



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

May 20, 2021

AL TSA: NH #2021-040
AL TSA: ICF/IID #2021-024

**INTERIM FINAL RULE - COVID-19 VACCINE IMMUNIZATION REQUIREMENTS
FOR RESIDENTS AND STAFF**

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

On May 11, 2021, with [QSO-21-19-NH](#), the Centers for Medicare and Medicaid Services (CMS) announced the update of nursing home and intermediate care facilities for individuals with intellectual disabilities (ICF/IID) regulations to establish facility requirements for COVID-19 immunization. The interim final rule, [CMS-3414-IFC](#) adds requirements for nursing homes at 42 CFR 483.80 and for ICF/IID at 42 CFR 483.460. A comment period about the rules is open for 60 days after the rule is published. The new requirements for both settings are related to:

- Educating residents/clients or their representatives, and staff regarding the benefits and potential side effects associated with the COVID-19 vaccine in a manner they can understand;
- Offering the vaccine; and
- Documentation for staff and residents/clients about the education, the decision to accept or decline the vaccine, contraindications to the person receiving the vaccine, and administration of the vaccine, if applicable.
 - If a staff member is not eligible for COVID-19 vaccination because of previous immunization at another location or outside of the facility, the facility should request vaccination documentation from the staff member to confirm vaccination status.

Additionally, for nursing homes, there are new requirements to report COVID-19 vaccine and therapeutics treatment information to the National Healthcare Safety Network (NHSN), a division of the Centers for Disease Control and Prevention (CDC).

For the purpose of the interim final rule, "staff" means those individuals who work in the facility on a regular (that is, at least once a week) basis, including individuals who may not be physically in the LTC facility for a period of time due to illness, disability, or scheduled time off, but who are expected to return to work. This also includes individuals under contract or arrangement, including hospice and dialysis staff, physical therapists, occupational therapists, mental health professionals, or volunteers, who are in the facility on a regular basis, who must be educated and offered the vaccine as available. For ICF/IID facilities, individuals under contract or arrangement also includes behaviorists.

Effective Dates and Enforcement

The rules are effective **May 21, 2021**. However, CMS has allowed nursing homes additional time to begin the immunization reporting requirements, and facilities have until June 13, 2021 to report their immunization data to NHSN. CMS will begin reviewing reporting data on June 14, 2021.

- For nursing homes, noncompliance related to the new requirements for educating and offering COVID-19 vaccination to residents and staff will be cited at F-tag 887. CMS will update tools used by surveyors to assess compliance with these new requirements ([Survey](#)

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[Resources](#)), including CMS-20054, “Infection Prevention, Control & Immunizations” pathway.

Reporting Requirements for Nursing Homes

The QSO memo has more information about the reporting requirements, and lists NHSN resources.

RCS will release additional information about available reporting methods in a Nursing Home Administrator letter shortly.

Thank you for your continued commitment to resident health and safety. If you have any questions, please contact Lisa Herke, Nursing Home Policy Program Manager, at (509) 209-3088 or lisa.herke@dshs.wa.gov; or Debra Hoeman, ICF/IID Policy Program Manager, at (360) 725-3210 or debra.hoeman@dshs.wa.gov.

Sincerely,



Mike Anbesse, Director
Residential Care Services

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