



Iowa Health Care Association  
Iowa Center for Assisted Living  
Iowa Center for Home Care

## **IHCA Guidance Re: QSO 21-19-NH**

CMS issued [QSO 21-19-N](#) on May 11, 2021 in conjunction with interim final rule CMS-3414-IFC. The QSO becomes effective May 21<sup>st</sup>. The QSO covers several topics but the most important are: 1. The requirement that facilities develop policies and procedures to educate residents/resident representatives and staff about the COVID-19 vaccine as well as offering it to all who are not already vaccinated or medically contraindicated; 2. Report information about (in addition to other items already required to be reported) COVID-19 vaccination status of residents and staff to NHSN. This guidance provides some questions and answers as well as recommended documentation practices.

### **Policies and procedures relating to offering COVID-19 vaccine and educating staff about the vaccine**

Providers should develop a policy addressing Vaccination of Employees and Education of Employees regarding the benefits and potential side effects of the COVID-19 vaccine. The policy should indicate that it is the providers policy to offer every employee (see below for answers on who constitutes an employee) the COVID-19 vaccine. It should indicate the procedure that will be used to offer vaccinations will be offered to new employees. For example, will they be offered the vaccine the first day they report to work, who will be responsible for ensuring and documenting that all new employees are offered the vaccine, who is responsible for keeping records of the vaccination status of current employees, etc. The policy should provide that every employee will receive the specific Emergency Use Authorization Fact Sheet which can be found at the CDC COVID-19 Vaccine Emergency Use Authorization (EUA) Fact Sheets for Recipients and Caregivers website <https://www.cdc.gov/vaccines/covid-19/eua/index.html#:~:text=For%20each%20COVID%2D19%20vaccine,an%20informed%20decision%20about%20vaccination>

The policy must also address education of employees relating to the benefits and potential side effects of the vaccine to ensure compliance with the QSO. IHCA advises providers address how they will offer education to new staff members and should also offer continuing educational opportunities for existing staff members who are not vaccinated when appropriate. The facility should keep records of all past vaccination education in an easily accessible location along with lists of attendees etc. so they can demonstrate their vaccination education efforts to surveyors. Facilities should offer a variety of education opportunities and materials (for example general topics as well as specific issues such as common myths, materials addressing concerns of nursing and pregnant mothers, etc.).

**Q: Where can I find educational materials?**

**A:** IHCA has a large number of vaccine education materials available under the COVID-19 page under the vaccination tab (will require member login). The QSO (linked above) also offers a wide range of educational materials. In addition, the CDC has also provided a number of educational tools available at [https://www.cdc.gov/vaccines/covid-19/hcp/index.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fvaccines%2F covid-19%2Fhcp%2Ftalking-to-patients.html](https://www.cdc.gov/vaccines/covid-19/hcp/index.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fvaccines%2F covid-19%2Fhcp%2Ftalking-to-patients.html) .

**Q: Who constitutes a staff member under QSO 21-19-NH?**

**A:** The QSO provides that staff are individuals who work in the facility on a regular (once a week or more) basis including those who may not be physically in the facility for some time due to illness disability or time off but whom are expected to return to work.

**Q: How should I document when staff refuse to be vaccinated?**

**A:** First, you will need to abide by your facility policy regarding vaccination as some facilities have mandated vaccination as a condition of employment. If is the case, you should talk with your employment law attorney. If your facility has chosen to encourage but not require vaccination, then you should clearly document when the vaccine was offered, that you provided the appropriate FACT Sheet for the vaccine(s) offered, and the times and types of educational materials offered. IHCA advises it would also be a best practice to provide an acknowledgment form to employees who have refused vaccination indicating they were offered the vaccine but are refusing the vaccine and have them sign and date the form. It is also suggested that providers include a statement that the vaccine will be available to them if they change their mind and who to contact if they later wish to receive the vaccine.

**Q: What if a staff member says they were previously vaccinated somewhere else?**

**A:** The facility should ensure it has documented proof of the individual's previous vaccination. Note it is not a violation of Iowa's Vaccine Passport legislation for health care providers in a skilled nursing facility to request this information.

