

# OPRA THURSDAY THREE

News, Resources and Events for OPRA Members

DECEMBER 23, 2021

**Mandates:** Last Friday the [6th Circuit Court of Appeals reinstated the OSHA Vaccination ETS for companies with 100+ employees](#). There are several appeals and emergency applications for an injunction that have been filed with the Supreme Court to dissolve the 6th Circuit's decision to stay the injunction on the OSHA ETS. As of today, OSHA has stated they want to give employers time to comply with the ETS therefore they will not issue any citations for noncompliance before **January 10** and will not issue citations for noncompliance with the testing requirements before **February 9** as long as the employer is exercising reasonable, good faith efforts to come into compliance. As we've stated, members should continue with their policy planning and prepare for implementation by the dates listed above. [Policy templates for the OSHA ETS can be found here](#). This brings us to CMS. As you know, half of the country is presently under the CMS IFR that has gone into effect. The other half of the country, including Ohio, is currently under a "stay" against the order coming into effect. This is where things get a little tricky as Ohio is under a stay with CMS, but the OSHA rule has gone into effect. Remember, if you as an employer would qualify for both rules, meaning you are an ICF who has over 100 employees, then the CMS rule supersedes the OSHA rule. This would mean that you would be following the CMS rule which is currently on hold. So just to clarify, if you are an employer with over 100 plus employees that DOES NOT fall under the CMS order, then you should be making final preparations for implementation of the OSHA ETS by the January 10th and February 9th deadlines. If you are an employer with over 100 employees who falls under the CMS rule, you should continue to make your preparations for the CMS rule to come into effect should the current stay be lifted.

**Omicron/Covid:** The Omicron variant has now been detected in all 50 states. [Yesterday the Ohio Dept of Health announced there were 12,864 new cases of COVID](#). This is the highest number of cases reported in a single day since the start of the pandemic. Last Friday the governor called up National Guard troops to help with the hospital situation in Northeast Ohio. Several hospitals in the Cleveland, Canton, and Akron area have been assigned troops. Additionally, yesterday President Biden gave a speech in which he outlined the administrations next steps in the fight against Covid and the new Omicron variant. These steps include increasing the support for hospitals, FEMA response teams, new federal testing sites that are free, free test kits to individuals who want them and opt in to receive them through a soon to be developed website, continuation of the Defense Production Act to help with testing supplies, and more pop-up vaccination clinics.

**Blueprint/BEST:** Last night, [DODD published an update on the work being implemented through the Blueprint workgroup](#). Most significantly, the update included news that the Basic Employment Skills Training (BEST) service would not be implemented until after December 2022 to focus on modifications to the adult day support and community employment services, as well as implementation of 'participant-directed transportation' in July of 2022. We have been advocating for this change over the past several months, so were pleased to see that the Blueprint implementation would focus first on services that build capacity for community and employment services.

