

<b>DEPARTMENT:</b> Clinical Operations Group – Regulatory and Accreditation Services	<b>POLICY DESCRIPTION:</b> COVID-19 Vaccination Requirements for Employees and Staff of HCA CMS Mandate Facilities
<b>PAGE:</b> 1 of 5	<b>REPLACES POLICY DATED 11/22/21</b>
<b>EFFECTIVE DATE:</b> January 25, 2023	<b>REFERENCE NUMBER:</b> COG.RAS.005
<b>APPROVED BY:</b> Ethics and Compliance Policy Committee	

**SCOPE:** HCA Healthcare, Inc. (the “**Company**”) and all of its Affiliates operating within the United States and operating any of the following facilities, sites of care or settings where health care services are directly provided that are subject to CMS health and safety regulations, known as Conditions of Participation, Conditions for Coverage or Requirements for Participation, as the case may be, (collectively the “**HCA CMS Mandate Facilities**”) and their Staff:

- Hospitals (including acute care hospitals, psychiatric hospitals, hospital swing beds, long term care hospitals, children’s hospitals, transplant centers, cancer hospitals, rehabilitation hospitals, inpatient rehabilitation hospitals)
- Critical Access Hospitals (CAHs)
- Ambulatory Surgical Centers (ASCs)
- Community Mental Health Centers (CMHCs)
- Comprehensive Outpatient Rehabilitation Facilities (CORFs)
- Clinics and Rehabilitation Agencies That Provide Outpatient Physical Therapy and Speech Language Pathology Services
- End-Stage Renal Disease (ESRD) Facilities
- Home Health Agencies (HHAs)
- Hospice Agencies
- Home Infusion Therapy Suppliers
- Intermediate Care Facilities for Individuals with Intellectual Disabilities
- Long Term Care Facilities (including Skilled Nursing Facilities and Nursing Facilities)
- Programs for All-Inclusive Care for the Elderly Organizations (PACE)
- Psychiatric Residential Treatment Facilities
- Rural Health Clinics/Federally Qualified Health Centers

This policy does not apply to Staff of the Company and its Affiliates who satisfy all of the following requirements (collectively the “**Excluded Staff**”):

- They do not work at, and never cross the threshold of, any of the HCA CMS Mandate Facilities for work purposes;
- They provide support services that are performed exclusively outside of the HCA CMS Mandate Facilities and do not have any direct in-person contact with patients within HCA CMS Mandate Facilities; and
- They are not covered by, or subject to, an affirmative state, city, county or local government specific vaccine mandate, such as the affirmative vaccine mandates in California, Colorado and Denver.

**PURPOSE:** To ensure that Staff of the HCA CMS Mandate Facilities are Fully Vaccinated against COVID-19, and that HCA CMS Mandate Facilities take steps to ensure that all Staff are Fully Vaccinated for COVID-19.

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**POLICY:** To ensure compliance with CMS regulations, each HCA CMS Mandate Facility shall ensure that all Staff are Fully Vaccinated for COVID-19. Each HCA CMS Mandate Facility shall implement contingency processes to protect patients and control infection for any Staff unable to be vaccinated as provided herein.

Staff specified in this policy who are unable to be vaccinated (or whose vaccination must be delayed) will be identified pursuant to the exemption request process as described in the Procedure below.

