



CMS Vaccine Mandate: Compliance Requirements and Operational Resources for Health Centers

Monday, November 1, 2021



THE NACHC MISSION

America's Voice for Community Health Care

The National Association of Community Health Centers (NACHC) was founded in 1971 to promote efficient, high quality, comprehensive health care that is accessible, culturally and linguistically competent, community directed, and patient centered for all.



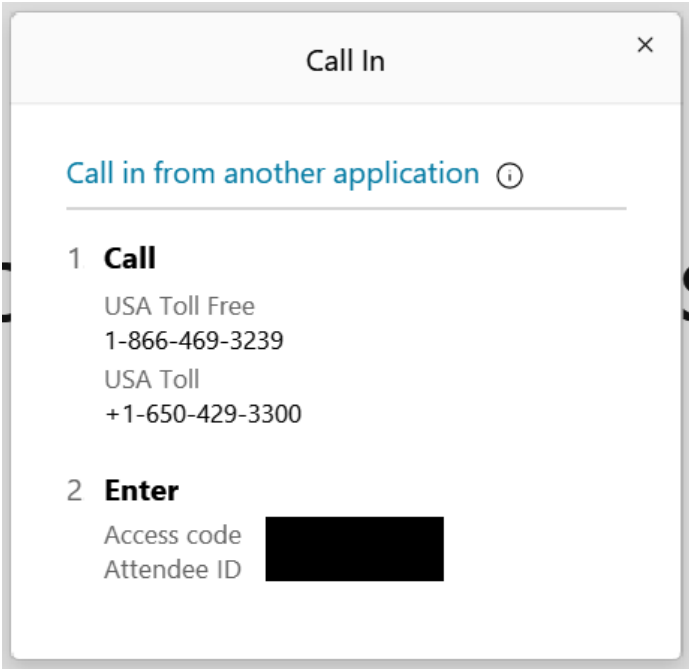
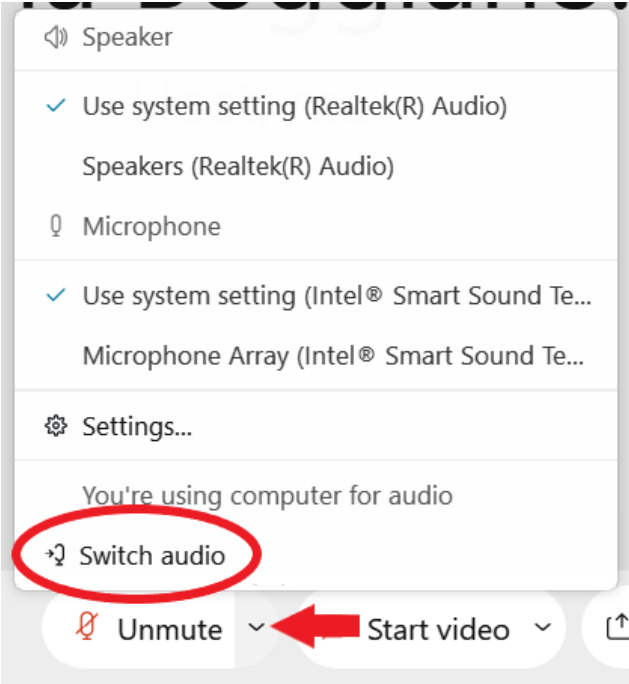
Welcome! Housekeeping

- Today's meeting is being recorded
- All attendee lines have been muted. Please share your questions using the Q&A Panel (bottom right of your screen).
- A copy of the slides was sent from trainings@nachc.org this morning.
- Today's recording, slides, and additional resources will be made available to all attendees. Please allow several days for the recording to be available.
- After the webinar, you will be directed to an evaluation for this event. We value your feedback and encourage you to complete this short survey!

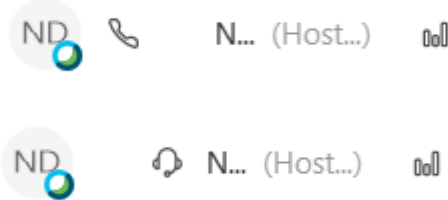
AUDIO CONNECTIONS

Having issues? Try calling in

Go to “Audio and Video” or click the arrow next to your unmute button and select “Switch audio” Follow the unique instructions on your screen.

