



COVID-19 Vaccine Mandate Office Hours

March 31, 2022

Email: Regulatoryaffairs@nachc.org



Overview

Phase 3 Deadlines and Implementation

Rocking Horse Community Health Center
Presentation (OH)

Rural Health Services (SC)

Top 5 Questions for Onboarding

New OSHA Comment Period

Q&A

Group 1

California

Colorado

Connecticut

Delaware

Florida

Hawaii

Illinois

Maine

Maryland

Massachusetts

Michigan

Minnesota

Nevada

New Jersey

New Mexico

New York

North Carolina

Oregon

Pennsylvania

Rhode Island

Tennessee

Vermont

Virginia

Washington

Wisconsin

Group 1 Compliance Timeline

- Guidance released on [December 28, 2021](#)
- **Phase 1 Deadline: January 27, 2022**
 - 100% of staff receive the first dose of a COVID-19 vaccine or request a qualifying exemption; **and**
 - Facilities required to have appropriate policies and procedures developed and implemented
 - A facility that is above 80% **and** has a *plan* to achieve a 100% staff vaccination rate within 30 days (by February 28, 2022) **would not** be subject to additional enforcement action.
- **Phase 2 Deadline: February 28, 2022**
 - 100% of staff must have completed a primary vaccination series for COVID-19 or granted religious/medical exemptions; **and**
 - Facilities required to have appropriate policies and procedures developed and implemented, including a **contingency plan** for unvaccinated staff
 - A facility that is above 90% **and** has a *plan* to achieve a 100% staff vaccination rate within 30 days (March 28, 2022) **would not** be subject to additional enforcement action.

By March 28, 2022, facilities failing to maintain compliance with the 100% standard may be subject to enforcement action.

Group 2 (appealed to Supreme Court)

Alabama

Kentucky

New Hampshire

Wyoming

Alaska

Kansas

North Dakota

Arizona

Kentucky

Ohio

Arkansas

Louisiana

Oklahoma

Georgia

Mississippi

South Carolina

Idaho

Missouri

South Dakota

Indiana

Montana

Utah

Iowa

Nebraska

West Virginia

Group 2 Compliance Timeline

- Guidance released on [January 14, 2022](#)
- **Phase 1 Deadline: February 14, 2022**
 - 100% of staff receive the first dose of a COVID-19 vaccine or request a qualifying exemption; **and**
 - Facilities required to have appropriate policies and procedures developed and implemented
 - A facility that is above 80% **and** has a *plan* to achieve a 100% staff vaccination rate within 30 days (by March 15, 2022) **would not** be subject to additional enforcement action.
- **Phase 2 Deadline: March 15, 2022**
 - 100% of staff must have completed a primary vaccination series for COVID-19 or granted religious/medical exemptions; **and**
 - Facilities required to have appropriate policies and procedures developed and implemented, including a **contingency plan** for unvaccinated staff
 - A facility that is above 90% **and** has a *plan* to achieve a 100% staff vaccination rate within 30 days (April 14, 2022) **would not** be subject to additional enforcement action.

By April 14, 2022, facilities failing to maintain compliance with the 100% standard may be subject to enforcement action.

Texas Compliance Timeline

- Guidance released on [January 20, 2022](#)
- **Phase 1 Deadline: February 22, 2022**
 - 100% of staff receive the first dose of a COVID-19 vaccine or request a qualifying exemption; **and**
 - Facilities required to have appropriate policies and procedures developed and implemented
 - A facility that is above 80% **and** has a *plan* to achieve a 100% staff vaccination rate within 30 days (by March 21, 2022) **would not** be subject to additional enforcement action.
- **Phase 2 Deadline: March 21, 2022**
 - 100% of staff must have completed a primary vaccination series for COVID-19 or granted religious/medical exemptions; **and**
 - Facilities required to have appropriate policies and procedures developed and implemented, including a **contingency plan** for unvaccinated staff
 - A facility that is above 90% **and** has a *plan* to achieve a 100% staff vaccination rate within 30 days (April 21, 2022) **would not** be subject to additional enforcement action.

