

Updated Deadlines for COVID-19 Vaccine Mandate for Health Care Workers

Labor & Employment Law Update

By Suzannah Wilson Overholt on January 17, 2022



On January 14, CMS issued guidance regarding when the COVID-19 vaccine mandate for health care workers will be enforced in the 24 states affected by the Supreme Court's ruling issued the previous day. Those states are 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, Utah, West Virginia and Wyoming.

By **February 15, 2022, covered facilities must demonstrate that:**

- Policies and procedures are developed and implemented for ensuring all facility staff, regardless of clinical responsibility or patient or resident contact, are vaccinated; and
- 100% of staff have received at least one dose of the COVID-19 vaccine or have requested or been granted an exemption from vaccination. (If less than 100% of all staff meet this requirement, the facility is non-compliant.)
- By **March 15, 2022, covered facilities must demonstrate that 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 been granted an exemption from vaccination. (If less than 100% of all staff meet this requirement, the facility is non-compliant.)**

Facilities failing to maintain compliance with the 100% standard on and after April 14, 2022, may be subject to enforcement action. Surveyors will begin monitoring for compliance on February 15, 2022. We discussed additional details of the vaccine mandate in our previous post on the topic.

CMS also issued guidance specific to each type of facility covered by the vaccine mandate.

Note that on December 28, 2021, CMS issued guidance regarding the effective dates for the other states (excluding Texas), which are January 27, 2022 (first round of vaccine), and February 26, 2022 (full vaccination).

All facilities covered by the CMS vaccine mandate for health care workers should be working to implement their vaccination and exemption policies and getting their staff vaccinated so they are in compliance with the relevant deadlines. We will continue to provide updates on this important issue.

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