**PROCEDURE:**

1. **Vaccination Required.** Each HCA CMS Mandate Facility shall track Staff vaccination to ensure that all Staff specified in this policy, except for those Staff who have pending requests for, or who have been granted, exemptions to the vaccination requirements of this policy as provided below, or those Staff for whom COVID-19 vaccination must be temporarily delayed, as recommended by the CDC due to clinical precautions and considerations, have received, at a minimum:
  - a. a single-dose COVID-19 vaccine, or the first dose of the primary vaccination series for a multi-dose COVID-19 vaccine prior to the later of January 27, 2022 or the first date such Staff provide any care, treatment, or other services for an HCA CMS Mandate Facility and/or its patients; and
  - b. a single-dose COVID-19 vaccine, or both doses for a multi-dose COVID-19 vaccine prior to the later of February 28, 2022 or the first date such Staff provide any care, treatment, or other services for the HCA CMS Mandate Facility and/or its patients.
  - c. Staff newly hired or engaged at or for an HCA CMS Mandate Facility on or after January 27, 2022 will meet these requirements prior to the first date such Staff provide any care, treatment, or other services for the HCA CMS Mandate Facility and/or its patients.
2. **Tracking.** In order to maintain the security of the vaccination status information, each HCA CMS Mandate Facility shall utilize secure tracking mechanisms to track vaccinations, including utilizing HCA Vaccine Tracker for Staff subject to this policy except as noted herein. Vaccination status of Dependent Health Professionals covered by this policy in connection with services provided at or for HCA CMS Mandate Facility shall be securely tracked in VPro. Vaccination status of contingent labor (travel clinicians and per diem staff managed by HealthTrust Workforce Solutions) covered by this policy in connection with services provided at an HCA CMS Mandate Facility shall be securely tracked in HWS Workforce 2.0. In the event the vaccination status of any Staff at an HCA CMS Mandate Facility cannot reasonably be tracked utilizing HCA Vaccine Tracker, VPro, or HWS Workforce 2.0, the HCA CMS Mandate Facility’s HR Function will be responsible for securely tracking such information.

The tracking mechanisms above shall track both primary vaccination series and CDC-recommended booster doses, as applicable.

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3. **Exemption Requests.** Staff may request an exemption from the COVID-19 vaccination requirements in this policy based on an applicable federal law.
- a. Staff who desire a religious accommodation to the vaccination requirement must indicate in an exemption request that the accommodation is required based on a sincerely held religious belief. An individual who desires to apply for a religious exemption shall submit the exemption request by completing the [Religious Exemption Request Form](#) or such other form as may be required by applicable law and approved by an HCA CMS Mandate Facility, and submitting the form to the secure portal at <https://hcacovidvaccine.com/> or by other electronic means provided by the Company.
  - b. Staff who desire accommodation based on a disability or medical condition shall submit an exemption request by having the [Medical Exemption Request Form](#) completed by a licensed healthcare provider and submitting the form and any supporting documents to <https://hcacovidvaccine.com/> or by other electronic means provided by the Company. The documentation for a medical exemption request at a minimum shall contain: (A) Information specifying which of the authorized COVID-19 vaccines are clinically contraindicated for the Staff member to receive and the recognized clinical reasons for the contraindications; and (B) A statement by the authenticating practitioner recommending that the Staff member be exempted from the COVID-19 vaccination requirements for Staff based on the recognized clinical contraindications. The exemption request must be signed and dated by a licensed healthcare practitioner, who is not the individual requesting the exemption, and who is acting within their respective scope of practice as defined by, and in accordance with, all applicable state and local laws.
  - c. Initial evaluation of exemption requests shall be conducted on receipt. The HR function for each HCA CMS Mandate Facility shall notify each applicant upon determination regarding exemption request. Each HCA CMS Mandate Facility retains the right to re-open exemption request determinations at any time. With respect to medical exemption requests, the HR function of the applicable HCA CMS Mandate Facility may request review by the applicable Chief Medical Officer or his/her designee.
  - d. During the pendency of an exemption request (that is, after an application for exemption is made but before the applicant has been advised of the determination regarding such application), the applicant and the HCA CMS Mandate Facility, as applicable, shall proceed as though the request has been granted and implement the Additional Precautions and Contingency Plans described below.
  - e. The HR function for each HCA CMS Mandate Facility, as applicable, shall be responsible to track and securely document and maintain exemption requests, information provided in furtherance of such exemption requests, and the response to such exemption request.
4. **Deferral Requests.** HCA CMS Mandate Facilities shall permit Staff to request a temporary delay of applicability of the COVID-19 vaccination requirements in this policy due to clinical precautions and considerations described by the CDC, including, but not limited to, individuals

