a “significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.” [29 C.F.R. 1630.2\(r\)](#). Employers should conduct an individualized assessment of four factors in determining whether a direct threat exists: the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm. A conclusion that there is a direct threat would include a determination that an unvaccinated individual will expose others to the virus at the worksite. If an employer determines that an individual who cannot be vaccinated due to disability poses a direct threat at the worksite, the employer cannot exclude the employee from the workplace—or take any other action—unless there is no way to provide a reasonable accommodation (absent [undue hardship](#)) that would eliminate or reduce this risk so the unvaccinated employee does not pose a direct threat.

If there is a direct threat that cannot be reduced to an acceptable level, the employer can exclude the employee from physically entering the workplace, but this does not mean the employer may automatically terminate the worker. Employers will need to determine if any other rights apply under the EEO laws or other federal, state, and local authorities. For example, if an employer excludes an employee based on an inability to accommodate a request to be exempt from a vaccination requirement, the employee may be entitled to accommodations such as performing the current position remotely. This is the same step that employers take when physically excluding employees from a worksite due to a current COVID-19 diagnosis or symptoms; some workers may be entitled to telework or, if not, may be eligible to take leave under the Families First Coronavirus Response Act, under the FMLA, or under the employer’s policies. *See also [Section J, EEO rights relating to pregnancy](#).*

Managers and supervisors responsible for communicating with employees about compliance with the employer’s vaccination requirement should know how to recognize an accommodation request from an employee with a disability and know to whom the request should be referred for consideration. Employers and employees should engage in a flexible, interactive process to identify workplace accommodation options that do not constitute an undue hardship (significant difficulty or expense). This process should include determining whether it is necessary to obtain supporting documentation about the employee’s disability and considering the possible options for accommodation given the nature of the workforce and the employee’s position. The

prevalence in the workplace of employees who already have received a COVID-19 vaccination and the amount of contact with others, whose vaccination status could be unknown, may impact the undue hardship consideration. In discussing accommodation requests, employers and employees also may find it helpful to consult the Job Accommodation Network (JAN) website as a resource for different types of accommodations, www.askjan.org. JAN's materials specific to COVID-19 are at <https://askjan.org/topics/COVID-19.cfm>.

Employers may rely on CDC recommendations when deciding whether an effective accommodation that would not pose an undue hardship is available, but as explained further in [Question K.7.](#), there may be situations where an accommodation is not possible. When an employer makes this decision, the facts about particular job duties and workplaces may be relevant. Employers also should consult applicable Occupational Safety and Health Administration standards and guidance. Employers can find OSHA COVID-specific resources at: www.osha.gov/SLTC/covid-19/.

Managers and supervisors are reminded that it is unlawful to disclose that an employee is receiving a reasonable accommodation or retaliate against an employee for [requesting an accommodation](#).

1/5/2021

Will Texas cities be likely to mandate COVID-19 vaccinations as a condition of returning/continuing to work as a general employee or, more specifically, as emergency service personnel?

It doesn't appear that such mandates will be widespread according to the survey results of an informal working group of Texas municipal human resource officials. Cities in the workgroup were asked the following question: "Will your city mandate the COVID vaccination for general employees? What about emergency response personnel?"

Of the 27 cities that responded, 22 cities answered "no" to both questions. Several of those 22 said that vaccines would be "highly encouraged" or something similar, though not mandated.

The remaining 5 cities were undecided.

No city reported that they for sure will mandate vaccines for either category of employees.

Thank you to Heather Morehead from the City of Arlington and Kathleen Shields from the City of DeSoto for compiling these answers and letting us reference them.

If we hear any changes in this trend, we will report on them in future Updates.

What's the latest on vaccine rollouts?

Cities are reporting to us, and [The Texas Tribune](#) confirms, that the early rollouts are chaotic and unpredictable.

The first problem appears to be a gap between the number of vaccines that the state believes have been delivered to providers and the actual numbers those providers say they have administered. Compounding that problem is confusion and lag time in reporting accurate administration numbers back to the state. Because the state essentially directs to which and how many vaccines get shipped to providers, this disconnect is slowing the early process.

The League has reached out to numerous state officials and agencies to see what additional role cities can play in helping the process but the results have been mixed. There have been joint vaccine and therapy facilities opened in Houston and Austin, for example, but not a large level of intergovernmental cooperation beyond that at this stage, and not yet for smaller cities. We will continue to work with the state, including offering this email newsletter as a tool for distributing any needed information to Texas city officials.

Meanwhile, what's the best source of information about vaccine rollouts?

The best one-stop location for the state rollout of vaccines is this [DSHS website](#). It contains a useful overview of the staged rollout plan, where we are in that plan as a state, and sub-links to things like provider location maps and weekly allocation histories. We urge all city officials concerned about vaccines to make themselves familiar with this website.

1/12/2021

What's the latest news on vaccine distribution in Texas?

On Sunday (January 10) the Texas Department of State Health Services (DSHS) [announced](#) that 28 vaccination hub providers throughout the state will be receiving 158,825 vaccine doses this week. The full list of vaccine allocations from DSHS for this week can be accessed [here](#).

