



Summary of Key Provisions		
Provision	CMS Vaccine Rule	NYC Vaccination Requirement
General summary	<p>By 01/27/22, covered entities must have process or policy implemented for:</p> <ul style="list-style-type: none"> Ensuring that covered staff have received at least one dose of COVID-19 vaccine (first dose of a multi-dose vaccine series or a dose of single dose vaccine) by January 27, 2022; ensuring that covered staff are fully vaccinated against COVID-19 by 02/26/22; tracking and documenting the vaccination status of each staff member; and documenting exemptions and accommodations. <p>There is no test-out option</p>	<p>Beginning 12/27/21 for programs located in NYC:</p> <ul style="list-style-type: none"> workers must provide proof of vaccination against COVID19 to a covered entity before entering the NYC workplace; and a covered entity must exclude from workplace any worker who has not provided such proof, or has not received a medical or religious reasonable accommodation.
Providers and Programs Covered	<ul style="list-style-type: none"> ICF-IID programs, SO & VO, Including Developmental Centers Article 16 Clinics, SO & VO, if enrolled under 42 CFR § 485.725 Specialty Hospitals 	<p>NYC Vaccination Requirement Applies to NYC programs and individuals not otherwise covered by the CMS Vaccine Rule; and is either:</p> <ul style="list-style-type: none"> a non-governmental entity that employs more than one worker in NYC or maintains a workplace in NYC; or a self-employed individual or a sole practitioner who works at a workplace or interacts with workers or the public in the course of their business. <p>Workplace: any location or vehicle where working in presence of others</p>
Covered Staff	<p>All staff, including, licensed practitioners, students, trainees, contractors, and volunteers, including those at co-located providers. Applies to employees who provide services off-site, and to those who telecommute but who occasionally go into work.</p>	<p>Any individual who works in-person in NYC. Includes all staff, volunteers, contractors, self-employed individuals, or sole practitioners.</p>



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Staff Not Covered	<ul style="list-style-type: none"> • Full-time telecommuters with no contact with other employees or individuals receiving services, e.g., full-time telehealth services or payroll services. • Infrequent non-healthcare service providers, such as those who provide “one-off” services (e.g., repair services, delivery). • Those receiving a reasonable accommodation under federal standards (e.g., ADA, Title VII). 	<ul style="list-style-type: none"> • Staff that works from their own home and does not interact with co-workers or public • an individual who enters the workplace for a quick and limited purpose • Workers receiving reasonable accommodations for religious or medical reasons
Procedures for Staff Granted Exemptions	<ul style="list-style-type: none"> • Facility must develop a process for implementing additional precautions for any staff who are not vaccinated, to mitigate the transmission and spread of COVID-19. • Facilities must minimize the risk of transmission of COVID-19 to at-risk individuals under their obligation to protect the health and safety of patients. 	<ul style="list-style-type: none"> • NYC Vaccination Requirement order does not address this issue.
Vaccination Requirement	<ul style="list-style-type: none"> • By 1/27/2022 staff must have received either the first dose of a two-dose vaccine series or a single dose of a single vaccine series • By 02/26/2022 staff must have received the necessary doses to complete the vaccine series (i.e., one dose of a single-dose vaccine or all doses of a multiple-dose vaccine series). • No booster requirement. 	<p>“Fully vaccinated” means at least two weeks have passed after an individual received a single dose of a COVID-19 vaccine that requires only one dose, or the second dose of a two-dose series of a COVID-19 vaccine.</p>
Documentation requirements for vaccination	<p>Examples of acceptable forms of proof of vaccination include:</p> <ul style="list-style-type: none"> • CDC COVID-19 vaccination record card (or a legible photo of the card); • documentation of vaccination from a health care provider or electronic health record; • State immunization information system record, including Excelsior Pass. 	<ul style="list-style-type: none"> • CDC COVID-19 vaccination record card (or a legible photo of the card); • New York City COVID Safe App showing a vaccination record; • Excelsior Pass/Excelsior Pass Plus; • CLEAR Health Pass; or • other method specified by the Commissioner of NYC DOHMH. •



Updated 01/14/2022

Reflecting Supreme Court stay of OSHA Vaccine ETS on 01/13/2022

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Testing and mask options for unvaccinated staff.	<ul style="list-style-type: none"> There is no option for testing alternative or mask alternative; all covered staff must be fully vaccinated. Policies can consider how to treat non-covered individuals on temporary visits (repair companies). 	Vaccine required for all covered staff, no option for testing alternative or mask alternative.
Data/reporting obligations	No new data reporting requirements.	Must sign an attestation of compliance that has been developed by NYC DOHMH, and post in a conspicuous location.
Links to obtain additional information	https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page	https://www1.nyc.gov/site/doh/covid/covid-19-vaccine-workplace-requirement.page