

# Residential Care Strike Force

## SME Meeting

September 28, 2021

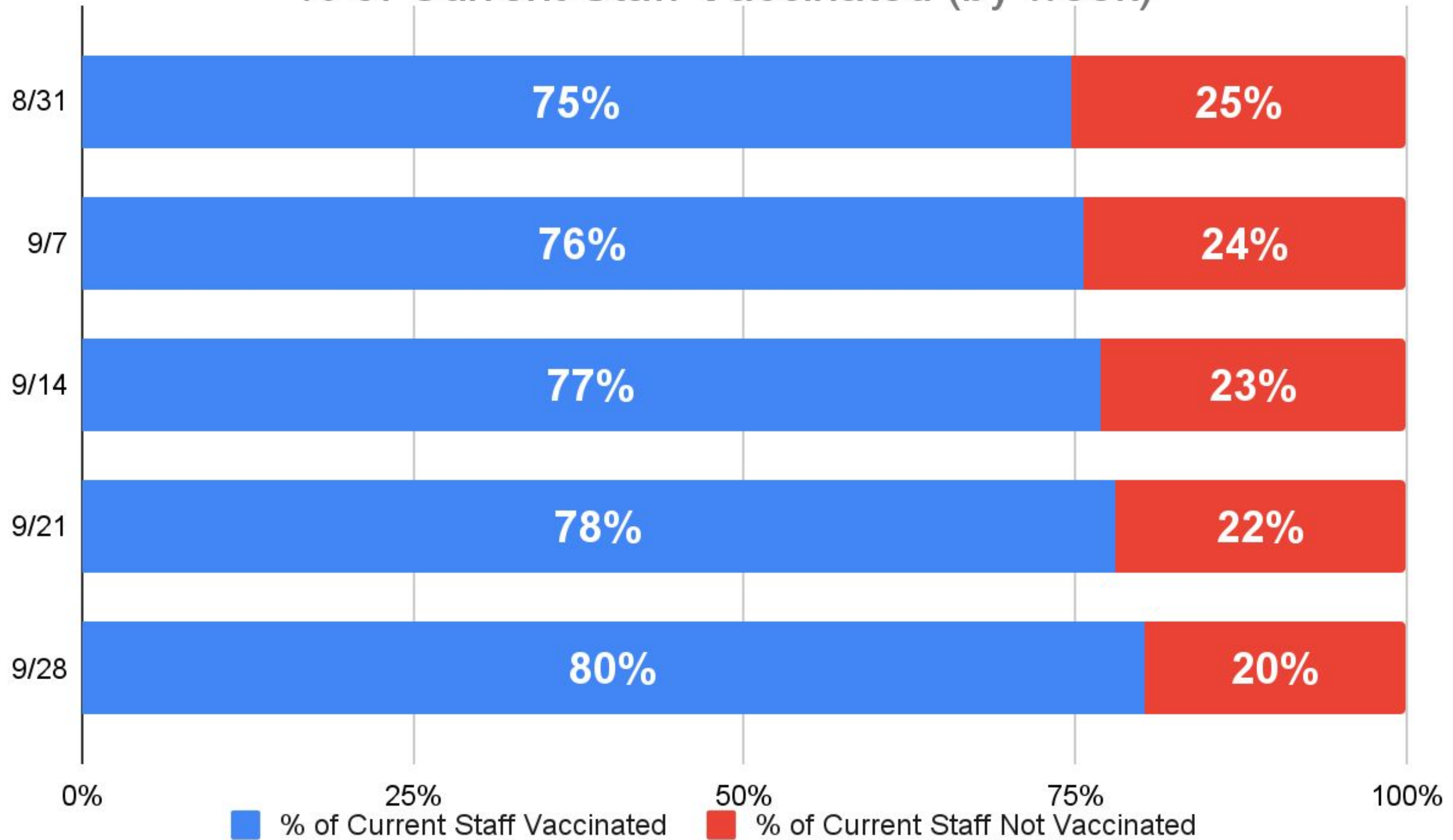
# Agenda

- Staff Vaccination Data
- Vaccine Requirement Updates
- Public Health Order Update

