

TCT Summary of QSO-22-07- Guidance for the Interim Final Rule- COVID-19 Health Care Staff Vaccination for RHCs

The guidance in this memorandum does not apply to the following states currently: Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wyoming. **Surveyors in these states should not undertake any efforts to implement or enforce the IFC.**

CMS expects all providers' and suppliers' staff to have received the appropriate number of doses by the timeframes specified below unless exempted as required by law or delayed as recommended by CDC. Facility staff vaccination rates under 100% constitute non-compliance under the rule.

By January 27, 2022, if a facility demonstrates:

- Policies and procedures are developed and implemented ensuring all facility staff, regardless of clinical responsibility or patient or resident contact are vaccinated for COVID-19; and
- 100% of staff have received at least one dose of COVID-19 vaccine, or have a pending request for, or have been granted qualifying exemption, or identified as having a temporary delay as recommended by the CDC, the facility is compliant under the rule; or
- Less than 100% of all staff have received at least one dose of COVID-19 vaccine, or have a pending request for, or have been granted a qualifying exemption, or identified as having a temporary delay as recommended by the CDC, the facility is non-compliant under the rule.
 - A facility that is above 80% and has a plan to achieve a 100% staff vaccination rate within 60 days would not be subject to additional enforcement action.
 - Facilities that do not meet these parameters could be subject to additional enforcement actions depending on the severity of the deficiency and the type of facility (e.g., plans of correction, denial of payment, termination, etc.).

By February 26, 2022, if the facility demonstrates

- Policies and procedures are developed and implemented for all facility staff, regardless of clinical responsibility or patient or resident contact are vaccinated for COVID-19; and
- 100% of staff have received the necessary doses to complete the vaccine series (i.e., one dose of a single-dose vaccine or all doses of a multiple-dose vaccine series), or have been granted a qualifying exemption, or identified as having a temporary delay as recommended by the CDC, the facility is compliant under the rule.
- Less than 100% of all staff have received at least one dose of a single-dose vaccine, or all doses of a multiple-dose vaccine series, or have been granted a qualifying exemption, or identified as having a temporary delay as recommended by the CDC, the facility is non-compliant under the rule. The facility will receive notice of their non-compliance with the 100% standard.
 - A facility that is above 90% and has a plan to achieve a 100% staff vaccination rate within 30 days would not be subject to additional enforcement action.
 - Facilities that do not meet these parameters could be subject to additional enforcement actions depending on the severity of the deficiency and the type of facility (e.g., plans of correction, denial of payment, termination, etc.)

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