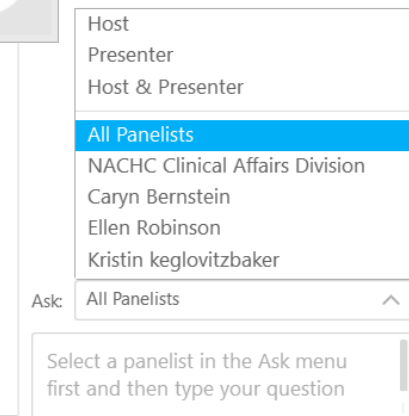
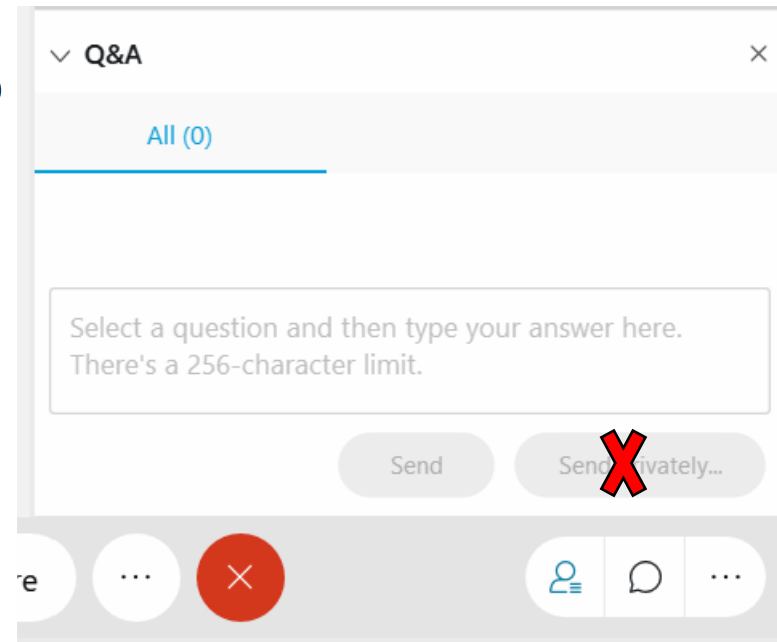


After connecting, if you don't see a phone/headset icon next to your name, please attempt to connect your audio again!



ASKING QUESTIONS VIA Q&A BOX

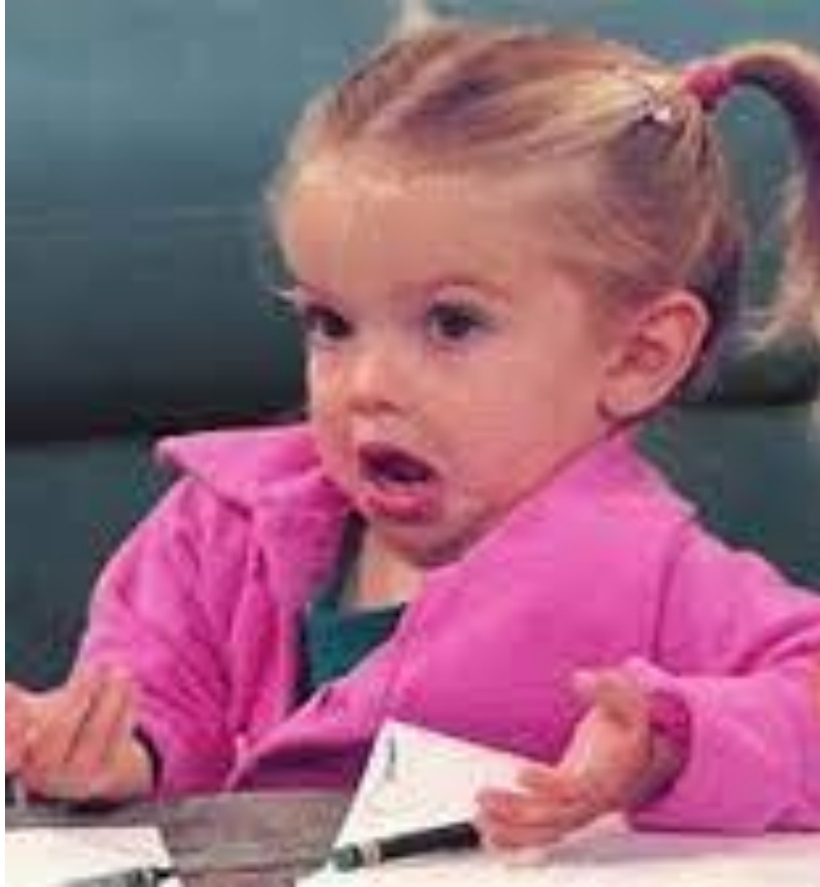
1. **The Q&A Box feature** is available to ask questions or make comments anytime.
2. **Click the Q&A Box button** at the bottom of the WebEx window to open the Q&A box on the bottom righthand side of the window.
3. **Select ASK ALL PANELISTS**
4. **Type your question and Click “SEND”**
- Do not click “send privately”



