



**January 26, 2022**

**RE: COVID Vaccine Mandate Update**

On January 13, 2022, the United States Supreme Court rendered its verdict on the legal challenges posed by 27 states and many industry groups regarding two proposed mandatory COVID-19 vaccination policies. The Justices blocked the Biden Administration's vaccination mandate for employers with 100 or more employees. They further explained, "Although Congress has indisputably given OSHA the power to regulate occupational dangers, it has not given that agency the power to regulate public health more broadly". At the same time, the Justices voted to allow the vaccine mandate for health care workers at facilities that receive federal Medicare or Medicaid funding to stand, as this requirement fell within the permissible span of authority for the Secretary of Health and Human Services. The Supreme Court wrote, "after all, ensuring that providers take steps to avoid transmitting a dangerous virus to their patients is consistent with the fundamental principle of the medical profession: 'first, do no harm'". The Justices likened the requirement for vaccinations to similar requirements intended to prevent the spread of infectious diseases, e.g. requiring hospital employees to wear gloves, sterilize equipment, wash their hands in a certain manner and at certain intervals and similar.

Exceptional Living Centers continues to recommend that all employees get vaccinated from COVID-19 as soon as possible and will continue to follow the CDC, CMS, State governing agency and the local health department on appropriate PPE, based on positivity rates, new variants and outbreaks.

The rule for health care workers still allows employees to seek exemptions for medical and religious reasons. Please communicate to your Facility Human Resources if you need to schedule a date and time for the Interactive Process to determine what your Facility may or may not be able to reasonably accommodate.

**For employees in Wisconsin and Maryland:** If you do not complete the Interactive Process or provide proof of first dose of COVID-19 vaccination per the CMS deadlines, your last day of employment with Exceptional Living Centers will be **January 27, 2022**. If you choose to vaccinate by the first deadline, then the second deadline for the second dose is **February 28, 2022**.

**For employees in Kentucky, Indiana, West Virginia and Ohio:** If you do not complete the Interactive Process and/or provide proof of first dose of COVID-19 vaccination per the CMS deadlines, your last day of employment with Exceptional Living Centers will be **February 14, 2022**. If you choose to vaccinate by the first deadline, then the second deadline for the second dose is **March 15, 2022**.

For questions or concerns, please contact [benefits@exceptionallivingcenters.com](mailto:benefits@exceptionallivingcenters.com).

Thank you,  
Exceptional Living Centers Human Resources Team