

October 18, 2022

## Public Reporting of Hospital Personnel COVID-19 Vaccination Rates Starts This Month

*Use included talking points and other background information to prepare to discuss your organization's performance*

This month, the Centers for Medicare & Medicaid Services (CMS) will post hospital performance on its health care personnel (HCP) COVID-19 vaccination measure. The measure was added to the agency's inpatient quality reporting (IQR) and outpatient quality reporting (OQR) programs in 2021 and reflects the proportion of most hospital personnel that have completed the primary series of any Food and Drug Administration (FDA)-authorized COVID-19 vaccine.

### KEY HIGHLIGHTS

- Initial measure data reflect hospital performance from October through December 2021. Measure performance data will be refreshed on *Care Compare* quarterly.
- Measure performance excludes HCP with medical contraindications to the COVID-19 vaccine but includes HCP that decline the vaccine for religious or other reasons.
- The measure overlaps with — but is independent of — the CMS Condition of Participation (CoP) mandating hospital worker COVID-19 vaccination.
- The measure data do not precisely reflect hospital progress in implementing CMS' vaccine mandate CoP. Definitional and enforcement differences mean hospitals could perform differently on each.
- The measure data do not reflect uptake of COVID-19 boosters.

### AHA TAKE

Hospitals and health systems are doing everything they can to keep their patients and staff safe, including by encouraging high levels of COVID-19 vaccination among their staff. The data reported this month provide an early view into hospital progress in vaccinating staff. However, given that the data lag by at least nine months and pre-date the full implementation of CMS' vaccination mandate, they do not reflect current levels of HCP vaccination or compliance with CMS's mandate.

### WHAT YOU CAN DO

- Share this advisory with your chief quality officer, clinical leaders, occupational health leaders and media team.

- Review your hospital's preview report on CMS' [Hospital Quality Reporting](#) (HQR) secure portal.
- Use the talking points and other background information included in this advisory to help prepare for questions about your organization's performance.
- Be ready to speak to your organization's efforts to encourage high levels of COVID-19 vaccination among your staff and community.

## ADDITIONAL BACKGROUND

**Measure Description.** In 2021, CMS adopted the HCP COVID-19 vaccination measure across several of its quality reporting programs, including the IQR and OQR programs. Hospitals began to collect measure data in October 2021 and submitted October-December 2021 data to the Centers for Disease Control and Prevention (CDC) National Healthcare Safety Network (NHSN) in May 2022. **CMS intends to update measure data on its *Care Compare* website on a quarterly basis.**

The measure reflects the percentage of HCP eligible to work in the hospital for at least one day during the reporting period that have a complete primary vaccination series of any FDA-authorized COVID-19 vaccine. For the purposes of this measure, “health care personnel” is defined — regardless of clinical responsibility or patient contact — as:

- Employees (all persons receiving a direct paycheck from the reporting facility);
- Licensed independent practitioners (physicians, advanced practice nurses, physician assistants) affiliated with, but not directly employed by, the reporting facility (including post-residency fellows);
- Adult students/trainees and volunteers; and
- Other contract personnel, defined as persons providing care, treatment or services at the facility through a contract who do not fall into any of the other denominator categories. This includes vendors<sup>1</sup> providing care, treatment or services on a regular basis who may or may not be paid through a contract.

The reported rate excludes HCPs with medical contraindications to the COVID-19 vaccine as defined by the CDC. However, HCP who decline the vaccination for religious or other reasons are still included in the measure's denominator. In addition, the measure does not reflect the proportion of HCP that have received boosters and are “up-to-date” on their vaccinations.

Hospitals must report at least one week of HCP vaccination data per month. The publicly reported performance rate reflects the average of the three weekly rates submitted by the facility for that quarter. CMS will report the hospital's own HCP COVID-19 vaccination rate, along with state and national rates.

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<sup>1</sup> Initially, hospitals were not required to collect data on vendors. CDC updated its guidance in early 2022 to require that hospitals collect data on vendors.

Relationship to CMS Vaccination Mandate CoP. The HCP COVID-19 vaccination measure overlaps with — but is independent of — the CMS COVID-19 vaccination mandate CoP. While hospitals may use many of the same internal processes to support compliance with each requirement, CMS assesses compliance with each requirement separately.

The HCP vaccination quality measure is a part of the IQR and OQR programs, which ties a portion of hospitals’ annual market basket updates to successfully submitting data in accordance with CMS’ requirements. The level of performance on the measure (i.e., percentage of vaccinated HCPs) does not affect hospital payment. In contrast, the vaccination mandate CoP is enforced through surveys by CMS, state survey agencies and accrediting organizations (e.g., The Joint Commission). The CoP requires that all included HCP be vaccinated or have received a documented exemption for medical reasons or because of deeply held religious beliefs. Hospitals do not submit data to CMS on their level of compliance. However, the CoP requires hospitals to implement certain organizational policies and to keep detailed records of the vaccination status of all included HCP.

The key differences between the HCP COVID-19 vaccination measure and the vaccination mandate are summarized in the table below.

**Comparison of CMS HCP COVID-19 Vaccination Quality Measure and Condition of Participation**

Attribute	Quality Measure	Condition of Participation*
Measure of success	Submit complete data to CDC’s NHSN  Measure assesses percentage of HCP with complete primary COVID-19 vaccination series, excluding HCPs with medical contraindications	Implementation of certain hospital policies  Assessment of percentage of HCP with complete primary COVID-19 vaccination series OR documented exemptions for medical or religious reasons
Data submission?	Yes, to the CDC’s NHSN quarterly	No, but hospitals are required to internally track vaccination and exemption statuses of HCPs
Enforcement mechanism	Part of IQR and OQR programs; hospitals must submit complete data to NHSN	Onsite surveys by CMS, state surveyors or accrediting organizations
Penalty for non-compliance	Reduction to annual market basket update under Medicare’s inpatient and outpatient prospective payment systems  Penalty imposed only for failing to report complete data (not based on measure performance)	Progressive enforcement approach depending on level of non-compliance with both organizational policies and percentage of HCPs that are vaccinated or have documented exemptions  Maximum penalty is removal from Medicare program

*\*Based on CMS interpretive guidance effective at the time of the writing of this advisory.*

## TALKING POINTS

The talking points below may be helpful in responding to inquiries about your hospital's performance on the HCP COVID-19 vaccination rate measure:

- Hospitals and health systems are doing everything they can to protect the safety of their patients and workforce. That is why they have been strong advocates for encouraging their workforce and broader communities to get vaccinated against COVID-19. **[Provide examples of vaccination efforts in your organization]**
- The COVID-19 HCP vaccination measure data provide an early view of hospital progress in getting their staff vaccinated. However, given that the data lag by at least nine months and pre-date the full implementation of CMS' vaccination mandate, the data should be interpreted with considerable caution.
- Measure performance likely will increase as we see more data from 2022 next year. That is because implementation of the CMS vaccination mandate CoP accelerated the already considerable progress hospitals made in vaccinating their staff. The mandate was not in full effect nationally until February 2022.
- The measure's design is not perfectly aligned with the vaccine mandate CoP and is designed in a way that makes it very challenging for a hospital to score 100%.
  - HCP that decline the vaccine for religious or other reasons are included in the measure's denominator even though the HCPs may receive a religious exemption under the CMS vaccine mandate CoP.
  - As a result, a hospital could be fully compliant with the vaccine mandate while still receiving a score of less than 100% on the vaccination measure.

## FURTHER QUESTIONS

Please contact Akin Demehin, AHA's senior director of policy, at [ademehin@aha.org](mailto:ademehin@aha.org) if you have further questions.