



State of Idaho

DIVISION OF HUMAN RESOURCES

Executive Office of the Governor

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TO: State of Idaho Entities with Facilities That Fall Under the Center for Medicare and Medicaid Services COVID-19 Vaccine Mandate

FROM: Lori Wolff
DHR Administrator

SUBJECT: Federal COVID-19 CMS Vaccine Mandate

On November 5, 2021, the Centers for Medicare and Medicaid Services (CMS) issued an [interim final rule](#) with comment period (IFC) for healthcare workers¹ in 21 types of facilities that participate in Medicare and Medicaid, requiring employers develop a plan and procedure for employees to be “fully vaccinated” by January 4, 2022. As of January 13, 2022, the preliminary injunction halting this requirement was lifted, and the vaccine mandate has been upheld. Updated guidance from CMS requires covered facilities to ensure by February 14, 2022, that 100% of staff have either received at least one dose of COVID-19 vaccine or have a pending request for a qualifying exemption.

Effective immediately, agencies who are impacted by the CMS vaccine mandate should develop an Operational Plan for how to implement the vaccine requirements utilizing the following guidelines.

This guidance is intended to assist agencies in complying with the CMS requirements. It in no way states or approves of an agency-wide vaccine mandate for COVID-19, or any other illness.

1. Establish a process for how the agency will implement any necessary federal requirements. The CMS IFC is not a State of Idaho policy therefore agencies should not update their current policies, but rather develop a plan that operationalizes the federal mandates to ensure continuity of operations. **If another injunction is granted, agencies must immediately cease implementation.**
2. Narrowly tailor the agency Operational Plan to include only employees that are directly impacted by the mandates. Agencies shall not expand the scope and require employees that do not fall under the federal mandates to provide proof of vaccination or require vaccination as a condition of employment.
3. The COVID-19 vaccination requirements and policies and procedures required by this IFC must comply with applicable federal non-discrimination and civil rights laws and protections,

¹Agencies should consult with legal counsel to determine which employees are subject to the vaccine mandate.

including providing reasonable accommodations to all qualified individuals under the Americans with Disabilities Act (ADA) and the Civil Rights Act of 1964, for medical and religious reasons. Requests for accommodations should not be burdensome for employees to make and all reasonable avenues should be explored that do not create an undue hardship. Employees may fill out the “Request for Accommodation: Exemption from COVID-19 Vaccination” form to be submitted to their agency HR department for review.

4. Provide employees an avenue to request or provide more information if they do not believe their position is directly impacted by the mandate.

Finalized vaccine mandate Operational Plans must be submitted to the Idaho Division of Human Resources (DHR) by February 1, 2022. Operational Plans will be reviewed for compliance with this guidance and agencies will be notified if their plan meets the requirements.