

Clearview COVID-19 Vaccine Policy

PROPONENT: COVID-19 Vaccine-Federal Mandate

APPROVED BY: Executive Director, Director of Nursing, Infection Preventionist

EFFECTIVE DATE: 11/16/2021

PROCEDURE SUPERSEDED: NEW

PURPOSE: To comply with the U.S. Department of Health and Human Services-Centers for Medicare & Medicaid Services (CMS) Interim Final Rule (42 CFR Parts 416m, 418m, 441m, 460, 482, 483, 484, 486, 491, 494) published in the Federal Register, Volume 86, No. 212, November 5, 2021 (hereafter “CMS Rule”) and to protect the Clearview residents, staff, learners, visitors, service providers and the community, Clearview is implementing a mandatory COVID-19 vaccination policy. Clearview is committed to the safety, welfare and protection of our residents, staff, learners, and the community from COVID-19.

POLICY STATEMENT: All Dodge County employees and elected officials and staff as defined herein working at Clearview (hereafter “staff”) are required to be fully vaccinated against COVID-19 or obtain a vaccination as a term and condition of employment or to work at Clearview, unless an exemption or deferral has been approved. All staff shall be required to report their vaccine status and to provide approved documentation as proof of receipt of the vaccine. All new staff shall be required to provide proof of their vaccine status prior to the start of their employment. All records of vaccinations and approved exemptions will be maintained by Dodge County Human Resources Department.

APPLICABILITY: The COVID-19 Mandatory Vaccination Policy applies to all Dodge County employees and elected officials working at Clearview, Clearview volunteers, medical staff, and any contracted individuals receiving a Clearview Badge and/or access to the Clearview facility, unless the individual qualifies for an exemption as provided herein:

1. Exemptions- An exemption may be provided to the staff (1) with certain medical conditions; or (2) on the basis of a sincerely held religious belief, observance or practice.
2. Deferral- The receipt of the vaccine may be deferred for (1) certain medical conditions; (2) an approved leave of absence; (3) a positive COVID test or treatment; or (4) current pregnancy or breastfeeding. All staff who are denied an exemption or deferral shall have ten (10) days from the date of the notice of the denial to receive the vaccine (either a single dose vaccine or first dose of the 2-dose vaccine).
3. Contractors--Contracts and vendor lists will be reviewed in order to determine whether this policy applies. Contractors providing ad hoc non-health care services such as annual elevator inspections, delivery of supplies, repair personnel will not be required to comply with this policy, provided that contractors are segregated from patient care locations (“excluded contractors”). Excluded contractors will be given written instructions regarding segregation procedures, alternative delivery procedures and other safeguards to protect Clearview’s residents. Contractors to which this policy applies will be notified of

its application and will be required to attest that its employees are in compliance with or have been granted a lawful exemption with accommodations. To the extent possible, contracts will be amended to include policy compliance provisions to ensure vendors, contractors, students, volunteers are abiding by the CMS Rule.

DEFINITIONS:

1. Staff- Dodge County employees and elected officials working at Clearview, licensed practitioners, students, trainees, volunteers, medical personnel, any contracted individual receiving a Clearview badge for building access, and individuals who provide care, treatment or other services for the facility and/or its patients, under contract or other arrangement.
2. COVID-19— COVID-19 is a respiratory disease caused by SARS-CoV-2, a new coronavirus discovered in 2019. The virus is thought to spread mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks.
3. Approved COVID-19 Vaccines include the Pfizer 2 dose series, Moderna 2 dose series, or Johnson & Johnson's Janssen single dose vaccine, vaccines approved by the Centers for Disease Control and Prevention (CDC) and Food and Drug Administration (FDA) for the prevention of the SARS-CoV-2 virus, vaccines administered outside the U.S. that are listed by the WHO for emergency use that are not approved or authorized by the FDA, or vaccines administered during participating in a clinical trial at a U.S. clinical trial site.
4. Fully Vaccinated—individuals are considered fully vaccinated 1) two weeks after their second dose in a 2- dose series (such as the Pfizer or Moderna vaccines); 2) two weeks after a single-dose vaccine (such as Johnson & Johnson's Janssen vaccine).
5. Contractors (vendors)-Providers of services, supplies, work or tasks performed in or for Clearview.

