

INFORMATIONAL LETTER NO. 2290-MC-FFS

DATE: November 12, 2021

TO: All Iowa Medicaid Providers

APPLIES TO: Managed Care (MC), Fee-for-Service (FFS)

FROM: Iowa Department of Human Services (DHS), Iowa Medicaid Enterprise (IME)

RE: CMS, OSHA and Iowa Medicaid Providers

EFFECTIVE: Upon Receipt

On November 4, 2021, the Centers for Medicare & Medicaid Services (CMS) and the Occupational Safety and Health Administration (OSHA) released rules related to healthcare and employer vaccine mandates.

- CMS Rules on Healthcare Mandate: <https://www.federalregister.gov/documents/2021/11/05/2021-23831/medicare-and-medicaid-programs-omnibus-covid-19-health-care-staff-vaccination>
- OSHA Rules on Employer Mandate: <https://public-inspection.federalregister.gov/2021-23643.pdf>

On November 5, 2021, Governor Reynolds announced that the State of Iowa has filed a lawsuit challenging the OSHA rule. Pursuant to a similar lawsuit, the United States Court of Appeals for the Fifth Circuit stayed implementation of the OSHA rule this past weekend. Yesterday, the Governor joined a lawsuit to challenge the CMS rule as well.

Medicaid providers, employees, and individuals who receive Medicaid services likely have a number questions related to these recently released rules and pending litigation, and the agency is currently evaluating how these rules – if allowed by the courts to move forward – will impact the landscape of healthcare in the State of Iowa. The Medicaid agency will continue to provide updates as additional information is received. In the meantime, please reference the frequently asked question resources posted by CMS and OSHA.

- CMS FAQ on Healthcare Mandate: <https://www.cms.gov/files/document/cms-omnibus-staff-vax-requirements-2021.pdf>
- OSHA FAQ on Employer Mandate: <https://www.osha.gov/coronavirus/ets2/faqs>

Our chief concern at DHS remains the quality care provided in our Medicaid program and continuity of services for all members. If you have concerns about the viability of your own healthcare entity being able to provide full access to Medicaid beneficiaries in the State of Iowa, please contact imecovid19@dhs.state.ia.us.

As we have said since beginning of the year, the vaccine is the best defense against COVID-19. For additional information on the COVID-19 vaccine and to locate a vaccination provider near you, visit the Vaccinate Iowa website at <https://vaccinate.iowa.gov/providers/>. For additional resources on the COVID-19 vaccine, contact Karen Hyatt with COVID Recovery Iowa at: khyatt@dhs.state.ia.us or (515) 281-3128.