

## Resource Center

### **CMS ISSUES FINAL RULE WITHDRAWING COVID-19 TESTING & VACCINATION REQUIREMENTS FOR HEALTHCARE WORKERS**

06.06.2023

On June 5, 2023, the Centers for Medicare and Medicaid Services (“CMS”) published a final rule withdrawing the COVID-19 vaccine mandate for healthcare workers. The final rule is scheduled to go into effect sixty (60) days following publication: August 4, 2023.

The final rule makes three (3) significant changes:

1. Removes all COVID-19 testing requirements for long term care facilities issued in the interim final rule “LTC Facility Testing” on September 2, 2020, including 42 C.F.R. § 483.80(h).
2. Withdraws all requirements to vaccinate staff for COVID-19, including the regulations published in the interim final rule “COVID-19 Health Care Staff Vaccination” on November 5, 2021, removing 42 C.F.R. § 483.80(i) for skilling nursing facility requirements of participation, and 42 C.F.R. § 483.430(f) of the ICF/IID conditions of participation.
3. Finalizes specific requirements for long term care facilities continue to educate residents, resident representatives, and staff about COVID-19 vaccines. Long term care facilities must also continue to offer COVID-19 vaccines to residents, resident representatives, and staff, as well as complete the appropriate documentation for these activities. Importantly, this rule also maintains the requirement to report COVID-19 vaccine status for residents and staff to NHSN.

Long term care facilities and other healthcare providers should continue to monitor the status of this final rule and proposed regulations to ensure they are in compliance with education requirements and quality reporting measures. If you or your facility have questions or concerns regarding this final rule’s

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implications, Conner & Winters stands ready to assist you.