PROCEDURES:

Staff must receive at least one dose of an approved COVID-19 vaccination prior to providing care or any other service at Clearview by December 6, 2021 and be fully vaccinated by January 4, 2022 or will be placed on unpaid general leave of absence for up to thirty (30) days or until fully vaccinated, whichever comes first. If, after the thirty (30) days has elapsed and proof of full vaccination is not provided, staff will be considered to have voluntarily terminated employment (quit or resigned) with Dodge County.

COVID-19 vaccinations will be provided at Clearview or Dodge County Public Health at no cost to staff regardless of health insurance status. Staff will be provided the Vaccination Information Sheet and consent form which shall be returned prior to vaccination, if receiving vaccination on-site. Individuals under the age of 18 must have a legal guardian complete the consent form. Staff will be paid time off for the time it takes to receive the vaccination(s) and granted sick leave to recover from any side effects. Staff may choose to be vaccinated at a location other than Clearview at their own cost, if any, but must provide proof of such qualified vaccination.

New employees will be required to comply with the vaccination deadlines referred to above, or be fully vaccinated prior to providing any care, treatment or other services within the facility and/or to Clearview residents.

Before deadlines to be vaccinated have expired as set forth herein, staff will be required to provide either proof of qualified vaccination or be granted an exemption or deferral.

EXEMPTIONS/REASONABLE ACCOMMODATIONS/MEDICAL DEFERRALS:

Staff may qualify for exemption from this policy due to medical reasons (medical condition for which the COVID-19 vaccine is contraindicated) or a sincerely held religious belief, observance, or practice. Exemption request forms are available on the Dodge County Human Resources website under Forms or Clearview Human Resources Department and must be submitted to the Dodge County Human Resources Director by email to shinze@co.dodge.wi.us. The Dodge County Human Resources Director will begin an interactive accommodation process as soon as reasonably possible upon submission of a request form. A final decision granting or denying the requested exemption will be made by the Dodge County Human Resources Director.

Reasonable accommodations and request for exemptions will be based on the standards of Title VII of the Civil Rights Act of 1964 (religious exemptions) and Americans with Disabilities Act (medical exemption) or other applicable laws. Dodge County Human Resources Director may refuse any and all accommodations only in accordance with the law. Requests for exemptions must be renewed annually as long as this policy is in place.

Staff may request a medical deferral for: (1) certain medical conditions; (2) an approved leave of absence; (3) a positive COVID test or treatment; or (4) current pregnancy or breastfeeding. Deferral request forms are available on the Dodge County Human Resources website under Forms or Clearview Human Resources Department and must be submitted to the Dodge County Human Resources Director by email to shinze@co.dodge.wi.us. The Dodge County Human Resources Director will begin an interactive accommodation process as soon as reasonably possible upon submission of a request form. A final decision granting or denying the requested deferral will be made by the Dodge County Human Resources Director. The decision to grant or deny the deferral will be made based on the information provided by a licensed medical practitioner setting forth the reasons for the deferral and possible accommodations during the deferral period.

Staff who do not qualify or have been denied an exemption or deferral shall have ten (10) days from the date of the notice of the denial to receive the vaccine (either a single dose vaccine or first dose of the 2-dose vaccine). If, after ten (10) days has elapsed and proof of full vaccination is not provided, staff will be considered to have voluntarily terminated employment (quit or resigned) with Dodge County.

Staff denied an exemption from this policy may appeal to the applicable state or federal agency.

POLICIES/FORMS:

- Clearview COVID-19 Policies and Procedures
- Medical Exemption Request Form

- Religious Exemption Request Form
- Medical Deferral Request Form

REFERENCES:

- <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>
- CMS Interim Final Rule- <https://www.federalregister.gov/documents/2021/11/05/2021-23831/medicare-and-medicaid-programs-omnibus-covid-19-health-care-staff-vaccination>

ENFORCEMENT: Violations of this policy or associated procedures may result in appropriate disciplinary measures in accordance Dodge County Personnel Policies and Procedure, Clearview--General Rules of Conduct for All Clearview Staff, and other applicable Clearview Policies, or as outlined in any procedures document related to this policy.