



# COVID-19 CMS Vaccination Mandate

- The new Standards and CoPs



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# The Vaccination Mandate Basics

Effective Nov 5, 2021

Enforced (Surveys) Dec 6, 2021



- Applies to HHAs, Hospices, and Home Infusion Therapy
- Does *Not* apply to home care (private duty), or DMEPOS, or palliative....unless you contract with a Medicare-certified organization
- Civil monetary penalties can be involved
- Impact estimated at 79,000 health care organizations, 17M people
- Estimate among hospitals 30-40% staff not fully vaccinated

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# Your policy: The following individuals must have at least 1 dose of COVID 19 vaccine prior to providing care, treatment or services to our organization or patients.



## Staff

- Employees
- Licensed Practitioners



## Other Individuals

- Students, Trainees
- Volunteers



## Contracted or Arranged Services

- Therapists
- Pharmacists
- Physicians, NPs
- DMEPOS, etc. etc.

# Policies and procedures document the process of verifying vaccination status of eligible individuals

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- Who identifies eligible staff and advises them
- Who documents the decision, tells the employee
- What documents are accepted as evidence of vaccination (including boosters) & how
- Who follows up to ensure 2<sup>nd</sup> dose of a 2-dose series, and documents
- Who accepts the documents, reviews and accepts or denies
- Where is all the preceding information securely maintained

# Exceptions, Exemptions, Delayed Vaccination



## Temporary Delayed Vaccination

Documentation of clinical precautions, including:

- Illness secondary to COVID-19
- Received monoclonal antibodies or convalescent plasma



## Exempt due to Job

Telehealth or support services

- *Exclusively* outside of settings where care provided
- No direct contact with patients, families, caregivers, or others eligible for full vaccination.



## Federal State Exemptions

- Medical - 3 specific parameters of statement.
- Spiritual: Your criteria for a sincerely held belief, practice or observance.
- Resource: EEOC assistance

<https://www.eeoc.gov/newsroom/eeoc-issues-updated-covid-19-technical-assistance-0>

# Policies and procedures document the process of requesting and approval/denial of an exception or exemption

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- Who receives the request, what documents are accepted/needed (refer to regulatory language) and how employee to provide
- Who accepts the documents, reviews and accepts or denies, and tells employee – all documented
- During the request and review period– what is your contingency plan- they aren't vaccinated
- If accepted, what is the contingency plan for each person-update with any new mitigation – document!
- If denied, and individual refuses vaccination, what next? Your organization call – remember there is no test option. Document!
- Where is all the preceding information, documentation securely maintained

# The Expected Outcome

Are the processes you put in place working?

- From a list of employees, licensed practitioners, students, trainees, volunteers and contracted services, pull a sample –
- Can you show me their vaccination status, and documentation per your policies and procedures and the standards/regulation?
- Do you feel confident that those providing care/treatment services have a least one dose by December 6, or are on a contingency plan waiting for or having received an exception or exemption.

# Prepared for the Road Ahead – Now a Regulation

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- What is your process to ensure that nationally recognized infection prevention and control guidelines intended to mitigate the transmission and spread of COVID-19 are implemented and followed?



# Caveats & Resources

Things Change...Fast

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- CMS has said there will be surveyor training, interpretation may change. Not advised of training yet. Surveys of regulations begin December 6
- Access to the CMS FAQs – remember questions apply to all types of Medicare-certified facilities, CMS refers to HHAs, hospice, home infusion as ‘facilities’...patience is required. <https://www.cms.gov/files/document/cms-omnibus-covid-19-health-care-staff-vaccination-requirements-2021.pdf>
- Regulations:
  - HHAs: [https://www.govregs.com/regulations/title42\\_chapterIV-i3\\_part484\\_subpartB\\_section484.70](https://www.govregs.com/regulations/title42_chapterIV-i3_part484_subpartB_section484.70)
  - Hospice: <https://www.ecfr.gov/compare/2021-11-05/to/2021-11-04/title-42/chapter-IV/subchapter-B/part-418/subpart-C/section-418.60>
  - Home Infusion Nursing: <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-486/subpart-I/subject-group-ECFR5cc3430924725af/section-486.525>
- EEOC: <https://www.eeoc.gov/newsroom/eeoc-issues-updated-covid-19-technical-assistance-0>



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Q & A