Introduction and Overview

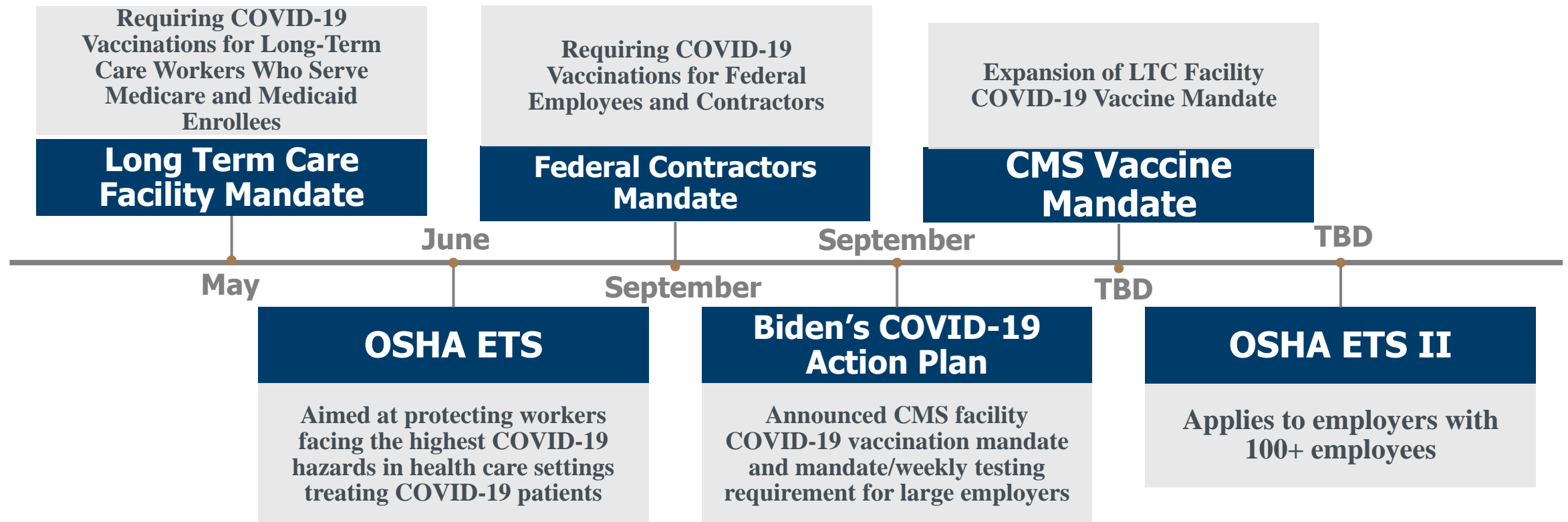
Vacheria Tutson, Director of
Regulatory Affairs, NACHC

Where is the Vaccine Mandate?!



How Did We Get Here?

