

HRD 100.21	CMS COVID-19 Vaccination Policy for Healthcare Personnel GUARDIAN HEALTHCARE	
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PURPOSE

To help protect staff, non-employees, patients and families of Guardian Healthcare from acquiring COVID-19 or any potential COVID-19 variants and to help prevent the unnecessary spread of the virus between employees, non-employees, residents and families. This is accomplished as outlined by the Centers for Medicare & Medicaid (CMS) interim final rule requiring COVID-19 vaccinations for workers in most health care settings, including hospitals and health systems that participate in the Medicare and Medicaid programs. The rule became effective on November 5, 2021. Under the regulation, all eligible workers must be fully vaccinated by January 4, 2022.

This policy is subject to change upon publication of the CMS Final Rule, and also fulfils the related Occupational Safety and Health Administration (OSHA) emergency temporary standard.

POLICY

This policy takes into consideration the Centers for Medicare & Medicaid Services (CMS) emergency regulation on November 5, 2021 requiring COVID-19 vaccination for all vaccine eligible staff members of a healthcare organization. Accordingly, as a condition of employment, skilled nursing facilities owned and/or operated by Guardian Healthcare require COVID-19 vaccination of all staff that have job duties or physical presence inside any Guardian Healthcare resident/patient care site including Home Health, Hospice Care, Rehab, Nurse Practitioner and Transportation services.

Further, Guardian staff are required to receive, at a minimum, the first dose of the primary series or a single dose COVID-19 vaccine, or requested and/or been granted a lawful exemption, prior to staff providing any care, treatment, or other services for the facility and/or its patients on or before **December 5, 2021**. Effective 60 days after publication of the CMS final rule, all applicable staff must be fully vaccinated for COVID-19, except for those staff who have been granted exemptions from COVID- 19 vaccination or those staff for whom COVID-19 vaccination must be temporarily delayed, as recommended by the CDC, due to clinical precautions and considerations. Although an individual is not considered fully vaccinated until 14 days (2 weeks) after the final dose, staff who have received the final dose of a primary vaccination series by the effective date of the CMS final rule are considered to have meet the individual vaccination requirements, even if they have not yet completed the 14-day waiting period. The effective date of the CMS final rule is expected to be January 4, 2022.

As a condition of employment / medical staff privileges / Graduate Medical Education (GME) participation, Guardian Healthcare requires COVID-19 vaccination of all staff that have job duties or physical presence inside any Guardian Healthcare resident/patient care facility including Home Health, Hospice Care, Rehab, Nurse Practitioner and Transportation services

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provided by third parties. Any Healthcare Personnel seeking entry into a skilled nursing site or the Guardian Healthcare Corporate Office who are not employees, i.e., vendors, third party care providers, consultant pharmacists, pharmacy transportation, patient transportation, medical directors, attending physicians, licensed independent practitioners, temporary workers, students, volunteers, clergy, physicians, and contractors, will be screened for proof of COVID-19 vaccination or applicable exemption.

DEFINITIONS

"Healthcare personnel" are defined as all persons whose occupation involve contact with patients or contaminated material in a healthcare, home healthcare, or clinical setting. Healthcare personnel are engaged in a range of occupations, many of which include patient/resident contact even though they donot involve direct provision of patient care, such as dietary and housekeeping services.

Healthcare personnel include but are not limited to: clinical and non-clinical employees, licensed independent practitioners, temporary workers, students, volunteers, clergy, physicians, and contractors.

A. GUIDELINES:

The vaccine requirements apply to all eligible staff, both current and new, employed by a skilled nursing facility owned and/or operated by Guardian Healthcare regardless of clinical responsibility or patient contact, including:

- Facility employees
- Licensed Practitioners
- Students
- Trainees
- Volunteers
- Contracted Staff/Agency Staff

Staff for whom the requirements for COVID-19 vaccination will not apply:

1. Staff who exclusively provide telehealth or telemedicine services outside of the facility setting and who do not have any direct contact with residents and other staff (for whom the requirements do apply); and,
2. Staff who provide support services for the facility that are performed exclusively outside of the facility setting and who do not have any direct contact with residents and other staff (for whom the requirements do apply).