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with acute illness secondary to COVID-19, and individuals who received monoclonal antibodies or convalescent plasma for COVID-19 treatment. Staff who desire to delay vaccination based on such clinical precautions or considerations shall submit a [Medical Exemption Request Form](#) completed by a licensed healthcare provider and submitting the form and any supporting documents to <https://hcacovidvaccine.com/> or by other electronic means provided by the Company. The deferral request must include the deferral timeframe, and must be signed and dated by a licensed healthcare practitioner, who is not the individual requesting the exemption, and who is acting within their respective scope of practice as defined by, and in accordance with, all applicable state and local laws.

The HR function for each HCA CMS Mandate Facility, as applicable, shall be responsible to track and securely document and maintain such deferral requests, information provided in furtherance of such deferral requests, and the response to such deferral request.

5. **Additional Precautions and Contingency Plans**. Each HCA CMS Mandate Facility will implement, at a minimum, the following additional precautions and contingency plans intended to mitigate the transmission and spread of COVID-19 for all Staff who are not Fully Vaccinated for COVID-19:
  - a. Clinical Areas and Non-Clinical Areas: masking and PPE usage as outlined in [Respiratory and Eye PPE Selection Guidance](#); all Staff who are not Fully Vaccinated for COVID-19 receive directed training<sup>6</sup> to ensure they are familiar with increased risks and PPE requirements.
  - b. Individuals providing “one-off” services at an HCA CMS Mandate Facility who do not meet the definition of “Staff” must also comply with the precautions in this Section 5 unless they have provided documentation of Full Vaccination to the HCA CMS Mandate Facility or are providing services such services outside the CMS Mandate Facility and not interacting with Staff or patients.
  - c. CMS Mandate Facilities shall prioritize actions promoting patient safety, including requiring Additional Precautions during pendency of any exemption requests or other actions.
  - d. Any HCA CMS Mandate Facility whose Staff are not at 100% compliance with this policy by the deadlines stated herein shall develop a contingency action plan to reach 100% compliance. Tactics in such action plan may include: offering conveniently located vaccine clinic(s); reinforcement of vaccine requirements in communications to Staff; and/or actively seeking replacement staff through advertising or obtaining temporary vaccinated staff meeting the requirements. The action plan shall be monitored by and maintained in HR.

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**DEFINITIONS:**

**Affiliate** means any person or entity Controlling, Controlled by or under common Control with another person or entity.

**Control** means the direct or indirect power to govern the management and policies of an entity; or the power or authority through a management agreement or otherwise to approve an entity’s transactions (includes Controlled, Controlling).

**Fully Vaccinated** with respect to an individual means it has been 2 weeks or more since such individual completed a primary vaccination series for COVID-19. The completion of a primary vaccination series for COVID-19 is defined here as the administration of a single-dose vaccine, or the administration of all required doses of a multi-dose vaccine.

**Staff** means all of the following who provide any care, treatment, or other services for any HCA CMS Mandate Facility and/or its patients, regardless of clinical responsibility or patient contact, **and who are not Excluded Staff** (as defined above):

- Employees;
- Licensed practitioners on the facility’s medical or allied health staff;
- Students, trainees, and volunteers; and
- Individuals who provide care, treatment, or other services for the facility and/or its patients, under contract or by other arrangement.

Staff does not include individuals who very infrequently provide ad hoc non-healthcare services (such as annual elevator inspection) or similar “one-off” vendors, volunteers, and professionals. Any such individuals should be required to comply with the safeguards described in Section 5: Additional Precautions and Contingency Plans.

**REFERENCES:**

1. 86 Fed. Reg. 61555 November 5, 2021
2. CMS Memo QSO-22-07-ALL, December 28, 2021
3. [Religious Exemption Request Form](#)
4. [Medical Exemption Request Form](#)
5. [Respiratory and Eye PPE Selection Guidance](#)
6. [Accommodation Strategies for those with COVID-19 Vaccination Exemptions](#)