



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

Revised QSO 20-38- NH and QSO 20-39 NH Vaccination Status FAQ

- 1. Q: QSO 20-39 provides that vaccinated visitors may visit fully vaccinated residents and NOT utilize a mask or abide by social distancing. Are visitors required to show proof of vaccination to visit?**

A: No, visitors are not required to show proof of vaccination to visit but if they wish to remove their mask and be closer than 6 feet they will need to provide proof of vaccination.

- 2. Q: How should I document proof of visitor vaccination?**

A: Proof of vaccination can be documented using our recently edited visitor log or via a master list of vaccinated visitors who can visit without masks and social distancing.

- 3. Q: Is it discriminatory or a violation of resident rights to follow the guidance in QSO 20-38 or QSO 20-39?**

A: No, the guidance is based on the clinical safety of various activities if one is vaccinated or not, it is important however that you follow the guidance extremely closely and avoid implementing any barriers for unvaccinated individuals which are not based in the science relating to vaccination but are arbitrary or related to one's opinion of another's choice to get vaccinated or not.

- 4. Q: Can I prohibit an unvaccinated individual from attending activities or dining in the dining area so that the vaccinated residents do not have to wear a mask or take other precautions?**

A: No, all residents should be allowed to participate and appropriate measures will need to be taken based on the safety of all involved. Facilities should ensure that all residents are treated with respect and dignity regardless of their choice or ability to receive a vaccine.

- 5. Q: How should I communicate the changes relating to the QSO to residents?**

A: It is important that when you communicate the information relating to the protocols for when vaccinated and unvaccinated individuals you explain that residents will need to be flexible as some individuals cannot receive the vaccine for medical reasons, some may not have had an opportunity to receive the vaccine, and others have the right to choose not to be vaccinated. Staff should ensure that no bullying is occurring of unvaccinated residents.

6. Q: What if a visitor refuses to abide by the rules relating to mask wearing or social distancing without being willing to provide proof of vaccination?

A: The visitor should be informed that they can only do those things if they are vaccinated, and it presents a health and safety risk to their loved ones and others in the facility. The policy should be enforced like any other facility policy.

7. Q: Do the rules relating to dining and activities without face masks or social distancing change if an unvaccinated staff member is present?

A: Yes, while staff still need to adhere to PPE requirements set forth by IDPH/DIA and CDC and QSO 20-39 refers specifically to “resident vaccination status” and “participating residents” CMS /CDC have now broadened their interpretation of this in a provider call recently which was then confirmed by IDPH. DIA has also indicated they plan to survey to this broadened interpretation from CDC. Thus if any unvaccinated person resident or staff are present you should follow the guidelines if an unvaccinated person is present.

8. Q: Should I be worried about disparate treatment of staff with the QSO?

A: Disparate treatment of staff is always a concern; it is ok for facilities to follow the guidance set forth in the QSO but they should endeavor to treat staff fairly and respectfully at all times regardless of their vaccination status. Facilities should be careful not to implement arbitrary barriers for unvaccinated individuals which are not based on regulation or science. Facilities should consider their employment policies relating to vaccinated vs unvaccinated staff carefully and with insight from an experienced employment attorney.