1/14/2021

What's the best source of information about vaccine rollouts in Texas?

The best one-stop location for the state rollout of vaccines is [this page](#) on the Department of State Health Services website. It contains a useful overview of the staged rollout plan, where we are in that plan as a state, and sub-links to things like provider location maps and weekly allocation histories. We urge all city officials concerned about vaccines to make themselves familiar with this website.

1/19/2021

Who can get the vaccine right now?

According to the Texas Department of State Health Services ([DSHS](#)), front-line healthcare workers and residents at long-term care facilities (called [Phase 1A](#)) are eligible now. In addition, anyone over 65 and those over 16 with a chronic medical condition that puts them at increased

risk for severe illness from COVID-19 (called [Phase 1B](#)) are currently eligible to receive the COVID-19 vaccine.

The eligible medical conditions include, but aren't limited to:

- Cancer
- Chronic kidney disease
- COPD (chronic obstructive pulmonary disease)
- Heart conditions, such as heart failure, coronary artery disease or cardiomyopathies
- Solid organ transplantation
- Obesity and severe obesity (body mass index of 30 kg/m² or higher)
- Pregnancy
- Sickle cell disease
- Type 2 diabetes mellitus

Future phases will be announced in the coming months.

What's the latest news on vaccine distribution?

On Saturday (January 16) the Texas Department of State Health Services (DSHS) [announced](#) that Texas will receive 333,650 first doses of COVID-19 vaccine next week.

“The vaccine remains limited based on the capacity of the manufacturers to produce it, so it will take time for Texas to receive enough vaccine for all the people in the priority populations who want to be vaccinated. The supply is expected to increase in the coming months, and additional vaccines are in clinical trials and may be authorized by the Food and Drug Administration.”

The doses will be shipped to [77 hub providers](#) that will focus on large community vaccination efforts and 183 additional providers. Eligible citizens should first try to contact their hub provider. Another way to search is using the DSHS [interactive map](#). The map leads you to additional local vaccine providers, like pharmacies, that may have the vaccine available.

How can my city help spread the word about vaccinations in Texas?

DSHS has created a [web page](#) with videos, social media posts, and other information that a city can disseminate.

2/2/2021

What resource has the National League of Cities provided to help local leaders support COVID-19 vaccine distribution?

On January 15, National League of Cities' Chief Executive Officer, Clarence Anthony, and Dr. Oscar Alleyne, Chief of Programs and Services at the [National Association of County and City Health Officials](#), spoke in a [conversation and Q&A](#) about the role of local leaders in vaccine distribution.

This event kicked off NLC's ongoing conversations with mayors and local elected officials about supporting their communities and ensuring equity in COVID-19 vaccinations.

2/23/2021

Did winter storm Uri affect COVID-19 vaccine distributions in Texas?

Yes. According to *The Texas Tribune*, “this week’s storm delayed the delivery of hundreds of thousands of doses that were scheduled to arrive, preventing what might have been 1 million injections by hundreds of providers this week.”

But the good news, according to the Texas Department of State Health Services (DSHS), is that almost 600,000 first doses of the vaccine will arrive this week. The vaccines will be shipped to 563 providers in 230 counties across Texas, including 84,240 doses for large vaccine clinics in Harris, Dallas, and Tarrant counties supported by the federal government, according to DSHS.

The state will also order about 360,000 to be used as second doses for people who are already vaccinated, especially those whose appointments were delayed by the winter storm, DSHS said in a news release.

3/2/2021

What’s the latest vaccine-related news?

The United States Food and Drug Administration has authorized a third COVID-19 vaccine – developed by Janssen Pharmaceuticals (a Johnson and Johnson company) – for public use.

According to *USA Today*, “about four million doses of the new vaccine should be made available next week, 20 million total during March, and another 80 million by the end of June.”

Because the vaccine requires just one dose, it should help protect 100 million people and take effect more rapidly than the two-dose vaccines. It should also be easier to distribute to rural areas and other places without pharmaceutical-grade freezers because it can be stored for longer in a refrigerator.

The new vaccine joins two others: one from Pfizer-BioNTech and the other from Moderna, which have been given to nearly 50 million Americans since they were authorized in December.

3/16/2021

What’s the latest on vaccines?

Texans age 50 and older are now eligible to receive a COVID-19 vaccine. According to the Texas Department of State Health Services, “Expanding to ages 50 to 64 will continue the state’s

priorities of protecting those at the greatest risk of severe outcomes and preserving the state's health care system.”

4/6/2021

Did the governor issue a new executive order?

Yes, he issued an [executive order](#) banning state agencies, political subdivisions, or organizations receiving public funds from creating “vaccine passports” or otherwise requiring proof of a COVID-19 vaccine in order to receive services. The governor said in a video accompanying the order's release that:

“Government should not require any Texan to show proof of vaccination and reveal health information just to go about their daily lives. That is why I have issued an Executive Order that prohibits government-mandated vaccine passports in Texas. We will continue to vaccinate more Texans and protect public health — and we will do so without treading on Texans' personal freedoms.”

State Rep. James White [requested an attorney general opinion](#) on the issue as well.