

CMS COVID-19 Vaccination, Testing Requirements to Formally End This Summer

By Patricia Anderson Pryor, Michael R. Bertoncini, Sarah R. Skubas & Trisana N. Spence

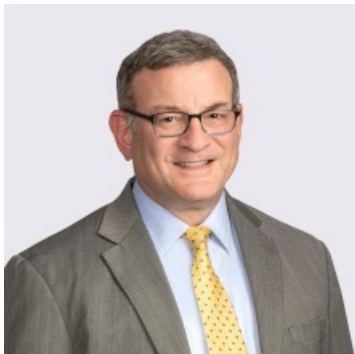
June 5, 2023

Meet the Authors



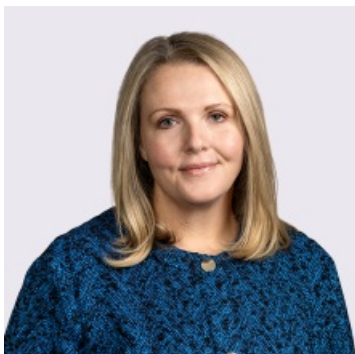
Patricia Anderson Pryor

Office Managing Principal
513-322-5035
Patricia.Pryor@jacksonlewis.com



Michael R. Bertoncini

Principal
(617) 305-1270
Michael.Bertoncini@jacksonlewis.com



Sarah R. Skubas

Principal

The Biden-Harris Administration [announced](#) on May 1, 2023, that the Centers for Medicare and Medicaid Services (CMS) would soon be eliminating COVID-19 vaccination requirements for healthcare providers. On May 31, 2023, CMS issued the awaited [Final Rule](#).

The Final Rule contains two key changes:

- Removes testing requirements issued in the September 2, 2020, Interim Final Rule (IFR); and
- Removes vaccination requirements for healthcare staff as defined in the IFR.

The Final Rule includes ongoing education initiatives, including requiring certain covered providers to provide education around COVID-19 vaccination and offer COVID-19 vaccinations.

The Final Rule also provides for ongoing quality reporting obligations. In its introductory comments to the Final Rule, CMS notes that it intends to align its approach to COVID-19 vaccination for healthcare staff with its approach for other infectious diseases. CMS specifically referenced its approach to influenza, emphasizing that it will “encourage ongoing COVID-19 vaccination through its quality reporting and value-based incentive programs in the near future.”

Similarly, CMS states these quality measures may ultimately affect ratings on various “Compare” websites and payment in various value-based purchasing programs, but that will not affect eligibility to participate in the Medicare program.

The Final Rule is expected to be effective on or about *August 4, 2023* (60 days after June 5, 2023, its publication in the *Federal Register*). While the Final Rule is not yet effective, CMS said it does not intend to enforce staff vaccination requirements before the effective date of the Final Rule.

In addition to preparing for compliance with the Final Rule, affected providers should review state or local requirements that may impose additional testing or vaccination requirements, along with their policies and practices.

Please contact a Jackson Lewis attorney with questions.

(860) 522-0404
Sarah.Skubas@jacksonlewis.com



Trisana N. Spence

Associate
860-331-2579
Trisana.Spence@jacksonlewis.com

Related Services

COVID-19

Disability, Leave and Health

Management

Healthcare

Workplace Safety and Health

©2023 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.