### Comparison of Vaccine Regulations (CMS, OSHA, NYC)

**Updated 01/14/2022**

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

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| **General summary** | By **01/27/22**, covered entities must have process or policy implemented for:  
- 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.  
**There is no test-out option** | Beginning **12/27/21** for programs located in NYC:  
- 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** | ICF-IID programs, SO & VO, Including  
Developmental Centers  
Article 16 Clinics, SO & VO, if enrolled under 42 CFR § 485.725  
Specialty Hospitals | NYC Vaccination Requirement Applies to NYC programs and individuals not otherwise covered by the CMS Vaccine Rule; and is either:  
- 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.  
Workplace: any location or vehicle where working in presence of others |
| **Covered Staff** | 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. | Any individual who works in-person in NYC. Includes all staff, volunteers, contractors, self-employed individuals, or sole practitioners. |
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| **Staff Not Covered**              | • 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).                                                                 | • 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** | • 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. | • NYC Vaccination Requirement order does not address this issue.                                                                                                                                                              |
| **Vaccination Requirement**        | • **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.                                                                                                                                                                                                 | • “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. |
| **Documentation requirements for vaccination** | Examples of acceptable forms of proof of vaccination include:  
   • 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.                                                                                                                                                      | • 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.                                                                                                                                            |
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| Testing and mask options for unvaccinated staff.        | - 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. |