By April 21, 2022, facilities failing to maintain compliance with the 100% standard may be subject to enforcement action.



Rocking Horse Community Health Center

COVID-19 Vaccine Mandate

MARCH 31, 2022

First Steps



Rocking Horse
Community Health Center

- Consulted legal counsel and developed a policy.
- Our policy includes employees, contractors, volunteers, and students.
- Worked to create exemption forms and procedure to review requests.

Message to Staff – Review of Efforts



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- Approximately a year and a half ago, COVID-19 was identified in the US. Since then we have taken a number of steps to protect employees and patients of RHCHC and to help reduce the stress COVID has produced.
 - Masking, increased infection control efforts, Tele-medicine, curbside and hybrid visits, Friday's afternoon's off, and hero pay are a few of the measures that have been instituted at RHCHC.
 - We held mass community testing from June to December 2020 and continue to have community vaccination clinics several times per week. Our goal throughout the pandemic has been to promote and maintain the health of our co-workers and community.
 - We provided a monetary incentive to staff who could demonstrate proof of being fully vaccinated.



Rocking Horse
Community Health Center

Message to Staff

It is now time to take the next step in our efforts to maintain a safe and healthy workforce and promote the health of our patients and community. We are mandating vaccinations for all RHCHC employees, while also allowing for appropriate exemptions as defined by law. The decision was not made lightly. It was based on medical science and in consultation with legal counsel. It is the right decision for the health and safety of our patients, many of whom are too young to be vaccinated, and for our employees.

Continued response to COVID

Why the Vaccine mandate?

We are a health care facility that cares for

- Younger children who are not eligible to get the vaccine
- Individuals with multiple chronic conditions and immunocompromised states (these are not just patients, some of our teammates as well)
- Individuals who cannot take the vaccine due to medical reasons
- Most vulnerable and indigent population of Clark and Madison counties



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Community Health Center

RHCHC Vaccine Mandate

- RHCHC will require all employees to receive the COVID-19 vaccine.
- Proof of full vaccination status must be submitted by 11/5/2021.
- This means that an employee must have the recommended vaccine series completed by 11/5/2021 no matter which vaccine is given.
- For example, in order to complete the two shot Pfizer series by 11/5/2021, the first shot must be completed by October 15, 2021.



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RHCHC Vaccine Mandate

- Any of the three available vaccines will meet the requirement. Pfizer has full FDA authorization. Moderna and Johnson and Johnson have US FDA Emergency Use Authorization Status.
- All other safety measures will remain in place at this time.
- This vaccine mandate applies to all employees, contractors, volunteers, students and new hires regardless of work location.



RHCHC Vaccine Mandate – Legal Basis

- The U.S. Equal Employment Opportunity Commission (EEOC) has advised that employers may require COVID-19 vaccinations, provided that we offer exemptions to those individuals who may qualify due to one of the following:
 - A disability or medical exemption that prevents an employee from getting the COVID-19 vaccine
 - A sincerely held religious belief that prevents COVID-19 vaccinations.
- Employers may request proof of vaccination to ensure compliance.
- If you are a RHCHC patient, we will not look into any patient's chart to obtain vaccine status without consent. We may only look in a patient's chart in the normal course of our business, not as the employer.



Vaccine Exemptions

- To request an exemption, employees must initiate a request by
 - Emailing or talking to an HR representative.
 - Emailing or talking to the Director of Operations who is helping out with HR.
 - Emailing or talking to their immediate supervisor.
- Once the request is initiated, the employee will be asked to complete an exemption form and return that form with any supporting documentation by a specified date.
- HR will review all requests and communicate back to the staff member.



Exemption Request Response

- We had three employees voluntarily resign without submitting a request.
- We received 18 requests for exemptions out of 202 employees.
- Of the 18 requests, 3 were due to medical conditions, 16 were due to religious exemption requests.
- 2 of these requests required further clarification.
- All requests were ultimately granted.



