

Eli's Hospice Insider

COVID-19: Keep Tabs On Changes To CDC Masking Requirements, COVID Vaccination Exceptions

Plus: Supreme Court rejects vaccination mandate appeal.

If you base your masking and other COVID prevention procedures on CDC guidance, it's time to take another look at them.

On Sept. 23, the Centers for Disease Control and Prevention loosened up its masking guidelines. "Guidance has been updated based on currently available information about COVID-19 and the current situation in the United States," the CDC says on its webpage for healthcare infection control. "Updates were made to reflect the high levels of vaccine-and infection-induced immunity and the availability of effective treatments and prevention tools," the agency explains.

"This guidance provides a framework for facilities to implement select infection prevention and control practices (e.g., universal source control) based on their individual circumstances (e.g., levels of community transmission)," the CDC says. "Source control" is CDC lingo for wearing masks.

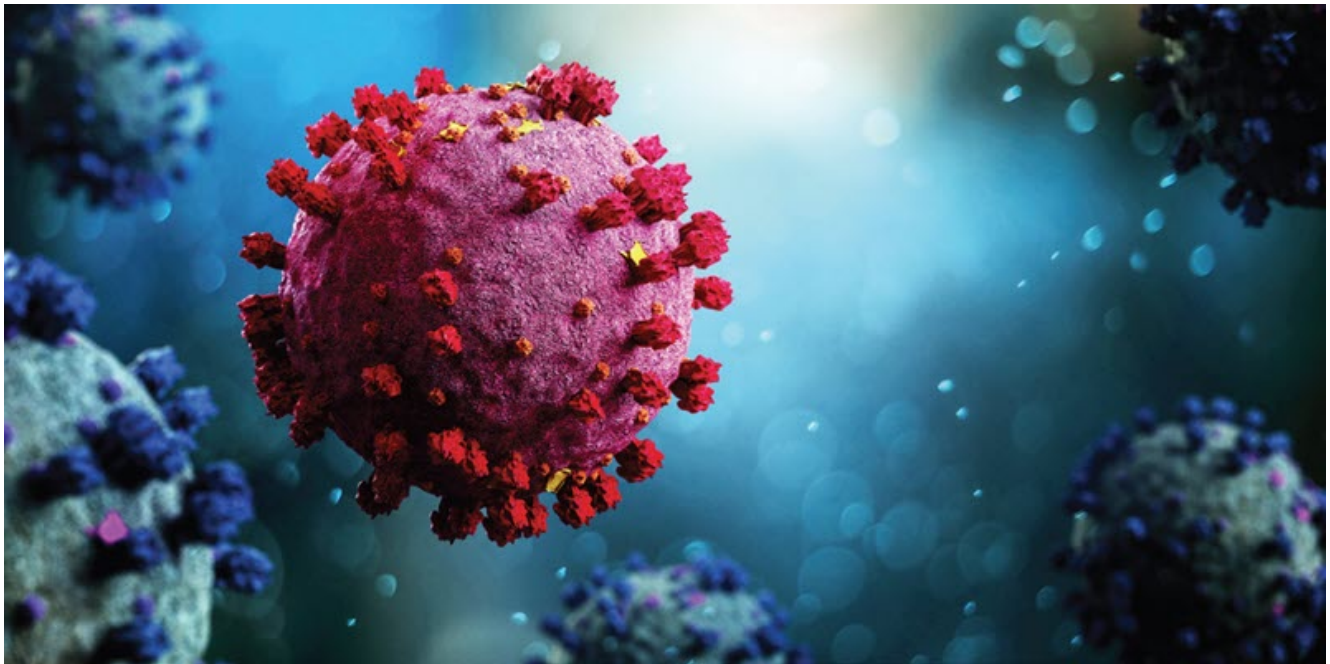
You, too: "This guidance is applicable to all U.S. settings where healthcare is delivered (including nursing homes and home health)," the CDC says. That means hospices too, experts say.

In short, providers including hospices can suspend mask-wearing requirements if they are in counties that don't have "high" COVID transmission rates. That's currently only about one-fourth of the country.

But that's not the whole story. "Employers should be aware that other local, territorial, tribal, state, and federal requirements may apply, including those promulgated by the Occupational Safety and Health Administration (OSHA)," the CDC notes in the guidance.

For example, in Massachusetts, the state Department of Public Health still requires patients, residents, staff, vendors, and visitors to wear masks in all health care settings, reports the Boston Globe newspaper. The state is reviewing the CDC recommendations, though, the Globe notes.

And the new CDC guidance says "HCP and healthcare facilities might also consider using or recommending source control when caring for patients who are moderately to severely immunocompromised." That "immunocompromised" category likely includes most hospice patients.



"The CDC's really not opening the gates. It's saying, 'go slowly,'" says **Paul Lanziko**, the former executive director of North Shore Elder Services, according to the Globe.

COVID Vaccination Policies In Flux

On the vaccination front, a Wisconsin health system is telling certain of its religiously exempt employees that they'll now have to get vaccinated for COVID. In a statement shared with media, Froedtert Health says "the Novavax vaccination for COVID-19 is now available. This protein-based vaccination option eliminates conflicts for those staff with religious or medical exemptions caused by mRNA-based vaccines and other concerns."

Exemption applicants have cited the use of fetal material in mRNA vaccines or in their development.

"Since those staff are now eligible for a vaccination that does not conflict with their religious beliefs or medical situation, their exemption will expire," Froedtert Health's statement says. "This affects a small percentage of staff with a vaccine exemption. Eligible staff continue to be exempt from a COVID-19 vaccine for religious and medical reasons."

The health system takes pains to point out that it "respects the right of staff and providers to engage in activity protected by state and federal law." And "impacted staff were provided the opportunity to apply for an exemption after learning the previous exemption kept on file was no longer valid," Froedtert adds.

Whether other health care employers will follow this test case remains to be seen, experts note.

And on Oct. 3, the U.S. Supreme Court declined to hear a legal challenge by 10 states to the COVID-19 vaccine mandate for workers in healthcare facilities, including hospices, that receive federal funds. The rejection comes after a flurry of legal activity when the requirement took effect in late 2021 and early 2022, ending with the high court giving a green light to the Centers for Medicare & Medicaid Services for the mandate in a Jan. 13 ruling.

"The denial of review of the CMS COVID vaccination rule by the Supreme Court is an indication as to the breadth of power that CMS has in regulating providers of care that receive federal funds," National Association for Home Care & Hospice President **William Dombi** says in reaction to the decision. "While the specific case concerned the COVID vaccination requirement, CMS appears to be positioned to consider other measures that relate to the health and safety of patients, including other extended vaccination requirements," Dombi says in the statement.

