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State v. Federal Law: Enforcing the Vaccine Mandate for Health Workers

The Supreme Court has ruled on the CMS vaccine mandate for healthcare workers and CMS will begin enforcement later this month. Such mandate requires healthcare facilities to require COVID-19 vaccination for all of its employees. If healthcare facilities do not comply, the facilities may be fined or lose Medicare or Medicaid funding.

But the question remains: how does this mandate interact with the Arkansas law that requires employers to allow for testing and antibody exemptions?

Because the CMS rule preempts the Arkansas state law, healthcare facilities are required to comply with the federal mandate or risk the penalties from the Centers for Medicare and Medicaid Services.

The federal vaccine mandate does allow for exemptions based on a medical disability or a sincerely held religious belief, but CMS will be reviewing records related to such exemptions. CMS will enforce compliance through sanctions, which can include the following: plan of correction, civil monetary penalties, denial of payment, and/or termination from the Medicare/Medicaid program.

If you have any questions, please contact Jenny Teeter or Brianna Cook.

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