



Missouri Alliance for HOME CARE

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COVID-19 VACCINE NEWSLETTER

Disclaimer: This newsletter is intended for resource and informational purposes only. Any guidance or opinions included shall not be considered an endorsement of any kind by MAHC.

January 11, 2021

Please find information related to the following:

- **COVID-19 Vaccination Communications Toolkit**
- **SESCO Client Alert - Employer Vaccination Programs and New EEOC COVID-19 Guidance**
- **Husch Blackwell Guidance on EEOC COVID-19 Vaccine Guidance, Allowing Employer Mandates**
- **McMahon Berger – Employment Law Updates**
- **NAHC Coronavirus Vaccine Information**
- **CMS COVID-19 Vaccine Resources Available on CGS Website**
- **DHSS Issues Pfizer COVID-19 Standing Order**
- **MOSTopsCOVID Website Provides Vaccine Educational Materials**
- **MO HealthNet – COVID-19 Vaccine Provider Bulletin**

COVID-19 Vaccination Communications Toolkit

The Centers for Disease Control and Prevention (CDC) have developed some ready-made materials that can be used to build confidence about COVID-19 vaccination among your team and other staff. These are part of [CDC's COVID-19 Vaccination Communication Toolkit for Medical Centers, Clinics, and Clinicians](#).

Materials include:

- A guide for building vaccine confidence within health systems, medical offices and clinics;
- Turn-key slide decks for immunization coordinators, the healthcare team and other healthcare personnel with information about COVID-19 vaccines, tips for building vaccine confidence, and tips for having effective vaccine conversations with patients;
- Posters, fact sheets, FAQs, and social media;
- Printable buttons/stickers for staff to wear once they've gotten their vaccine; and
- A video describing how ACIP makes recommendations and advises CDC on the use of vaccines in our country.

SESCO Client Alert - Employer Vaccination Programs and New EEOC COVID-19 Guidance

The U.S. Equal Employment Opportunity Commission (EEOC) has updated its COVID-19 guidance, offering additional instruction as to whether and when an employer can require its employees to obtain a COVID-19 vaccine. According to the new EEOC guidance, employers may put in place mandatory programs that require employees to receive a COVID-19 vaccination, subject to certain exceptions and other conditions to address accommodations for disabilities and religious beliefs.

Employers May Mandate Vaccination. The EEOC's guidance makes clear that a COVID-19 vaccination itself is not a medical examination so employers may mandate vaccinations without violating the Americans with Disabilities Act (ADA).

Employers Must Consider Accommodations for Disabilities and Religious Beliefs. Federal law requires employers to provide reasonable accommodations to applicants or employees that object to receiving a vaccination because of a disability or religious beliefs, unless the accommodation would impose an undue hardship on the employer.

Administering the Vaccine. As noted above, requiring employees to take the COVID-19 vaccine is not prohibited under the ADA, but the ADA does prohibit employers from making disability-related inquiries that are not "job-related and consistent with business necessity." Because pre-screening vaccination questions are likely to elicit information about an employee's disability, employers should make sure that they meet this standard if they intend to administer the vaccine directly or by contracting with a third party to have the vaccine administered. The EEOC outlined two exceptions to the pre-screening rule.

- First, it would not apply if the employer required the vaccine, but the employee received it from a non-employer related third party, like the employee's own health care provider or a pharmacy.
- It would also not apply if the employer offered the vaccine on a voluntary basis, because then answering the pre-screening questions would also be voluntary.

If an employer does administer the vaccine or contracts with a third party to do so, it must ensure that it keeps any information obtained through the pre-screening process (or otherwise) confidential.

The EEOC's guidance clearly states that requiring an employee to provide proof of a COVID-19 vaccination is permissible.

SESCO Management Consultants will continue to monitor and report on developments with respect to the COVID-19 pandemic and will post updates in the firm's [COVID-19 Resource Center](#) as additional information becomes available.

SESCO retainer clients and members of the Missouri Alliance for Home Care can call or email SESKO to discuss specific industry, state and/or company questions and concerns. Those receiving these alerts that are not SESKO clients can contact SESKO by phone, fax or email to explore support options.