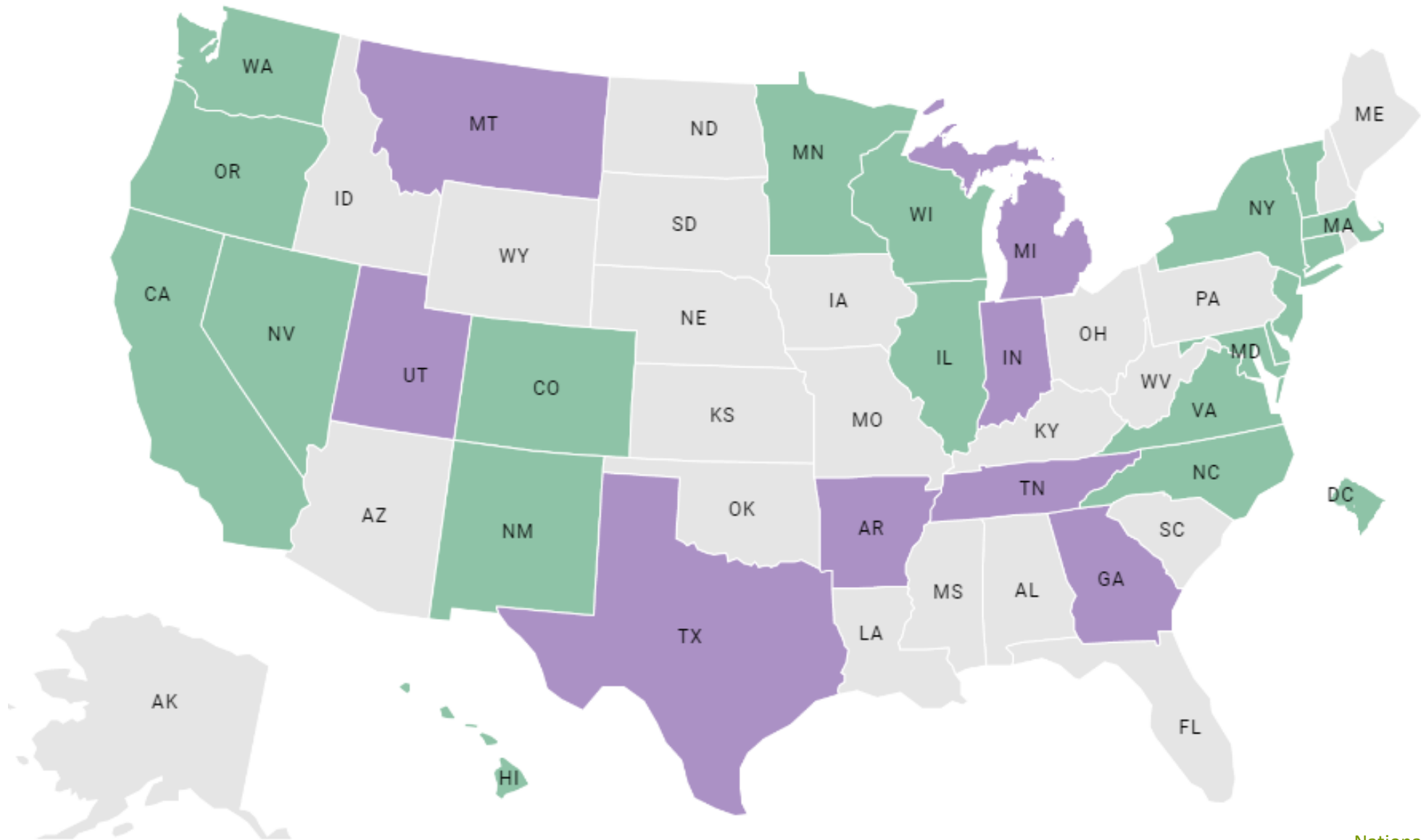
The Biden Administration's Timeline



What Do We Know?

- **Several Health Centers have already taken steps to implement their own vaccine mandates.**
- **Health Centers are allowed to implement vaccine mandates as long as they accommodate any exemptions that an employee may be entitled to like religious or medical.**
 - **The EEOC released updated guidance to assist employers with religious accommodations for the COVID-19 vaccine.**
- **Health Centers can require proof of COVID-19 vaccination status, subject to state law.**
- **The Federal Contractors COVID-19 Vaccine mandate does not apply to federal grantees.**
 - **Unless you share common space with a federal contractor.**
- **The OSHA ETS will apply to all employers with 100+ employees.**
 - **Has a weekly testing option**
 - **Outstanding question of who pays for testing. Employer? Employee? Government?**

● Vaccines are Mandated ● Mandates are Banned ●



What About State Laws?


