



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

OHCA 2022-01

Jan. 28, 2022

Re: Vaccination Requirement [UPDATED]

Last updated 1/31/22 8:30 am

Dear Provider,

On January 13, 2022, the United States Supreme Court upheld the [CMS rule](#) regarding COVID-19 vaccination requirements for Medicare/Medicaid certified facilities. The mandate only applies to Medicare or Medicaid certified facilities subject to Medicare Conditions of Participation including:

- Ambulatory Surgery Centers;
- Community Mental Health Centers (CMHCs);
- Comprehensive Outpatient Rehabilitation Facilities;
- Critical Access Hospitals (CAHs);
- End-Stage Renal Disease (ESRD) Facilities;
- Home Health Agencies;
- Home Infusion Therapy Suppliers;
- Hospices;
- Hospitals;
- Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs-IID);
- Clinics;
- Rehabilitation Agencies and Public Health Agencies as Providers of Outpatient Physical Therapy and Speech-Language Pathology Services;
- Psychiatric Residential Treatment Facilities (PRTFs);
- Programs for All-Inclusive Care for the Elderly Organizations (PACE);
- Rural Health Clinics (RHCs);
- Federally Qualified Health Centers (FQHCs);
- Long Term Care (LTC) facilities; and
- Most Indian Health Service (IHS) facilities (excluding IHS FQHCs that participate in Medicaid but not Medicare).

The CMS rule requires that included facilities have policies and procedures that require COVID-19 vaccinations for new and existing staff regardless of clinical responsibility or patient contact; licensed practitioners, students, trainees and volunteers performing regular duties within the facility; contracted visitors providing services or supplies to the facility on a regular basis; physicians with admitting privileges; and pharmacies that go on-site via contract or other arrangements.

CMS, as an exercise of enforcement discretion, CMS will begin monitoring and enforcing compliance on the following modified timeline for Oklahoma: the deadline for Phase 1 is February 14, 2022, and the deadline for Phase 2 is March 15, 2022.

Information regarding the requirements for each phase can be found in the [Frequently Asked Questions](#) document published and regularly updated by CMS. Additional resource citations are provided at the end of this letter.



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This rule does not apply to:

- Residents, patients or personal visitors within the facilities mentioned above;
 - Contracted visitors or volunteers of an included facility who infrequently provide ad hoc non-healthcare related services onsite or provide any service exclusively offsite and not at or adjacent to patient care areas;
 - Religious Nonmedical Health Care Institutions (RNHCIs);
 - Organ Procurement Organizations (OPOs);
 - Portal X-Ray Suppliers; and
 - Federally Qualified Health Centers (FQHCs) that participate in Medicaid but not in Medicare;
- Medicare or Medicaid providers or suppliers who are not CMS-certified facilities subject to CoPs; including but not limited to:
 - Physicians' offices and practices;
 - Therapists in private practice / non-certified therapy providers / therapists enrolled in Medicare with a Provider Transaction Access Number (PTAN);
 - Outpatient behavioral health agencies (Non-CMHC);
 - EMS providers;
 - Assisted Living Facilities;
 - Group Homes;
 - Schools; and
 - Pharmacies.

State enforcement of the rule will rest with the Oklahoma State Department of Health in its role as the state survey agency. Non-compliance could result in civil monetary penalties, denial of Medicare and Medicaid payment, and even termination from the Medicare and Medicaid programs as a final measure.

Thank you for your continued service to Oklahoma's SoonerCare members.

Sincerely,

Melody Anthony
Chief Operating Officer/State Medicaid Director



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Additional Resources:

- [Guidance memo \(cms.gov\)](#) – This memo provides guidance for assessing and maintaining compliance with this new regulatory requirement for certain Medicare and Medicaid providers and suppliers.
- [CMS Omnibus COVID-19 Health Care Staff Vaccination Requirements FAQ \(PDF cms.gov\) \(PDF\)](#) – These FAQs have been updated to explain the recent ruling and how it impacts employee vaccination requirements.
- [IFC-6 Vaccination Requirements Infographic \(cms.gov\) \(PDF\)](#) – This infographic visually shows the types of providers and suppliers the vaccine requirement applies to, how the requirement can be met, and associated requirement enforcement actions.
- [Vaccine Requirement Implementation Timeline \(cms.gov\) \(PDF\)](#) – This infographic illustrates the phases of the vaccination rule implementation, state-by-state, and their associated deadlines. Note that the phased deadlines vary by state.
- [Vaccine Requirement Decision Tree \(cms.gov\) \(PDF\)](#) – This handy decision tree visually explains the steps in determining to which providers and suppliers the vaccine requirement applies.



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