## **Policies and procedures relating to offering COVID-19 vaccine and educating residents and resident representatives about the vaccine**

The QSO provides that residents and their representatives must be educated on the COVID-19 vaccines they are offered in a manner that they can understand and must receive the FDA Covid-19 Emergency Use Authorization fact sheet (available for each vaccine at <https://www.cdc.gov/vaccines/covid-19/eua/index.html#:~:text=For%20each%20COVID%2D19%20vaccine,an%20informed%20decision%20about%20vaccination.>) for the vaccine they receive before being offered the vaccine. Due to previous vaccination efforts many providers have already vaccinated many of their residents. IHCA advises that facilities ensure they have documentation of the dates of their vaccine clinics as well as the educational materials they used.

Facilities will need to develop a policy focused on resident vaccination and education for residents and resident representatives similar to the staffing one described above. The policy should thoroughly address how vaccines will be offered to new residents (or current residents who are unvaccinated if they would like it) including who is responsible for ensuring the vaccine is offered and how this will be accomplished. Next, the policy should address education of residents and resident representatives regarding the COVID-19 vaccine and the benefits and potential side effects of the vaccine to comply with the QSO. IHCA advises providers address how they will offer education to new residents and offer continuing educational opportunities for existing residents who are not vaccinated when appropriate. The facility should keep records of all past vaccination education including dates offered for each resident/resident representative so they can demonstrate their vaccination education efforts to surveyors. Facilities should offer a variety of education opportunities and materials.

### **Q: How should I handle resident/ resident representative refusal of vaccination?**

**A:** Residents/representatives have the right to refuse the Covid-19 vaccine. The facility cannot take any retaliatory actions toward a resident who refuses the vaccine. While facilities should abide by CMS regulations and guidance which do treat vaccinated and unvaccinated residents differently, the facility should aim to limit disparate treatment of residents who are unvaccinated whenever not regulatorily required in order to reduce potential discrimination claims.

### **Q: What if I do not have vaccine available to offer to residents and or staff?**

**A:** The QSO provides that facilities must offer residents and staff vaccination against Covid-19 “when vaccine supplies are available to the facility”. If the facility is unable to locate available doses of vaccine, they should document multiple and continuing efforts to obtain the vaccine. Facilities should also ensure screening takes place prior to offering the vaccine to ensure that they avoid any contraindications or providing it to those who are already vaccinated.

### **Q: Do I need to do education more than once if a resident/staff receives a vaccine that requires multiple doses?**

**A:** Yes, if the vaccine requires multiple doses, then you should provide the resident/resident representative or staff member with information about the benefits /potential side effects of the vaccine again and currently available information about the second dose including any new or altered information about the benefits or side effects that may have occurred since the first dose was administered. Note this should be documented in the resident or staff members records.

**Q: Do I need to report adverse events for COVID-19 vaccines?**

**A:** Yes, if you administered the vaccine, if you have a third party administer the vaccine they will be responsible for reporting this information to Vaccine Adverse Event Reporting System (see <https://vaers.hhs.gov>).

## **New Reporting Requirements to NHSN Effective June 13, 2021**

Effective June 13, 2021, facilities must begin including vaccination information about residents and staff as well as the use of any therapeutics for residents in its weekly NHSN reporting submission. Facilities who fail to submit this information will be subject to a fine and an F level citation under F884. As with other NHSN reporting penalties, facilities failing to report required information will see increasing fines starting with CMP's of \$1,000 and increasing by \$500 for each additional instance of noncompliance.

**Q: Where will citations for noncompliance with the new NHSN requirement be found?**

**A:** Notifications will be sent via CASPER like previous NHSN reporting citations. As with previous NHSN citations they will NOT be sent via mail.

**Q: Are there resources if I am having difficulties with NHSN?**

**A:** Yes, the QSO lists a number of resources provided below and IHCA is also available to help.

### **NHSN Resources for Providers**

- LTCF COVID19 Module webpage (<https://www.cdc.gov/nhsn/ltc/covid19/index.html>): Visit this website before submitting questions to the NHSN help desk.
- Enrollment help: <https://www.cdc.gov/nhsn/pdfs/covid19/ltc/covid19-enrollment-508.pdf> or <https://www.cdc.gov/nhsn/ltc/covid19/enroll.html>. If you still need help with enrollment/data submission, contact [NHSN@cdc.gov](mailto:NHSN@cdc.gov) "LTCF" in the subject line.
- To correct facility type: <https://www.cdc.gov/nhsn/pdfs/covid19/ltc/change-ltc-508.pdf>.
- To change/update your NHSN facility administrator: <https://www.cdc.gov/nhsn/facadmin/index.html>
- For enforcement-related questions, please email: [DNH\\_Enforcement@cms.hhs.gov](mailto:DNH_Enforcement@cms.hhs.gov)