- Section 1905(a)(2) of the Social Security Act specifies that state Medicaid programs **must** cover FQHC services and any other ambulatory services offered by an FQHC and which are otherwise included in the Medicaid state plan.
- This means as a Medicaid/Medicare facility FQHCs must comply with applicable federal mandates which generally take precedence over state laws.
- Recent cases show Courts are favorable towards upholding vaccine mandates in the interest of Public Health.
- In over 30 cases Courts have refused to overturn vaccine mandates, including the Supreme Court for vaccine mandate in Maine

Health Center Presenters:

Rhonda Hauff, CEO,
Yakima Neighborhood Health Services

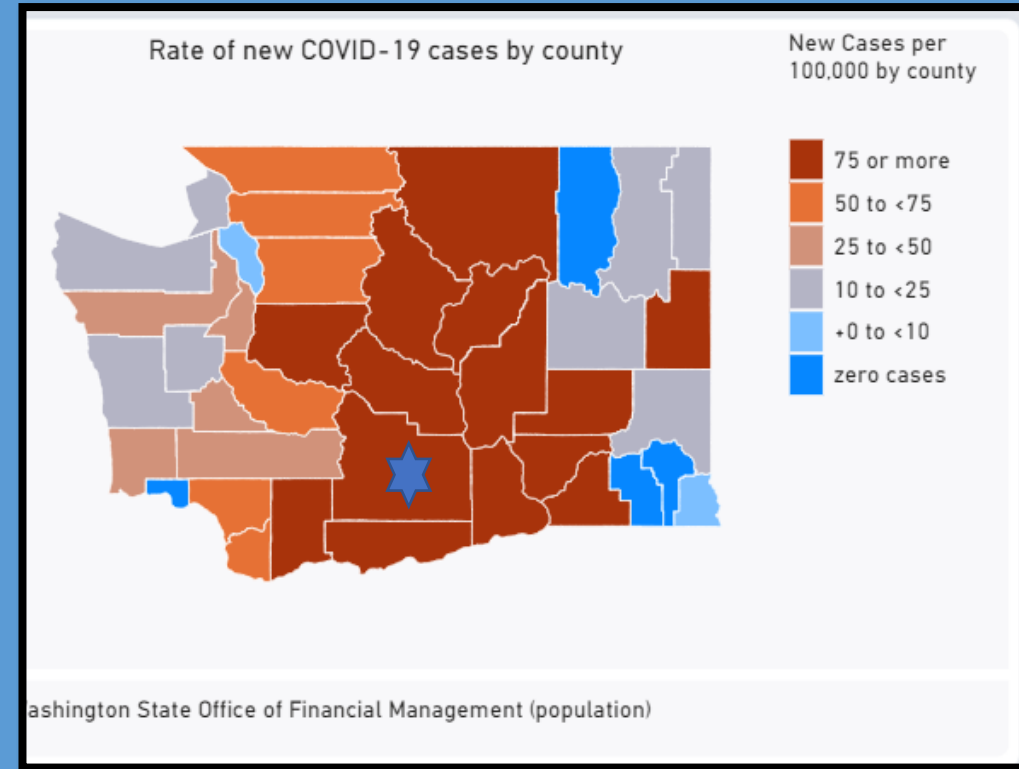
Wendy Stark, Executive Director,
Callen-Lorde Community Health Center

Yakima / Central Washington State Covid “Hot Spot” of the West Coast Special Pops – MSFW, Homeless, Public Housing



Yakima
Neighborhood
Health Services

Our mission is to provide accessible, affordable, quality health care, provide learning opportunities for students of health professions, **end homelessness** and **improve quality of life in our communities.**



