



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
*Aging and Long-Term Support Administration*  
*PO Box 45600, Olympia, Washington 98504-5600*

February 18, 2022

ALTSA: NH #2022-015  
ALTSA: ICF/IID #2022-005

**CENTER FOR MEDICARE AND MEDICAID SERVICES (CMS) QSO-22-07-ALL, GUIDANCE FOR  
THE INTERIM FINAL RULE – OMNIBUS COVID-19 HEALTH CARE STAFF VACCINATION**

Dear Nursing Facility/Home Administrator / ICF/IID Superintendent:

The Centers for Disease Control and Prevention (CDC) reported that [COVID-19 vaccines are safe and effective](#) at preventing and limiting the spread of the virus that causes Coronavirus Disease 2019 (COVID-19). The Centers for Medicare and Medicaid Services (CMS) is ensuring America's health care facilities respond effectively in an evidence-based way to the COVID-19 Public Health Emergency. To support this, on November 5, 2021, CMS published an interim final rule ([86 FR 61555](#)) that established requirements regarding COVID-19 vaccine immunization of staff among Medicare and Medicaid-certified providers and suppliers. These regulations were intended to help increase vaccination rates of medical staff, patients, and residents to reduce the risk of infection and disease associated with COVID-19.

The vaccination requirements and policies and procedures required by the interim final rule must comply with applicable federal non-discrimination and civil rights laws and protections. These protections include providing reasonable accommodations to individuals who are legally entitled to them because they have a disability or sincerely held religious beliefs, practices, or observations that conflict with the vaccination requirement. More information on federal non-discrimination and civil rights laws is available here: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

On December 28, 2021, CMS published [QSO-22-07-ALL](#), which provided guidance for the Interim Final Rule – Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination. Under this rule, CMS expects all Medicare and Medicaid-certified facility providers' and suppliers' staff to have received the appropriate vaccinations unless exempted as required by law or delayed consistent with CDC recommendations. The rule also requires facilities to develop and implement policies and procedures to support full vaccination of facility staff. CMS considers facility staff vaccination rates under 100% as non-compliant under the interim final rule.

The CMS guidance in QSO-22-07-ALL includes the process for calculating staff vaccination rates, citing non-compliance, scope and severity, and plan of correction. For details about the CMS regulations, including new F and W tags, see [Attachment A](#) for Long-Term Care (nursing homes) facilities and [Attachment F](#) for ICF/IID facilities.

While the overall purpose of this CMS action and the Washington State vaccine requirements under [proclamation 21-14](#) is for all long-term care staff to be fully vaccinated unless a reasonable accommodation is approved, the two policies vary in two ways.

1. CMS requirements allow staff to start work before being fully vaccinated. Staff must have proof of having received the single dose of the Johnson and Johnson vaccine, or having the first dose and scheduled appointment for the second dose of the Moderna or Pfizer vaccine before being

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February 18, 2022

Page 2

hired. It also requires staff to have an approved or pending exemption request (reasonable accommodation). Proclamation 21-14 has a more stringent requirement for all long-term care staff to be fully vaccinated prior to employment unless a reasonable accommodation has been approved. In both proclamation 21-14 and CMS requirements, fully vaccinated does not include booster vaccinations.

2. Both Washington State proclamation requirements and CMS requirements direct the provider to verify vaccination status of facility staff. Under Washington State Guidance, providers were required to document this verification occurred and document which staff were fully vaccinated. CMS requires provider documentation of the type of vaccine given; the date of the first, and when applicable, the date of the second dose of vaccine; and if a booster was given, the date of the booster vaccination. If a provider did not gather this level of detail as a part of the Washington state vaccine mandate, they will need to gather this information to meet the CMS requirement. Effective January 27, 2022, RCS survey staff began following the CMS standard for verification of vaccination status.

Thank you for your continued commitment to resident health and safety. If you have any questions related to nursing homes, please contact [Molly McClintock](#), Nursing Home Policy Program Manager, at (360) 742-6966. For ICF/IID questions, please contact [Debbie Hoeman](#), ICF/IID Policy Program Manager at (360) 725-3210.

Sincerely,



Mike Anbesse, Director  
Residential Care Services

*DSHS: "Transforming Lives"*