

## ISSUE ALERTS

### **COVID-19 VACCINATION REQUIREMENTS FOR FEDERAL EMPLOYEES, FEDERAL CONTRACTORS, AND CMS-CERTIFIED PROVIDERS WILL END**

May 3, 2023

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In a statement issued on May 1, 2023, the Biden-Harris administration announced it will end COVID-19 vaccination requirements for federal employees, federal contractors, and Medicare- and Medicaid-certified providers and suppliers. The Biden-Harris administration recognized the vaccine's success in combating COVID-19 but acknowledged that times have changed since the rollout of the vaccination requirements.

#### **CMS VACCINE MANDATE**

The Centers for Medicare and Medicaid Services ("CMS") released its Interim Final Rule requiring COVID-19 staff vaccination for Medicare- and Medicaid-certified providers and suppliers on Nov. 4, 2021. After several court challenges, on Jan. 13, 2022, the U.S. Supreme Court authorized CMS to proceed with the vaccination mandate. CMS has enforced the staff vaccination requirement for Medicare- and Medicaid-certified providers and suppliers in all states since Feb. 20, 2022. Despite the controversy, it is estimated that more than 94 percent of healthcare professionals have had at least one dose of a COVID-19 vaccine.

The Department of Health and Human Services ("HHS") is expected to provide further details on unwinding the vaccination mandate for Medicare- and Medicaid-certified providers and suppliers in the coming days.

#### **FEDERAL EMPLOYEES & FEDERAL CONTRACTOR VACCINE MANDATES**

The Safer Federal Workforce Task Force ("Task Force") has updated its website to state that federal employers and federal contractors should continue to take no further action to implement or enforce the COVID-19 vaccination requirements. Following two executive orders on Sept. 9, 2021, the Biden-Harris administration required federal employers to implement vaccine mandates for federal employees and required federal contractors to implement certain safety protocols, which included vaccine mandates.

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Nationwide preliminary injunctions prohibited enforcing both vaccine requirements. Even with the injunction, the Biden-Harris administration touted 98 percent compliance, including those employees that received at least one dose or had a pending or approved exemption request. The Task Force said it will release further guidance once President Joe Biden issues his Executive Order formally rescinding the vaccination requirements for federal employees and COVID-19 safety protocols for federal contractors.

The full White House statement can be found here: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/01/the-biden-administration-will-end-covid-19-vaccination-requirements-for-federal-employees-contractors-international-travelers-head-start-educators-and-cms-certified-facilities/>

## FOR MORE INFORMATION

If you have questions or want more information regarding the updates to vaccination requirements, contact your legal counsel. If you do not have regular counsel for such matters, Foulston Siefkin LLP would welcome the opportunity to work with you to meet your specific business needs. Foulston's healthcare lawyers maintain a high level of knowledge regarding federal and state regulations affecting the healthcare industry. At the same time, our healthcare practice group's relationship with Foulston's other practice groups, including the taxation, general business, labor and employment, and commercial litigation groups, enhances our ability to consider the legal ramifications of any situation or strategy. For more information, contact Amanda Wilwert at 913.253.2181 or [awilwert@foulston.com](mailto:awilwert@foulston.com), or Morgan Geffre at 316.291.9577 or [mgeffre@foulston.com](mailto:mgeffre@foulston.com). For more information on the firm, please visit our website at [www.foulston.com](http://www.foulston.com).

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