YNHS Employee Health Requirements

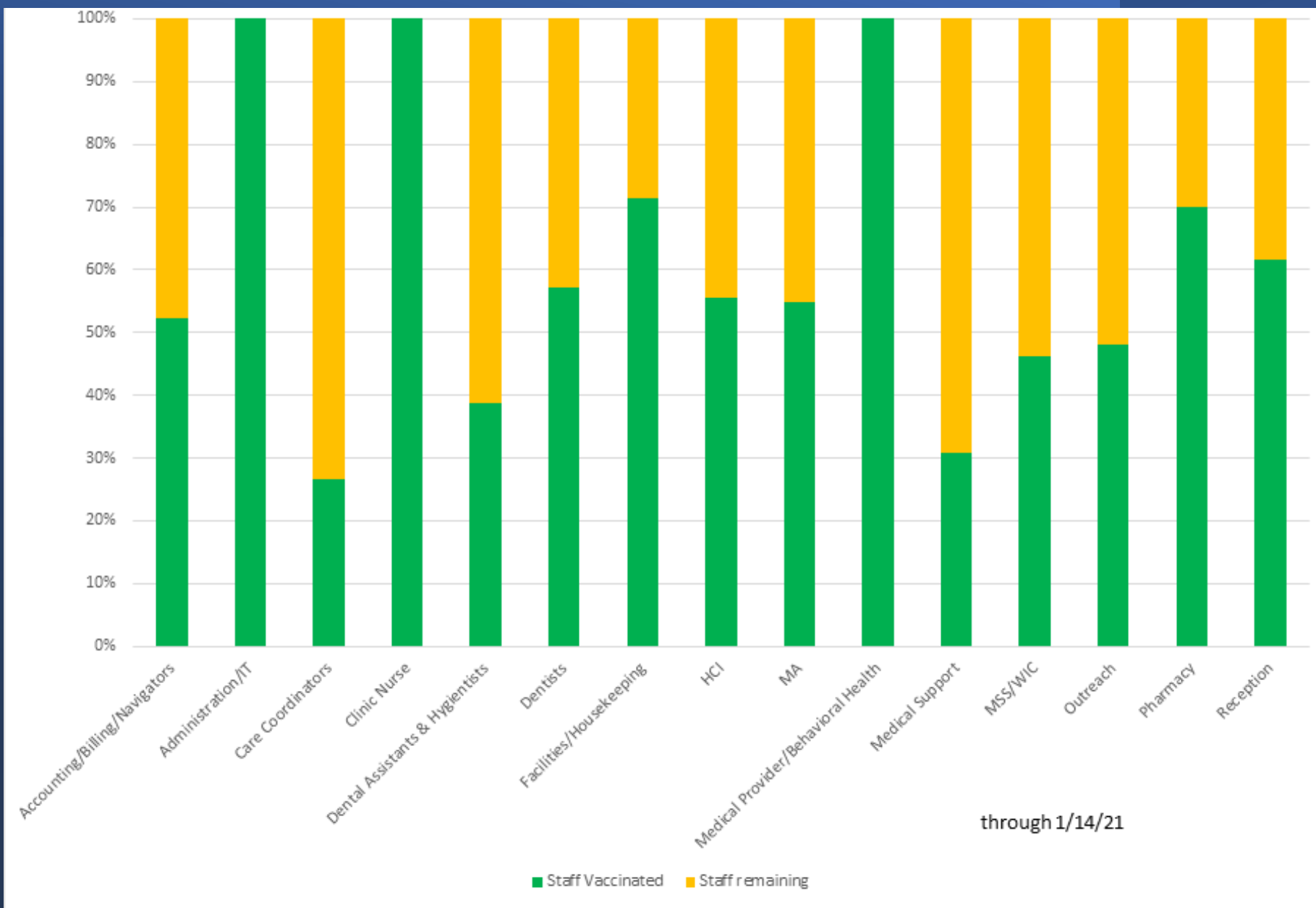
Measles, Mumps , Rubella

Varicella (Chickenpox)

Tetanus, Diphtheria and Acellular Pertussis
(TDAP)

Tuberculosis screening

Influenza (annually)



Vaccine Mandate Effective September 1, 2021

Forms:

Medical Exemptions considered

- Following CDC guidelines

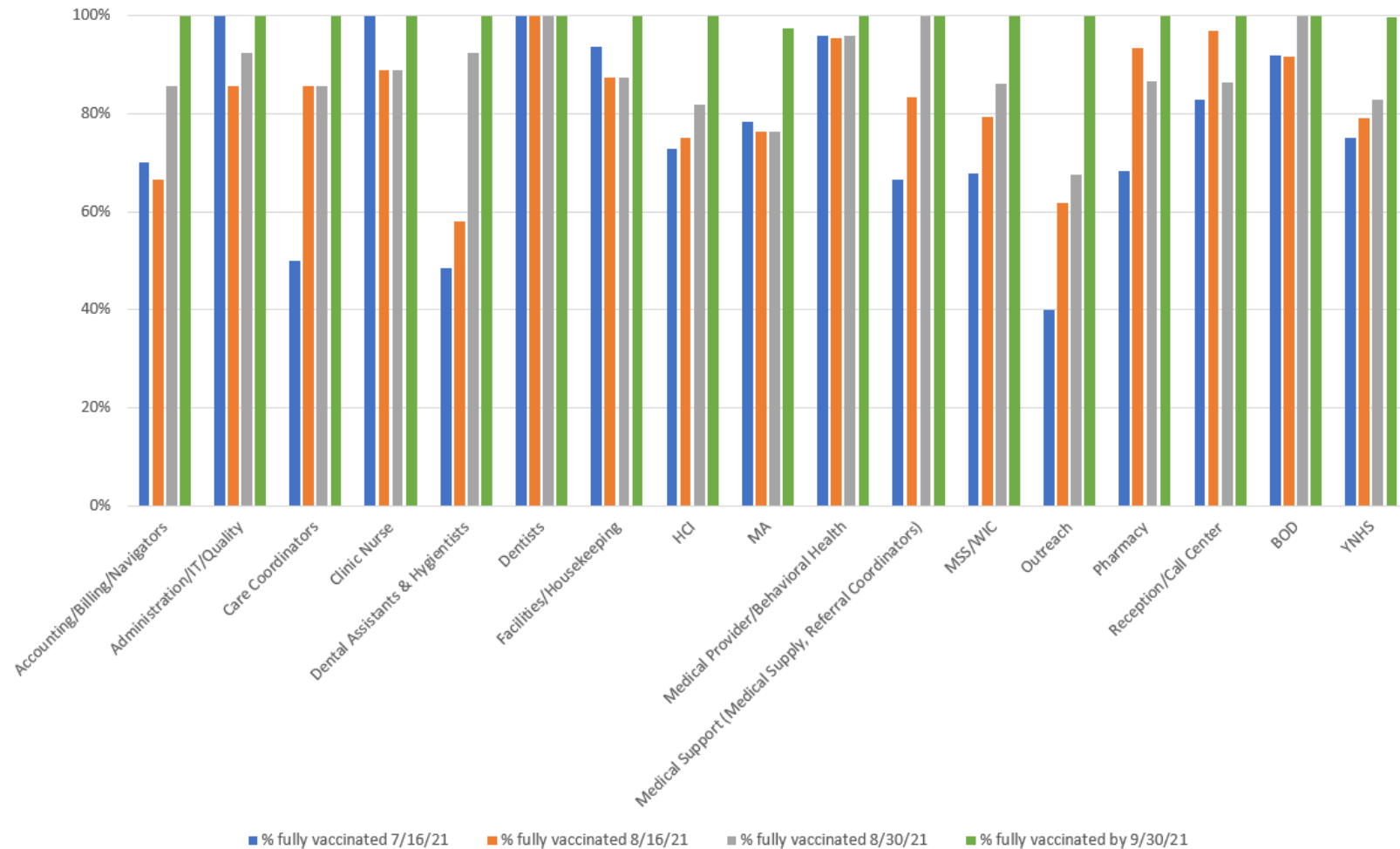
Religious Exemptions considered

- Employee history and practices considered
- Documentation or religious scholars (optional)

Separate

- Accommodations (if exemptions granted) can we accommodate?

What a Difference a Policy Makes



MANAGING THROUGH VACCINE MANDATES – LESSONS LEARNED

Wendy Stark

Executive Director

Callen-Lorde Community Health Center

CALLEN-LORDE

First Steps

- Have leadership team fully digest and understand the language of the mandates, with legal input as possible
- Decide what your approach will be to any discretionary issues (religious exemptions?) and apply that approach equally
- Be crystal clear what the expectations are of staff, including:
 - Timelines
 - Testing details (which test? how often? who pays?)
 - Incentives, if applicable
 - Consequences of non-compliance
- Use carrots whenever possible

