



VACCINATION MANDATE:

Centers for Medicare and Medicaid Services Update

Nursing homes that serve Medicare and Medicaid eligible residents now have to make flu and pneumonia shots available to all residents if they want to continue receiving funding from the Centers for Medicare and Medicaid Services (CMS), according to a final ruling by CMS.

Under this rule, while residents can refuse the vaccine, nursing homes are required to educate the resident and/or the resident's family about the advantages and possible disadvantages of receiving the vaccines. Residents who cannot receive the vaccines for medical reasons are exempt.

CMS also encourages nursing homes to provide influenza vaccines to their healthcare workers. Although nursing homes are not required to give vaccines to healthcare workers, this practice has been shown to reduce mortality rates among residents of long-term care facilities. Research from last year's flu season revealed that only 36 percent of all healthcare workers were vaccinated against the illness.

As an added incentive to increase immunization rates, earlier this year CMS increased the average Medicare payment rate for administering each shot from \$8 to \$18, in addition to a separate payment for the cost of the vaccine. Medicaid payment rates are set independently by each state. In summary, to receive funding from CMS, this ruling requires long-term care facilities to ensure that each resident is:

- Offered influenza immunization annually;
- Immunized against influenza unless medically contraindicated or when the resident or the resident's legal representative refuses immunization;
- Offered pneumococcal immunization once if there is no history of immunization; and
- Immunized against pneumococcal disease unless medically contraindicated or when the resident or the resident's legal representative refuses immunization.

The final rule also requires that facilities be able to demonstrate to state surveyors that an immunization protocol is in place. While nursing homes can develop their own protocol for flu and pneumonia shots, CMS has endorsed a [free, downloadable Nursing Home Immunization Toolkit](#) that includes a protocol and tips on documentation.

If the CDC declares a vaccine shortage, state survey agencies will have the discretion to not cite facilities for being out-of-compliance with this requirement.

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