



This document includes questions answered by NACHC staff during the live webinar on 11/01/2021 as submitted in the Chat Box.

1. If we have a capital project funded in part with federal funds, since grantees aren't considered contracts - would the construction firm we hire also NOT be considered a federal contractor if we pay them out of the grant?
 - a. If the firm is contracting with the FQHC. That is not a federal contract.

2. Are FQHC clinics considered under a Federal contract?
 - a. No. Grantees are excluded from the federal contractor mandate.-

3. What do health depts fall under? Example, if the health dept and health center are co-located?
 - a. We have to be clear on the distinction between co-location vs public entity grantee (health dept is subgrantee of health centers grant or Look a Like). If the health dept is a public entity grantee, they must comply. If they're just using the same facility (co-located), the health department may have state mandates they must adhere to. This one is tricky.
 - b. Health Departments are part of the state, unless they have federal contracts-

4. Does the testing option depend on local infection rates? If local rates go down below a certain level, is it expected that testing continues, and if not, what is that rate?
 - a. No. The testing options are requirements of the upcoming regulations. It will be applied broadly not based on locality.

5. How might the Supreme Court decision in Maine and the other Court decision related to NY affect the possibility (or lack thereof) of religious exemptions under the CMS regulations?
 - a. Be prepared to continue testing, we await the CMS Rule to better understand specific parameters with which health center will have to comply.

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6. Is there a situation in which an FQHC can incorporate the vaccine mandate but not accept religious exemptions? Our FQHC has about 90 employees.
 - a. Under EEOC guidance, employers must provide reasonable accommodations. Including Religious or Medical accommodations. -Unless your state has other mandates or protections-

7. So, HRSA Grantees under the 330 Grant funding who accept Medicaid and Medicare funding are not included in the Federal Mandate?
 - a. HRSA health center grantees will have to comply given health centers are medicaid/medicare program participants-
 - b. FQHCs will need to comply with the CMS vaccine mandate. FQHCs do not fall under the FEDERAL CONTRACTOR mandate. -

8. Would Ms. Hauff be willing to share her exemption forms?
 - a. Sample form in resource guide <https://www.healthcenterinfo.org/details/?id=3595>

9. Are your Board meetings held virtually or in-person? Did you mandate they receive the vaccine as well?? What drove the decision and did they fall within same time lines? Did you lose any board members?
 - a. Ms. Stark from Callen Lorde Health Center in NY indicated her Board is meeting virtually and not coming into the Center currently. As such, they are not being mandated at this time. We await CMS Rule on requirement (or not) for volunteers, like Board members.-

10. Not sure if I missed this, but are board members subject to the mandate?
 - a. We don't know until the regulation is released. -

11. I have a number of physicians who refuse to be vaccinated. I am in a state that refuses the mandate. We are in a rural area that makes it hard to replace Providers. What can we do with the mandate according to the Medicare mandate?
 - a. Email me so we can chat more regulatoryaffairs@nachc.org

12. If we have dentists that we have a contract with, are they exempt? I'm confused when you say contracted Federal employees. What does that mean?
 - a. There are several different "vaccine mandates" from the federal government. When the CMS vaccine mandate is released we will know how it applies to contractors at FQHCs. On September 24th, the Biden Administration released a vaccine mandate for Federal

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Employees and Federal Contractors. Federal contractors are entities that have direct contracts with the Federal government. Like a consulting or construction firm. Health centers are excluded from the federal contractors vaccine mandate.-

- b. Because grantees are not defined as federal contractors under that specific mandate-
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13. Will PCAs and HCCNs be held to the CMS vaccine mandate?
 - a. No. They do not receive payment from CMS nor are defined as a facility. A PCA/HCCN might fall under the OSHA ETS if they have more than 100 employees-

 14. Did I hear correctly the Health Center in New York does not grant religious exemptions? This stand was support by a court ruling?
 - a. Yes. <https://www.cnn.com/2021/10/29/us/ny-state-health-care-workers-religious-exemption-ruling/index.html>

 15. Aren't FQHC employees considered "federal" employees under FTCA? But are not covered in the mandate?
 - a. Yes. The executive order specifically said grants are excluded <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/>

 16. Would third parties providing clinical support services to FQHCs for Medicare programs fall under the same CMS mandate?
 - a. We have to see what the regulation requires. -

 17. DO FQHCs fall under the OSHA ETS without testing, or is testing an alternative to vaccination?
 - a. We do fall under OSHA ETS-