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COVID-19 VACCINE IS NOW AVAILABLE, BUT NOT ENOUGH FOR EVERYONE; ROADMAP FOR DISTRIBUTION IS NEEDED

By Scott A. O'Mara

Three companies --- BioNTech SEC; Moderna, Inc.; and Pfizer, Inc. --- are major providers of medication and are in a position to be a primary source of vaccine for the COVID-19 medical disaster. Studies indicate the product of BioNTech and Pfizer is 94% effective, and they each have prepared approximately 25 million doses, while Moderna has about 20 million doses available. The challenge which exists is the creation of a roadmap regarding the distribution of these vaccines, which hopefully will put a halt to the ongoing worldwide COVID-19 epidemic, particularly in the United States.

As readers are aware, specific legislation --- Senate Bill 1159 and Assembly Bill 685, which were signed by the Governor on September 17, 2020 --- enumerated the unique exposures for the segments of our population whose role is to provide health and safety for all Americans. Particular emphasis has been placed on the recognition of the unique exposures and the imminent hazard faced by medical providers and first responders, and a rebuttable presumption of industrial injury has been created for these workers, including such groups as police officers, firemen, deputy sheriffs, California Highway Patrol officers, correctional officers, etc., such that COVID-19 infections involving these workers are presumed to be work-related in many situations, depending upon the nature and extent of the infected employee's work assignment. This is an important factor to keep in mind, because we need to recognize at the onset that the vaccination supply is limited, and thought must therefore be given as to who should be its initial recipients.

Great consideration must be given to the fact that health care workers and first responders are a positive element relative to the strength of our society, and if these people are not protected, there will be further deterioration, not just because of the COVID-19 epidemic, but also from the reduced protection society will receive from a smaller number of available health care workers and first responders.

The Governor has the power to make determinations regarding the potential distribution of the vaccine. In making those determinations, it is essential for him to recognize and appreciate the continuing high level of exposure which health care workers and first responders have, and their absolute need for protection. Without such protection, tremendous ancillary problems could result if these valuable and vulnerable people are removed from their work situation because of a COVID-19 positive finding. The passage of Senate Bill 1159 and Assembly Bill 685 in September 2020 reflects the recognition of the exposures faced by medical personnel and first responders. This legislation provides a roadmap which can be used as a template for other groups with special needs who are at risk, such as the elderly, especially people in care facilities. It is important for society not to ignore these groups as well.

An ancillary issue which will come up is the fact that use of the vaccine should *not* be mandated. Instead, it should be made available to individuals who are aware of the uniqueness of their work and their need for protection --- people who will embrace the vaccine not just for their own protection, but for the protection of society as a whole.



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