# Staff Vaccination Data

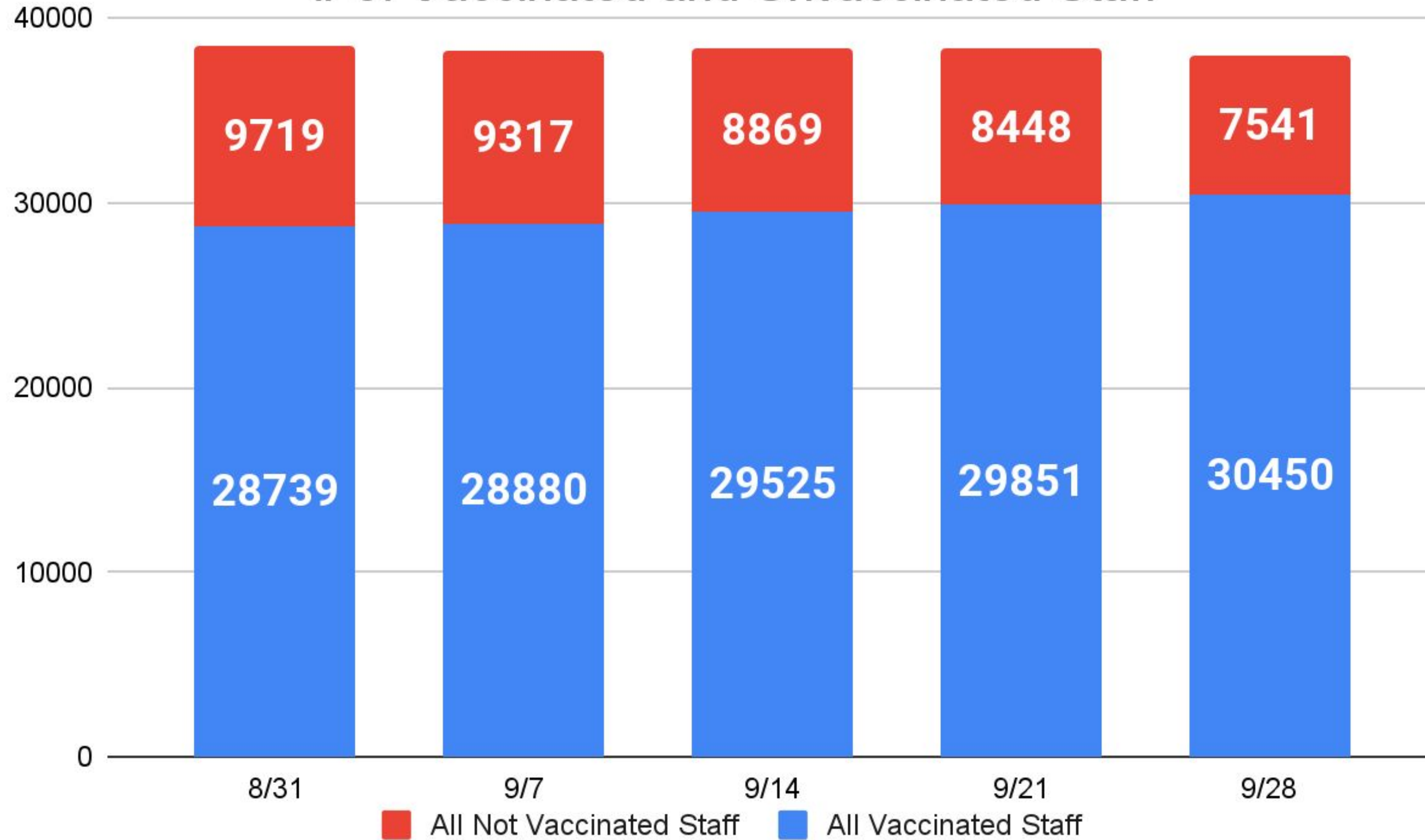
# Staff Vaccination Rates

% of Current Staff Vaccinated (by week)



# Staff Vaccinations

# of Vaccinated and Unvaccinated Staff



# Vaccination Requirement

Anne Strawbridge - Policy and Regulation Services Manager

# Decrease 100% requirement to 90% requirement to match the flu rule

HFEMSD recommends adopting this change, as it will accomplish the following goals:

- Decreases the number of waivers the Department will have to review and approve
- No longer treats medical and religious exemptions separately. Instead, all unvaccinated individuals are treated the same.
- Leaves flexibility in the rule to accommodate for exemptions, as well as staff turnover.
- Creates regulatory consistency between the flu and COVID-19 vaccine regulations.

# Other Recommendations

- **Include religious exemptions in the same category as vaccinated individuals and medical exemptions (do not require waiver process for religious exemptions)**
- **Remove testing as a mandatory mitigation requirement for all facilities**
  - HFEMSD recommends adopting this change, subject to the following restrictions:
    - Mandatory testing would not be required for those facilities who are above the 90% threshold. However, residential care facilities are still subject to the PHO requirements.
    - For any facility who falls below the 90%, they will be required to submit a waiver. One of the mandatory conditions of the waiver will be testing for unvaccinated individuals.



# Other Recommendations (cont).

- **Exempt relative caregivers (who work for Home Care Agencies) from the regulation as a whole.**
  - These individuals provide care to only one client (usually a family member) in their own home. They do not see patients/clients outside of the home.
  - HFEMSD recommends adopting this change, with mandatory protective measures when they do go to an agency office or when other employees (e.g. supervisors) are present in the home.
- **Delay permanent rulemaking until the CMS mandate is proposed to determine 1) where alignment needs to happen and 2) if a state requirement is at all possible.**
  - The permanent rulemaking was scheduled for October 21, 2021, because in order to have the regulations effective by the expiration of the emergency rules in December, the hearing had to take place in October.
  - There will need to be a state licensure requirement, regardless of CMS requirements, because there are a number of facilities that are not CMS certified (primarily, ALRs, some home care agencies, and others).
  - HFEMSD recommends converting the October 21, 2021, hearing from a permanent rulemaking to an emergency rulemaking. This accomplishes the following goals:
    - The new standards go into effect immediately upon adoption, lessening the burden of the emergency rule on facilities.
    - Incorporates the stakeholder feedback received thus far, while allowing the Department to engage in more targeted stakeholder engagement throughout October and November.
    - Allows the Department to evaluate the CMS mandate, to determine where changes to state regulations must be made to maintain alignment.

# Timeline

10/1/21 - Rule packet due to the Board of Health

10/21/21 - Emergency rulemaking hearing

10/21/21 - New emergency rule goes into effect

10/21 - CMS is scheduled to release their vaccine requirement some time during the month of October

12/15 - Board of Health meeting for permanent rulemaking

# Reporting - CoHFI and EMResource

Feedback from the SME group

# Public Health Order Update

# COVID-19 Booster Dose Clinics

By October 25, 2021 and in accordance with Food and Drug Administration (FDA) approval and Advisory Committee on Immunization Practices (ACIP) recommendations for any COVID-19 vaccine authorized or approved for a booster dose, each facility that has a population that is eligible for a booster dose shall complete a COVID-19 booster dose clinic for current eligible residents and staff.

By October 1, 2021, each facility shall schedule a COVID-19 booster dose clinic and communicate the confirmed clinic date and vaccine provider via email to [cdphe\\_covidvax@state.co.us](mailto:cdphe_covidvax@state.co.us).

# Discussion