

The CMS health care setting vaccine mandate only directly applies to providers and suppliers that are CMS regulated. Simply participating in Medicare and Medicaid as a provider is not what determines whether the mandate applies. The regulation directly applies to provider types surveyed and certified by CMS listed below:

Medicare and Medicaid provider and suppliers directly covered by the rule are:

Ambulatory Surgery Centers
Community Mental Health Centers
Comprehensive Outpatient Rehabilitation Facilities
Critical Access Hospitals
End-Stage Renal
Disease Facilities
Home Health Agencies
Home Infusion Therapy Suppliers
Hospices
Hospitals
Intermediate Care Facilities for Individuals with Intellectual Disabilities
Clinics (Rehabilitation Agencies and Public Health Agencies as Providers of Outpatient Physical Therapy and Speech-Language Pathology Services)
Psychiatric Residential Treatment Facilities(PRTFs)
Programs for All-Inclusive Care for the Elderly Organizations (PACE)
Rural Health
Clinics/Medicare Federally Qualified Health Centers, and
Long Term Care facilities.

However, the rule may be applied more broadly to providers based on the relationships that health care providers and settings have with one another, especially through contracts. For example, physician offices are not included in the rule, but if the physician has a contract or other arrangement with a hospital where they would show up to provide care to a patient(s), the physician would be required to be vaccinated if they want to continue that relationship because the hospital is a provider type required to comply with the rules.

The FAQs published by CMS have questions that show the potential application of the rule (See [here](#) pp. 3-5 scenarios).

If a LHD, or any part of its operations, is subject to CMS survey and certification activities, they would fall under this rule. A LHD may also be subject to the rule if they have an arrangement or contract with a covered provider or supplier to provide care for their patients.

If you have further questions, we recommend discussing with your local legal counsel.