

Vaccine Mandates Info & Applicability

	Key Requirements	Applicability	Implementation Dates	Testing/Exemptions	Enforcement Mechanisms
<u>CMS</u>	<ul style="list-style-type: none"> The facility must have a process or plan for vaccinating all eligible staff. The facility must have a process or plan for providing exemptions and accommodations for those who are exempt. The facility must have a process or plan for tracking and documenting staff vaccinations. 	<ul style="list-style-type: none"> All facilities participating operating under Medicaid/Medicare conditions of participation. This primarily impacts ICFs, and also may include contracting agencies, such as day service agencies providing active treatment. 	<ul style="list-style-type: none"> Phase 1 – Staff must have received their first dose of an approved 2 dose Covid vaccine or a one dose vaccine by 12/5/21. Phase 2 – Staff must have received their second dose of an approved 2 dose Covid vaccine or a one dose vaccine by 1/4/21 	<ul style="list-style-type: none"> CMS mandate does not include weekly testing option for un-vaccinated staff. Rule allows for Medical and Religious Exemptions. Agencies must develop plans to reduce COVID spread among exempted staff. 	<ul style="list-style-type: none"> CMS works directly with the State Survey Agencies to regularly review compliance with Medicare/Medicaid regulations across multiple health care settings CMS expects State Survey Agencies to conduct onsite compliance reviews for the requirements in two ways: <ul style="list-style-type: none"> Recertification Surveys Complaint Surveys
<u>OSHA</u>	<p>Requires employers to:</p> <ul style="list-style-type: none"> Develop a mandatory vaccination or testing policy. Determine employee vaccination status. Provide up to 4 hours of paid leave to allow for vaccinations. Provide vaccine information and education to staff. Require facial coverings for all un-vaccinated staff. 	<ul style="list-style-type: none"> Any employer with over 100 employees. This includes agencies where Medicaid beneficiaries work and receive services. Does not cover 'health care providers' as regulated under the OSHA Healthcare ETS. 	<ul style="list-style-type: none"> 30 days after publication = 12/5/21: All requirements of ETS other than testing for employees who have not completed their primary vaccination dose. 60 days after publication = 1/4/2022: Testing for employees who have not received all doses required for primary vaccination. Rule on temporarily stay. Employers should still plan on implementation by the dates provided by OSHA. 	<ul style="list-style-type: none"> Rule allows for weekly Covid-19 testing for those who refuse vaccination. The ETS does not require employers to pay for testing. 	<p>The ETS requires employers to report work-related COVID-19 fatalities to OSHA within 8 hours of learning about them, and work-related COVID-19 in-patient hospitalizations within 24 hours. When conducting inspections, the following apply:</p> <ul style="list-style-type: none"> OSHA will perform onsite COVID-19 inspections, in most cases. OSHA will, when appropriate, use phone and video conferencing, in lieu of face-to-face employee interviews.
<u>OSHA</u> <u>Health Care ETS</u>	<p>Requires employers to develop plans for;</p> <ul style="list-style-type: none"> Develop a Covid-19 safety plan, including hazard assessment and plan to minimize transmission. Patient screening and management. Standard and transmission-based precautions. PPE, Physical distancing, barriers and cleaning & disinfecting. Reasonable vaccine accommodations. 	<p>"Settings where any employee provides healthcare services or healthcare support services. This includes employees in hospitals, nursing homes, and assisted living facilities; emergency responders; home healthcare workers; and employees in ambulatory care facilities where suspected or confirmed COVID-19 patients are treated."</p>	<ul style="list-style-type: none"> Implemented June 2021, currently set to expire in December 2021. 	<ul style="list-style-type: none"> Not Applicable-ETS does not require mandatory vaccinations. 	<ul style="list-style-type: none"> Same as box above.

***All information as of 11/15/21. Subject to interpretive and additional agency guidance.**