



CMS Issues Interim Final Rule on Vaccine Mandate for Health Care Workers

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CMS issued a [press release](#) today to announce the issuance of its interim final rule on required COVID-19 vaccinations for health care workers at facilities that participate in Medicare and Medicaid. A large portion of health care providers in the United States participate in the Medicare and Medicaid programs — and depend on funding from those programs — so this rule will have an extensive impact. The facilities subject to these new requirements include, among others: hospitals, ambulatory surgical centers, long-term care facilities, hospices, home health agencies, psychiatric residential treatment facilities, rural health clinics, and federally qualified health centers. According to the press release, approximately 76,000 health care providers and over 17 million workers in the U.S. will be affected by CMS' vaccine mandate.

CMS justified the mandate as necessary for ensuring patient safety and for reducing the risk that the spread of COVID among health care workers will exacerbate existing staffing shortages. [As discussed in our prior article](#), there has been significant concern that the imposition of an employee vaccine mandate will actually create or worsen staffing shortages in health care. In today's press release, CMS cited a White House report indicating that vaccination mandates have not, so far, led to widespread employee resignations.

The regulations to be issued from this interim final rule will require that health care workers have received their first COVID-19 vaccination shot (or one-dose shot) no later than December 5, 2021, and that all eligible staff be fully vaccinated no later than January 4, 2022. The rule will provide for accommodations for those exempted from the vaccine mandate owing to medical or religious reasons. Health care providers will be surveyed and cited by CMS for non-compliance but will reportedly have an opportunity to become compliant before facing sanctions. Those sanctions could include the loss of Medicare and Medicaid funding.

To view the interim final rule with comment period, [click here](#).

The Department of Labor's Occupational Safety and Health Administration (OSHA) also issued a press release today on its [emergency temporary standard](#) to implement the mandatory COVID-19 vaccination rule for employers with 100 or more employees.

If you have questions, please contact [Rhonda Schechter](#) (513.651.6197; rschechter@fbtlaw.com) or [Darren Skyles](#) (713.590.9341; dskyles@fbtlaw.com) of Frost Brown Todd's [Health Care Innovation Team](#).

Read more of our analysis as it relates to COVID-19 and vaccine mandates.

- [OSHA Releases COVID-19 Vaccination and Testing Emergency Temporary Standard](#)
- [Nursing Homes: Spread of COVID and Vaccine Mandates](#)
- [Conflicting Orders: Can State Laws Thwart Federal Vaccine Mandates?](#)
- [EEOC COVID-19 Vaccine Mandate FAQ Updates Address Religious Objections](#)
- [Mandatory Vaccines Update: OSHA Sends Draft ETS to White House](#)
- [Thinking About Implementing a Mandatory COVID 19 Vaccine Policy? Here Is What to Consider](#)
- [Maintaining Employee Medical Information and COVID-19](#)

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