

Eli's Hospice Insider

Hospice News: All Hospices Now Subject To CMS Vaccination Mandate

Time is up on requiring employees to be vaccinated against COVID-19.

Reminder: The U.S. Supreme Court issued a Jan. 13 opinion allowing the Centers for Medicare & Medicaid Services to proceed with its COVID-19 vaccination mandate, although the state of Texas was not included.

On Jan. 19, the U.S. District Court for the Northern District of Texas "issued an order dismissing the lawsuit without prejudice ... allowing CMS to enforce the vaccine mandate nationwide," note attorneys **Jana Baker, James Paul, and Jody Ward-Rannow** with law firm Ogletree, Deakins, Nash, Smoak & Stewart in online analysis. "Last, but not least, Texas joins the rest of the country," the attorneys quip.



Then on Jan. 20, CMS released a Texas-specific memo for State Survey Agency directors with fresh guidance.

Phase 1: For hospices in Texas impacted by the mandate, CMS indicates first dose compliance "within 30 days after issuance of this memorandum" or Feb. 19. However, "if 30 days falls on a weekend or designated federal holiday, CMS will use enforcement discretion to initiate compliance assessments the next business day," the agency adds in a footnote. That translates to a Tues. Feb. 22 deadline, since Feb. 19 is a Saturday and Mon. Feb. 21 is Presidents Day.

Phase 2: For the second dose, you've got 60 days to get your staff vaccinated - that's by March 21.

As a reminder, if your hospice operates in one of the 25 states where the injunction against the mandate was lifted in December, the compliance date for Phase 1 was Jan. 27 and the compliance date for Phase 2 is Feb. 28. In the 24 states changed by the Jan. 13 Supreme Court decision, the compliance dates are Feb. 14 for Phase 1 and March 15 for Phase 2.

Tool: CMS has issued an infographic that "illustrates the phases of the vaccination rule implementation, state-by-state, and their associated deadlines," it says of its PDF chart at <https://www.cms.gov/files/document/health-care-staff-vaccination-rule-implementation-timeline.pdf> "Note that the phased deadlines vary by state," the agency points out.