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# Healthcare Employers: CMS Deadlines for COVID-19 Healthcare Staff Vaccinations

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For many healthcare employers, phase one and phase two COVID-19 vaccine deadlines are either here or quickly approaching. The Centers for Medicare and Medicaid (CMS), in an exercise of enforcement discretion, has begun monitoring covered CMS provider and supplier types (covered facilities) for implementation of COVID-19 staff vaccination requirements in accordance with the COVID-19 Healthcare Staff Vaccination Interim Final Rule (Rule). As we discussed in our previous commentary, the U.S. Supreme Court decision to lift the preliminary injunctions that had enjoined enforcement of the Rule requires all covered facilities to comply with the Rule. All covered facilities must implement vaccination requirements in two phases to complete the primary vaccination series. CMS has issued compliance and enforcement deadlines relating to plans and procedures for applicable staff vaccinations in CMS's external FAQ.

### Compliance deadlines

Compliance deadlines under the Rule differ among states depending on whether the state was subject to a preliminary injunction that enjoined enforcement of the Rule. To provide facilities with sufficient time to comply with the Rule's requirements, the external FAQ provides the information below regarding compliance deadlines.

For facilities located in states not subject to an injunction, namely California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode

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Island, Tennessee, Vermont, Virginia, Washington and Wisconsin, the compliance deadlines are:

Phase 1: January 27, 2022

Phase 2: February 28, 2022

For facilities located in states subject to a preliminary injunction (except Texas), namely, Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Utah, West Virginia and Wyoming, the compliance deadlines are:

Phase 1: February 14, 2022

Phase 2: March 15, 2022

For facilities located in Texas, the compliance deadlines are:

Phase 1: February 22, 2022

Phase 2: March 21, 2022

**What this means to you**

Covered facilities must ensure that all applicable staff are vaccinated in compliance with the phase one and two deadlines unless 1) the staff member has been granted an exemption from the COVID-19 vaccine, or 2) the vaccination must be temporarily delayed for a staff member based on the CDC's recommendation, or 3) the individual is fully remote and does not have any direct contact with patients and other staff.

**Contact us**

If you have questions about compliance obligations regarding COVID-19 vaccination requirements, contact Barb Grandjean, Julianne Story, Tracy Wolf, Carrie Claiborne, Tracey O'Brien or your Husch Blackwell attorney.

**Your comprehensive COVID-19 legal resource**

Since the pandemic's onset, Husch Blackwell has continually monitored state-by-state orders regarding capacity, masking, vaccines, and more. We regularly address your FAQs and provide you with easy-to-use COVID-19 tools about returning to work and navigating federal programs. Contact our industry-specific legal teams or your Husch Blackwell attorney to plan through and beyond the pandemic.

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