

Revised Guidance for Staff Vaccination Requirements

To: NHPCO Provider and State Members

From: NHPCO Policy Team

Date: October 28, 2022

Summary at a Glance

On October 26, CMS combined and revised all memorandums, interpretive guidance, and survey procedures regarding COVID-19 staff vaccination efforts. All previous memorandums should be disregarded and [QSO-23-02-ALL](#) should be authoritative. Key takeaways are:

- Good faith except for deficiency citations for COVID-19 vaccination requirements
- State Survey Agencies should reach out to CMS Locations (formerly Regional Offices) prior to any immediate jeopardy, condition, or actual harm level citations.

Background

In November 2021, the Centers for Medicare & Medicaid Services (CMS) issued an interim final rule with comment period to revise the requirements for staff vaccinations to include COVID-19 vaccinations. These requirements have been enforced since February 20, 2022, with most providers found to be in compliance with the requirements. With a decrease in COVID-19 hospitalizations and death, CMS is revising and replacing QSO 22-07-ALL Revised, QSO 22-11-ALL Revised, and interpretive guidance (Attachment C: Hospice) for all provider types.

Changes in Guidance

Termination for noncompliance with the requirements will only occur after a facility is given an opportunity to come into compliance. State Survey Agencies should reach out to CMS Locations (formerly Regional Offices) prior to any immediate jeopardy, condition, or actual harm level citations. CMS has provided new guidance on citation level:

1. Condition level: egregious noncompliance, i.e. total disregard for the requirements.
2. Standard level: less than 50% staff vaccination or at least one policy/procedure not implemented but a good faith effort towards compliance.

Surveyors will still review COVID-19 infection prevention and control practices, regardless of staff vaccination requirements. Providers must ensure proper practices are in use to mitigate the spread of COVID-19.

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