



CMS COVID VACCINE MANDATE

The original implementation deadline was December 6, 2021, with full vaccination of all staff required by January 4, 2022.

As of November 30, 2021, federal courts have temporarily halted enforcement of the mandate in all 50 states.

BACKGROUND

- On November 29, 2021, the U.S. District Court for the Eastern District of Missouri issued a preliminary injunction enjoining the federal government from implementing and enforcing the CMS Vaccine Mandate in ten states.
- On December 1, the district court denied the Biden administration's request for a stay on the preliminary injunction pending an appeal to the 8th Circuit.
- On November 30, 2021, the U.S. District Court for the Western District of Louisiana issued a similar preliminary injunction that applies to the rest of the country.
- On December 1, the district court denied the Biden administration's request for a stay on the preliminary injunction pending an appeal to the 5th Circuit.

“While CMS remains confident in its authority to protect the health and safety of patients in facilities funded by the Medicare and Medicaid programs, it has suspended activities related to the implementation and enforcement of this rule pending future developments in the litigation.”

WHAT FACILITIES/PROVIDERS ARE COVERED UNDER THE VACCINE MANDATE?

The CMS mandate only applies to certain Medicare- and Medicaid-certified providers and suppliers who are subject to CoPs or CfCs, including but not limited to RHCs, FQHCs, ESRD facilities, Psychiatric residential treatment facilities, programs of all inclusive care for the elderly, home infusion therapy suppliers, home health agencies, hospitals, ASCs, LTCF, Hospices, Outpatient rehab, with the exclusion of freestanding physician offices, DMEPOS suppliers and many state-licensed Medicaid service providers.

CONSEQUENCES OF NONCOMPLIANCE WITH REQUIRED VACCINATION POLICIES

- Civil monetary penalties
- Denial of payment for Medicare or Medicaid services
- Termination from the Medicare and Medicaid program