B. PROCEDURES

- **Vaccinations.** Process/Plan for vaccinating all eligible staff:
 - All staff are required to have received, at a minimum, the first dose of the primary

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series

or a single dose COVID-19 vaccine, or requested and/or been granted a lawful medical or religious exemption, prior to staff providing any care, treatment, or other services for the facility and/or its patients. **All staff must have received a single dose COVID-19 vaccine or the initial dose of a primary series on or before December 5, 2021.**

- **Record Keeping.** Process/Plan for tracking and documenting staff vaccinations
 - Each skilled nursing site will track and securely document the vaccination status of each staff member within the staff member's confidential medical file. New hires will be required to upload vaccine documentation as part of the pre-employment verification documentation. Current staff will be required to furnish vaccine documentation on or before December 5, 2021 for initial or completed COVID-19 vaccine.
 - Vaccine exemption requests and outcomes will be included in the staff member's confidential medical file.
- **Proof of Vaccination.** Acceptable forms of proof of vaccination include:
 - CDC COVID-19 vaccination record card (or legible photo of the card)
 - Documentation of vaccination from a health care provider or electronic health record
 - State immunization information system record
 - See Note below concerning replacing a lost vaccination card.
- **Exemptions.**
 - Healthcare personnel may request an exemption from the COVID-19 vaccination requirements based on applicable Federal law, including the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964. Exemption documentation will be forwarded to Human Resources.
 - Staff who previously had COVID-19 are not exempt from the vaccination requirements.
 - A valid **medical** declination
 - For staff members who request a medical exemption from vaccination, all documentation confirming recognized clinical contradictions to COVID-19 vaccines, and which supports the healthcare personnel's request, must be signed and dated by a licensed practitioner, who is not the individual requesting the exemption, and who is acting within their respective scope of practice as defined by, and in accordance with, all applicable State and local laws.
 - The documentation must contain all information specifying which of the authorized COVID-19 vaccines are clinically contradicted for the healthcare personnel to receive and the recognized clinical reasons for the contradictions; and a statement by the authenticating practitioner

REQUEST FOR A RELIGIOUS EXCEPTION TO THE COVID-19 VACCINATION REQUIREMENT

Government-wide policy requires healthcare employees to be vaccinated against COVID-19, with exceptions only as required by law. In certain circumstances, an employee who has a religious objection to the COVID-19 vaccination requirement may qualify for an exception from that requirement, in which case the employee would instead comply with alternative health and safety protocols.

Guardian is committed to respecting the important legal protections for religious liberty. In order to request a religious exception, please fill out this form. The purpose of this form is to start the accommodation process and help determine whether you may be eligible for a religious exception.

You do not need to answer every question on the form to be considered for a religious exception, but we encourage you to provide as much information as possible to enable the organization to evaluate your request. Where there is an objective basis to do so, the organization may ask you for additional information as needed to determine if you are legally entitled to an exception. Objections to COVID-19 vaccinations that are based on non-religious reasons, including personal preferences or non-religious concerns about the vaccine, do not qualify for a religious exception.

Several factors are considered in assessing whether a request for an exception is based on a sincerely held religious belief, including whether the employee has acted in a manner inconsistent with their professed belief. But no one factor is determinative. An individual's beliefs—or degree of adherence—may change over time and, therefore, an employee's newly adopted or inconsistently observed practices may nevertheless be based on a sincerely held religious belief. All requests for a religious exception will be evaluated on an individual basis.

Signing this form constitutes a declaration that the information you provide is, to the best of your knowledge and ability, true and correct. Any intentional misrepresentation may result in termination of employment.

QUESTIONS:

1. Please describe the nature of your objection to the COVID-19 vaccination requirement.
2. Would complying with the COVID-19 vaccination requirement substantially burden your religious exercise or conflict with your sincerely held religious beliefs, practices, or observances? If so, please explain how.
3. Please provide any additional information that you think may be helpful in reviewing your request. For example:
 - How long you have held the religious belief underlying your objection
 - Whether your religious objection is to the use of all vaccines, COVID-19 vaccines, a specific type of COVID-19 vaccine, or some other subset of vaccines
 - Whether you have received vaccines as an adult against any other diseases (such as a flu vaccine or a Tetanus vaccine)

I declare to the best of my knowledge and ability that the foregoing is true and correct.

Print Name: _____

Signature: _____

Date: _____