

CMS Final Rule Removes COVID-19 Testing and Staff Vaccination Requirements

On May 31, 2023, CMS announced a [final rule](#), “*Medicare and Medicaid Programs; Policy and Regulatory Changes to the Omnibus COVID-19 Health Care Staff Vaccination Requirements; Additional Policy and Regulatory Changes to the Requirements for Long-Term Care (LTC) Facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs-IID) to Provide COVID-19 Vaccine Education and Offer Vaccinations to Residents, Clients, and Staff; Policy and Regulatory Changes to the Long Term Care Facility COVID-19 Testing Requirements.*”

Please note: These changes took effect on June 5, 2023.

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This rule makes three key changes:

- Removes expired language addressing staff and resident COVID-19 testing requirements issued in the interim final rule (IFR) [“LTC Facility Testing”](#) on September 2, 2020.
 - This removes section 483.80(h) of the Requirements of Participation.
- Withdraws the regulations published in the IFR [“COVID-19 Health Care Staff Vaccination”](#) on November 5, 2021.
 - This means that the requirement to have all staff vaccinated for COVID-19 or receive a medical exemption will be removed.
 - Note - COVID-19 vaccination of health care staff and residents will be reported through the SNF Quality Reporting Program (QRP).
- Finalizes certain provisions published in the IFR [“COVID-19 Vaccine Educate and Offer”](#) on May 13, 2021.
 - Requirements for LTC facilities to educate staff and residents about and offer the COVID-19 vaccine remain in effect.
 - Guidance for this rule is available in [QSO-21-19-NH](#) and this rule maintains the requirement to report COVID-19 vaccine status for residents and staff to the NHSN.