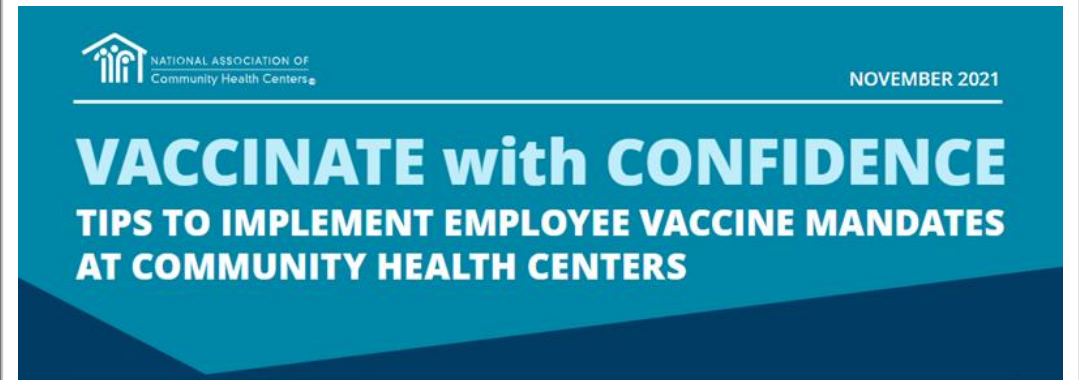
General Recommendations

- Communication early and often
- Be prepared for feelings
- Do your best to be an accountable gatekeeper
- Know that managing implementation will take more time than you think, and consider pressing pause on other projects for the week before/week of

Resource Guide and Operations Overview

Brandon L. Jones, Director, Health
Center Operations and HR, NACHC

NACHC's COVID-19 Vaccine Mandate Operational Resource Guide



<https://www.nachc.org/coronavirus/>

Protect your CHC Community & Stop Myths

- What You Need to Know
 - CDC's COVID-19 Resource page
- Availability of Vaccines
- Effectiveness
- Stop the Myths



Establish Policy & Procedures

- Sample Board-approved Policies from Health Centers
- Thank you to those CHCs for sample submissions!

EXAMPLES:

POLICY: Mandatory immunization at [health center name] is effective, reasonable, and legally required to create an environment that protects patients, employees, and the community from severe illness, hospitalization, and death due to COVID-19.

PROCEDURE: COVID-19 vaccines will be available free of charge to all employees. Proof of vaccination by a third party must be provided to [employee title] of [health center name] by [date range]. It must include record of vaccine, dates administered, the lot number, and location. [health center name] employees are also expected to comply with safety requirements as indicated by [health center name] management and CDC guidelines including the use of personal protective equipment (PPE).

Find more detailed health center samples linked here:*

- Delta Health Center, Inc. (MS) | [Policy on Employee Mandatory COVID-19 Vaccine](#)
- Family Health Care Clinic, Inc. (MS) | [COVID-19 Mandatory Vaccine Policy](#)
- Eagle View Community Health Systems, Inc. (IL) | [COVID and Influenza Policy](#)
- HealthLinc (IN) | [Employee Immunization Policy](#)
- Yakima Neighborhood Health Services (WA) | [COVID-19 Vaccine for Employees—this sample includes targeted data and recommended actions for exemptions.](#)
- G.A. Carmichael Family Health Center, Inc. (MS) | [Policy and FAQs on COVID-19 Vaccination as a Condition of Employment](#)

Recognize Exemptions

- CMS, ADA, OSHA & EEOC offer guidance on handling exemptions
- Types of exemptions
 - Medical/Religious
- Reasonable accommodations
 - Testing alternatives
- Operational impacts (undue hardship)



Recognize Exemptions

With vaccine mandates, reasonable exemptions are approved under the Americans with Disabilities Act (ADA) and the Occupational Safety and Health Administration (OSHA). The Centers for Medicare & Medicaid Services (CMS) also offers specific guidance on exemptions. The U.S. Equal Employment Opportunity Commission (EEOC) posted FAQs to assist employers navigating COVID-19 vaccine related religious accommodation requests, with information on ADA and Title VII COVID-19 vaccine compliance.

- Exemptions are recognized for a limited and defined time period, for:
 - Medical contraindications—with “Request for Medical Exemption” form with medical provider’s signature and independent committee review
 - Sincerely held religious beliefs—with a “Request for Religious Exemption” form with verification and independent committee review
 - How to Handle and Employee’s Request for Medical or Religious Accommodation to a Vaccine Requirement
- Failure to comply with health center policy:
 - Results in employee termination. If you offer a time-period to comply, clearly define this in the signed policy and procedure document.
 - Some employers offer testing as an alternative to vaccinations, with procedures defined

Questions?

Thank You!

What's Next?

Two webinars, date/time TBD

- *"Compassionate Conversations for Health Center Leaders and Supervisors"*
- *"CMS Vaccine Mandate Rule Overview"*



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