

Vizient Office of Public Policy and Government Relations

Medicare and Medicaid Programs; Policy and Regulatory Changes to the Omnibus COVID-19 Health Care Staff Vaccination Requirements

June 2, 2023

Background & Summary

On May 31, 2023, the Centers for Medicare & Medicaid Services (CMS) released a final rule [“Omnibus COVID-19 Health Care Staff Vaccination Requirements”](#) (hereinafter Final Rule). The Final Rule withdraws the regulations in the interim final rule (IFC) with comment [“Omnibus Health Care Staff Vaccination”](#) published on November 5, 2021. The IFC established a COVID-19 vaccination requirement (e.g., Condition of Participation) that most Medicare and Medicaid-certified providers and suppliers (collectively “facilities”) were required to satisfy to participate in the Medicare and Medicaid programs.

On May 1, 2023, the Administration [announced](#) its intent to end these requirements as part of the transition out of the emergency phase of the pandemic. This final rule effectively ends these requirements.

Vaccination Requirements Withdrawn

CMS states that the COVID-19 health care staff vaccination requirements were consistent with its approach to assuring health and safety during a Public Health Emergency (PHE). However, as the virus has evolved and cases have declined, CMS believes that using quality programs to encourage vaccinations is a better approach now that the virus can be treated like a harmful but not necessarily emergent respiratory virus. This Final Rule withdraws all requirements regarding COVID-19 vaccination of health care staff established under the IFC. CMS intends to encourage ongoing vaccination for health care staff and patients through quality measures such as those proposed on the [Measures Under Consideration \(MUC\)](#) list published Dec. 1, 2022.

CMS clarifies that withdrawal of these requirements does not prohibit a facility from requiring staff vaccinations. CMS also clarifies that state and local laws may still require health care staff to be vaccinated for COVID-19, and this Final Rule does not interfere with those requirements.

Although this rule technically goes into effect 60 days from publication, meaning that the staff vaccination requirements are still in effect until then, CMS will not be enforcing staff vaccination requirements going forward.

Conclusion

Vizient’s Office of Public Policy and Government Relations looks forward to hearing member feedback on COVID-19 vaccination as the PHE and related flexibilities wind down. Stakeholder input plays a major role in shaping future changes to policy. We encourage you to reach out to our office if you have any questions or regarding any aspects of COVID-19 vaccination policy. Please direct your feedback to [Emily Jones](#), Regulatory Affairs and Administration Policy Director in Vizient’s Washington, D.C. office.