Husch Blackwell Guidance on EEOC COVID-19 Vaccine Guidance, Allowing Employer Mandates

Widespread COVID-19 vaccination is considered critical for many employers to return employees to work safely and resume normal business operations in the future. As such, many employers have been asking whether they can require, incentivize, or encourage employees to get vaccinated, and what liabilities they may face if they choose any of these options.

[Click here](#) to read the Husch Blackwell guidance.

Husch Blackwell's [Labor & Employment](#) attorneys advise clients on how to prevent and solve employment problems through program development, day-to-day counseling and dispute resolution.

McMahon Berger – Employment Law Updates

[To Require Vaccinations Or Not – That Is The Question](#)

(By: Stephen B. Maule)

The question of whether an employer can require its employees be vaccinated against COVID-19 contains many legal complexities that government agencies, attorneys, HR professionals and, eventually, courts, are and will be grappling with. When considering whether to mandate employee vaccinations, employers should consider several issues as part of their decision. [Click here](#) or the link above to access this update.

McMahon Berger, P.C. provides informative and timely updates on issues related to labor and employment law on the News section of its website, <https://www.mcmahonberger.com/news/>

NAHC Coronavirus Vaccine Information

The National Association for Home Care and Hospice (NAHC) has launched a new [Coronavirus Vaccine Resources](#) page, an accompaniment to their [Coronavirus Resources page](#), which has existed since March.

The Coronavirus Vaccine Resources page has loads of important information for home health and hospice operators, staff, patients, and the general public and we encourage you to utilize it and recommend it to your friends.

Right now, the page is full of the most timely, important, and up-to-date info and alerts from the CDC, NIH, World Health Organization, and top news organizations covering the development and distribution of the vaccine.

The page is being updated as often as necessary so keep checking back.

CMS COVID-19 Vaccine Resources Available on CGS Website

The CGS COVID-19 web page has been updated to include the following links to the Centers for Medicare & Medicaid Services (CMS) COVID-19 Toolkits for providers to help prepare to administer the vaccine.

- [COVID-19 Toolkits](#)
- [Coding for COVID-19 Vaccine Shots](#)
- [Medicare Billing for COVID-19 Vaccine Shot Administration](#)
- [Monoclonal Antibody COVID-19 Infusion](#)

Important note: When COVID-19 vaccine doses are provided by the government without charge, only bill for the vaccine administration. Do not include the vaccine codes on the claim when the vaccines are free.

The CMS COVID-19 Toolkits website also includes information about enrollment, payment, quality reporting, and more.

Reminder: Institutional providers (Part A, Home Health and Hospice) are required to report Condition Code A6 on claims submitted with a vaccine/vaccine administration HCPCS code (including COVID-19 vaccines and monoclonal antibody COVID-19 infusion).

DHSS Issues Pfizer COVID-19 Standing Order

The Missouri Department of Health and Senior Services issued a [standing order](#) for the Pfizer-BioNTech COVID-19 vaccine. The order, signed by Dr. Randall Williams, outlines both the policy and procedures as they relate to vaccine administration. A wide variety of licensed health care personnel are authorized to administer the vaccine under this standing order.

MOStopsCOVID Website Provides Vaccine Educational Materials

The state's vaccinator website [MOStopsCOVID](#) has been updated to include different educational materials — from printables to social media and resources from other sources.

To access the resources, go to the [vaccinators](#) section and scroll to the bottom to find printable, social, digital and other messaging resources available for download. The digital section includes a video from Dr. Aamina Akhtar who is a St. Louis-area physician. Closer to the top of the page are pink boxes with links to Pfizer-specific and Moderna-specific information. Ongoing updates will be made.

MO HealthNet – COVID-19 Vaccine Provider Bulletin

This MO HealthNet provider bulletin applies to providers who administer the COVID-19 Vaccine.

Effective Date: December 14, 2020

CONTENTS:

- COVID-19 VACCINE
- COVID-19 VACCINE ADMINISTRATION PROCEDURE CODES
- OUTPATIENT BILLING FOR COVID-19 VACCINE ADMINISTRATION
- PHARMACY COVID-19 VACCINE ADMINISTRATION
- MEDICARE/MEDICAID CLAIMS
- MANAGED CARE ENROLLEES
- REIMBURSEMENT FOR THE UNINSURED
- ADDITIONAL INFORMATION

[Click here](#) to access the December 17, 2020 bulletin.