

EMERGENCY COVID-19 VACCINE REGULATIONS FOR HEALTH CARE WORKERS FORTHCOMING

On Thursday, Sept. 9, 2021, the Centers for Medicare & Medicaid Services (CMS) issued a [press release](#) indicating that further COVID-19 vaccination requirements are forthcoming for health care workers. The press release comes at the direction of the Biden-Harris administration, which has indicated it will issue requirements for mandatory COVID-19 vaccination of staff within all Medicare and Medicaid-certified facilities, in order to protect both workers and patients from the virus, including the Delta variant.

In the same press release, the CMS, in collaboration with the Centers for Disease Control and Prevention (CDC), announced that **emergency regulations requiring vaccinations for nursing home workers will be expanded to include hospitals, dialysis facilities, ambulatory surgical settings and home health agencies, among others, as a condition for participating in the Medicare and Medicaid programs.**

Because nursing homes with an overall staff vaccination rate of 75% or lower experience higher rates of preventable COVID-19 infection, and because CMS is seeing lower staff vaccination rates among hospital and End Stage Renal Disease (ESRD) facilities, CMS is exercising its authority to **establish vaccine requirements for all providers and suppliers that participate in the Medicare and Medicaid programs.**

CMS is actively developing an Interim Final Rule with Comment Period that will be issued in October. CMS has indicated it expects certified Medicare and Medicaid facilities to act in the best interest of patients and staff by complying with new COVID-19 vaccination requirements. Health care workers employed in these facilities who are not currently vaccinated are strongly advised to begin the process immediately. Facilities are urged to use all available resources to support employee vaccinations, including employee education and clinics, as they work to meet new federal requirements.

A number of governors have announced their opposition to this mandate and have vowed to challenge it in court. It remains to be seen whether their

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challenges will succeed.

Armstrong Teasdale's team of skilled health care attorneys will continue to track and monitor these developments. Please contact your regular AT attorney, or one of the authors listed below, for guidance specific to your situation.