



## Policy Brief Special Edition: Vaccine Mandates

November 22, 2021



### State Actions on Mandated COVID-19 Vaccinations

Both the [CMS](#) and the [OSHA](#) COVID-19 vaccine mandates have faced pushback from several states. As of November 19<sup>th</sup>, 27 states have filed lawsuits against the OSHA mandate; 12 states have filed lawsuits against CMS. The 5<sup>th</sup> Circuit Court of Appeals has upheld their temporary stay against the OSHA vaccine mandate. The 6<sup>th</sup> Circuit Court of Appeals has been selected to hear the [consolidated](#) lawsuit. At this time, it is too early to know what the outcome of these lawsuits will be.

Click [here](#) for a list of AHPA states that have taken legal or legislative action against the vaccine mandates and legislation offering unemployment benefits to those terminated because of refusal to meet a vaccine mandate. AHPA will keep you updated in future Policy Brief editions as these cases unfold.

AHPA State	Filed Lawsuit Against...		Other Action	
	CMS Vaccine Mandate	OSHA Vaccine Mandate	State Legislative Action	Offers Workforce Compensation
Florida	✓	✓	Florida Special Session: Click <a href="#">Here</a>	✓ <a href="#">S.B.2 Provision</a> : Page 9
Georgia	✓	✓		✗

Missouri	✓	✓		✓ Click <a href="#">Here</a>
Texas	✓	✓	Click <a href="#">Here</a>	✗
Kansas	✓	✓	Kansas Special Session <i>happening this week:</i> Click <a href="#">Here</a>	✓ Click <a href="#">Here</a>
Ohio	✗	✓		✗

### Member Resource: Frequently Asked Questions and Regulatory Summary

The federal vaccine mandates have raised many compliance questions from senior leaders. [Click here](#) for answers to the most frequently-asked questions we have received. [Click here](#) for a detailed summary of the CMS rule implementing the vaccine mandates for Medicare and Medicaid participating hospitals.

### In Other News: Status of Infrastructure Packages

Last week, President Biden [signed](#) the \$1 trillion physical infrastructure bill into law. While this bill was bipartisan, it left out many ambitious democratic priorities, such as overhauling America’s energy systems. It still provides billions to upgrade American roads and bridges, as well as resources for mass transit and rail projects. The \$65 billion being [allocated](#) to broadband infrastructure will help support telehealth initiatives from the health care industry. However, to help pay for the cost of this bill, Congress enacted an extension of the 2% Medicare sequester cut for FY 2031.

President Biden’s Build Back Better legislation (social infrastructure bill), which includes more “soft” infrastructure like child care, is still being [debated](#) in Congress. While the bill has many beneficial policies, such as additional funds for Graduate Medical Education (GME), the plan includes a 12.5% [reduction](#) to Disproportionate Share Hospital (DSH) payments for non-Medicaid expansion states starting in FY 2023. The bill passed the House on Friday and is now [moving](#) to the Senate; for more details, click [here](#). Stay tuned for more information in the near future to this social infrastructure bill and any changes made.



## More AHPA Resources

**Save the Date! AHPA is hosting a webinar on the recently-released OPPS and PFS final rules on Thursday, December 9<sup>th</sup>.**

AHPA Webinar on OPPS and PFS CY 2022 Final Rule

Thursday, December 9, 2021

3:00PM – 4:00PM EST | 12:00PM – 1:00PM PST

[Request a Calendar Invitation](#)

### **Missed an AHPA webinar lately? No problem!**

Visit AHPA's [YouTube channel](#), where members can stream webinars on demand at their convenience.

### **2022 Final Rule Summaries**

- IPPS [Final Rule Summary](#)
- OPPS [Final Rule Summary](#)
- PFS [Final Rule Summary](#)

### **Below is a list of additional regulatory work that AHPA has conducted this year:**

- OSHA ETS [AHPA Comment](#)
- Surprise Billing; P1 [Regulatory Summary](#) | [AHPA Comment](#) | [Comment Summaries](#)
- Surprise Billing; P2 [Regulatory Summary](#)
- IPPS [Regulatory Summary](#) | [AHPA Comment](#) | [Comment Summaries](#)
- PFS [AHPA Comment](#) | [Comment Summaries](#)
- OPPS [AHPA Comment](#) | [Comment Summaries](#)
- Behavioral Health RFI [AHPA Comment](#) | [Comment Summary](#)
- SDOH RFI [AHPA Comment](#)
- CMS Vaccine Mandate [Regulatory Summary](#)