

ForwardHealth **ALERT**

Wisconsin serving you



TO

Adult Mental Health Day Treatment Providers, Ambulatory Surgery Centers, Audiologists, Chiropractors, Community Health Centers, Dentists, End-Stage Renal Disease Service Providers, Family Planning Clinics, Hearing Instrument Specialists, Home Health Agencies, Hospice Providers, Hospital Providers, Narcotic Treatment Services Providers, Nurse Practitioners, Nurses in Independent Practice, Nursing Homes, Occupational Therapists, Optometrists, Outpatient Mental Health Clinics, Podiatrists, Physical Therapists, Physician Clinics, Rehabilitation Agencies, Residential Substance Use Disorder Treatment Providers, Rural Health Clinics, Speech and Hearing Clinics, Speech-Language Pathologists, Therapy Groups, Tribal Federally Qualified Health Centers, HMOs and Other Managed Care Programs

REGARDING

Emergency Rules for Vaccination of Health Care Staff

Vaccination Requirement for Health Care Provider Staff

On November 4, 2021, the federal Centers for Medicare & Medicaid Services (CMS) announced new emergency rules that require certain health care providers and suppliers to develop a plan to vaccinate all staff with a first dose or single dose vaccine by December 6, 2021. All eligible staff must be fully vaccinated by January 4, 2022. This requirement applies to all health care providers and suppliers that participate in a federally certified Medicare and Medicaid program under Medicare Conditions of Participation, Conditions of Coverage, or Requirements for Participation.

The federal emergency rule does **not** apply to providers that are certified through the Wisconsin Medicaid program and are not federally certified under the Medicare and Medicaid program under Medicare Conditions of Participation, Conditions of Coverage, or Requirements for Participation.

CMS has provided additional information in the CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule [Frequently Asked Questions](#).

Federal COVID-19 Health Care Staff Vaccination Rule Webinar

The Division of Quality Assurance, Department of Health Services will host a webinar from 10 a.m.–12 p.m. on November 23, 2021, to provide information about the federal COVID-19 health care staff vaccination rule and answer questions.

To join online:

[Zoom Meeting](#)

Meeting ID: 161 564 3039

Passcode: 029203

To join by phone:

669-254-5252 or 646-828-7666

Webinar ID: 161 564 3039

Providers Impacted by the Vaccination Rule

The federal emergency regulations apply to the following Medicare and Medicaid-enrolled providers and suppliers:

- Ambulatory Surgery Centers
- Clinics
- Community Mental Health Centers
- Comprehensive Outpatient Rehabilitation Facilities
- Critical Access Hospitals
- End-Stage Renal Dialysis Facilities
- Home Health Agencies
- Home Infusion Therapy Suppliers
- Hospices
- Hospitals
- Intermediate Care Facilities for Individuals With Intellectual Disabilities
- Long-Term Care Facilities
- Rehabilitation Agencies and Public Health Agencies as Providers of Outpatient Physical Therapy and Speech-Language Pathology Services
- Psychiatric Residential Treatment Facilities
- Programs for All-Inclusive Care for the Elderly Organizations
- Rural Health Clinics/Federally Qualified Health Centers

Staff Covered Under This Requirement

The vaccination requirement applies to eligible staff working at a facility that participates in the Medicare and Medicaid programs, regardless of clinical responsibility or patient contact. This includes:

- Facility employees
- Licensed practitioners
- Students

- Trainees
- Volunteers
- Individuals who provide care, treatment, or other services for the facility and/or its patients under contract or other arrangements

Entities Not Included in the Emergency Regulations

The federal emergency regulations do not apply to:

- Adult day services.
- Assisted living facilities.
- Community Support Programs.
- Comprehensive Community Services.
- Home and community-based services.
- Outpatient mental health, behavioral health, and alcohol and other drug use disorder clinics.
- Personal care agencies.
- Physician's offices.

Division of Quality Assurance Review

CMS expects state survey agencies to conduct onsite compliance reviews of the requirements during recertification surveys and complaint surveys. Surveyors will check to determine if a facility has a process or plan in place for:

- Vaccinating all eligible staff.
- Providing exemptions and accommodations for those who are exempt.
- Tracking and documenting staff vaccinations.

Surveyors will review the facility's vaccine policies, the number of resident and staff COVID-19 cases over the last four weeks, and list of staff and their vaccination status. This information will be used to determine the compliance of the provider or supplier with these requirements.