Exemption Request Response

- Met with each employee to complete an interactive process regarding accommodations.
- The standard accommodations discussed included the following:
 - Weekly Covid 19 testing
 - Continue Surgical Mask Wearing, N95 when providing patient care
 - Eye protection (goggles/face shield) at all times
 - Social Distancing when appropriate
 - Limited direct contact with peers
 - Remote Work when appropriate
- Once the interactive process was complete, an agreement was signed by the employee regarding their responsibilities and agreement to the accommodations.



Sample Agreement

Employee Responsibilities

- Test Weekly for COVID 19
- Continue Mask Wearing, N95 when providing patient care
- Eye protection (goggles/face shield) at all times
- Ensure Social Distancing when appropriate
- Limited direct contact with peers (e.g. virtual meetings, conference calls, electronic messaging, workstation dividers)

RHCHC Responsibilities

- Ensure that required PPE is provided to the employee and that employee's workstation meets the OSHA ETS rules (social distancing, protective barriers etc.)
- Provide weekly Covid 19 testing at no cost to the employee (Rapid or PCR)



Candidates and New Employees

- Mention all employment requirements during the telephone screening including pre-employment drug screening, background check, Covid-19 vaccine, and Flu vaccine.
- Provide information to candidates in the conversation that we will consider and evaluate both medical and religious exemptions related to the vaccines.
- Since the mandate, we have hired 1 employee who has requested an exemption (religious – granted). All other new employees have provided proof of vaccination.



Lessons Learned

- Expect resignations.
 - Resignations based on anticipation of the mandate.
 - Early retirements.
 - Staff burnout.
- Provide reminders and be prepared for disciplinary action.
 - Mindful of staff following the testing requirements.
 - Mask reminders.
 - Who is responsible to police the accommodations while maintaining confidentiality?
- Prepare for rule relaxation.
 - Will the accommodations change?
 - Will there be additional sanctions for attending outside events, training, etc?

Questions ?





Rocking Horse
Community Health Center

Mission

Rocking Horse Community Health Center creates a caring environment where quality services empower adults and children to improve their physical and emotional health.



Rocking Horse
Community Health Center

Vision

**We improve the quality of life
for our patients and the
communities we serve**

Rural Health Services

Gigi Lewis, COO

Top 5 Questions for Onboarding

When should we discuss the vaccine mandate during hiring?

Top 5 Questions for Onboarding

Do new employees need both shots and/or the booster before starting?

Top 5 Questions for Onboarding

Can new staff apply for exemptions?

Top 5 Questions for Onboarding

Can a health center choose not to extend an employment offer because the candidate is unvaccinated?

Top 5 Questions for Onboarding

Do the same requirements apply when recruiting new board members?

OSHA COVID-19 Standard for Health Care Workers

- On June 21, 2021, OSHA published an interim final rule establishing an emergency temporary standard (ETS) to protect healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present
- This standard expired in December 2021.
- On March 22, 2022, OSHA [announced](#) they are preparing to issue a final standard and have re-opened a limited public comment period for feedback on potential changes.
- Comments close April 22, 2022.
- Potential opportunities for comment:
 - Alignment with CDC Recommendations for Healthcare Infection Control Practices
 - Additional Flexibility for Employers
 - Requirements for Vaccinated Workers
 - Limited Coverage of Construction Activities in Healthcare Setting

CMS Vaccine Mandate Resources

- [NACHC Employee COVID-19 Vaccine Mandate Technical Assistance Resources for Health Centers Webpage](#)
- [NACHC CMS COVID-19 Staff Vaccination Interim Final Rule FAQ](#)
- [CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule FAQ](#)
- [CMS Guidance for the Interim Final Rule - Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination](#)
- [FQHC/RHC Supplemental Guidance and Survey Procedures for the Interim Final Rule](#)

Questions?

The webinar recording and slides will be emailed to all participants.

Thank You!

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