

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Health Facilities and Emergency Medical Services Division

## STANDARDS FOR HOSPITALS AND HEALTH FACILITIES CHAPTER 2 – GENERAL LICENSURE STANDARDS

### 6 CCR 1011-1 Chapter 2

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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### Emergency rules adopted by the Board of Health on August 30, 2021. Effective August 30, 2021

Copies of these regulations may be obtained at cost by contacting:

Division Director  
Colorado Department of Public Health and Environment  
Health Facilities and Emergency Medical Services Division  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Main switchboard: (303) 692-2800

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Division Director  
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Additionally, materials incorporated by reference have been submitted to the state publications depository and distribution center, and are available for interlibrary loans and through the state librarian.

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**Part 12. COVID-19 IMMUNIZATION OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF**

**12.1 Statutory Authority and Applicability**

- 12.1.1 The statutory authority for the promulgation of these rules is set forth in Section 25-1.5-102, 25-1.5-103, and 25-3-103, C.R.S.
- 12.1.2 The requirements of this Part 12 shall be overseen and enforced by the Department in a manner consistent with Parts 2.10 and 2.11 of this Chapter 2 (for all facility and agency types), 6 CCR 1011-1, Chapter 3, Part 2.1.7 (for behavioral health entities), 6 CCR 1011-1, Chapter 7, Part 3.14 (for assisted living residences), and 6 CCR 1011-1, Chapter 26, Part 5.7 (for home care agencies).

**12.2 General Provisions**

- 12.2.1 Each facility shall develop and implement a policy and procedure to ensure 100% of employees, direct contractors, and support staff have obtained full COVID-19 vaccination status in accordance with the schedule below.
- (A) All employees, direct contractors, and support staff must have received their first dose of the COVID-19 vaccination no later than September 30, 2021.
  - (B) All employees, direct contractors, and support staff must have received their second dose of the COVID-19 vaccination (if applicable) no later than October 31, 2021.
  - (C) All employees, direct contractors, and support staff must obtain a subsequent, or booster, dose of the COVID-19 vaccination should one be recommended by the Advisory Committee on Immunization Practices (ACIP), in accordance with the recommended timelines.
  - (D) An employee, direct contractor, and support staff member who was diagnosed with COVID-19, who received monoclonal antibody treatment, or convalescent plasma treatment shall obtain their vaccination in a timeframe that is in accordance with the recommendations of the Centers for Disease Control (CDC), ACIP, and the individual's licensed independent practitioner.
  - (E) On or after October 31, 2021, each facility shall ensure all newly hired employees, direct contractors, or support staff members have obtained full COVID-19 vaccination status, in accordance with this Part 12.
- 12.2.2 For purposes of this Part 12, an employee, direct contractor, and support staff subject to this Part 12 is defined as an individual who has the potential for exposure to clients of the facility or agency and/or to infectious materials, including bodily substances, contaminated medical supplies and equipment, contaminated environmental surfaces, or contaminated air.
- (A) These individuals may include, but are not limited to: licensed independent practitioners; students and trainees; Individuals who directly contract with the facility or agency to provide services, whether on a permanent or temporary basis; visiting nursing staff; individuals who are affiliated with the facility or agency, but do not receive wages or other remuneration from the facility or agency; and persons not directly involved in client care but are potentially exposed to infectious agents that can be transmitted to and from the individual providing services and clients of the facility or agency.
- 12.2.3 The policy and procedure shall address, at a minimum, the following topics:

- (A) A list of the categories or position descriptions of employees, direct contractors, and support staff exempt from the requirement at Part 12.2.1, including justification for that decision.
- (B) The facility's criteria for accepting or rejecting medical or religious exemptions.
- (C) Measures taken by the facility to protect clients and members of the public from exposure by unvaccinated individuals, which shall be based on state and national standards and guidelines. The policy shall include, at a minimum, how the facility will implement testing and masking for unvaccinated individuals.

12.2.4 Each facility shall maintain the following documentation that may be examined by the Department, at any time, for purposes of verifying compliance with this Part 12.

- (A) Proof of immunization, as defined at 6 CCR 1011-1, Chapter 2, Part 1.51, or
- (B) A medical exemption signed by a physician, physician assistant, advanced practice nurse, or certified nurse midwife licensed in the State of Colorado stating that the COVID-19 vaccination for the employee, direct contractor, or support staff is medically contraindicated as described in the product labeling approved or authorized by the FDA, or
- (C) Documentation of a religious exemption, as defined by facility policy.

### **12.3 Waiver Requests**

- (A) A facility may seek a waiver of the 100% vaccination requirement at Part 12.2.1 on the basis that one or more individuals have claimed a religious exemption, pursuant to facility policy.
- (B) All waiver applications shall be submitted in accordance with the process outlined at 6 CCR 1011-1, Chapter 2, Part 5 – Waiver of Regulations for Facilities and Agencies.

### **12.4 Reporting Requirements**

12.4.1 Beginning October 1, 2021, each facility shall report its COVID-19 vaccination rate to the department on the 1st and the 15th day of the month.

12.4.2 This information shall be reported in the form and manner specified by the Department.

12.4.3 Each facility shall report the following information to the department:

- (A) The total number of employees, direct contractors, and support staff, whether or not the individual is subject to the requirements of this part 12.
- (B) Total number of vaccinated employees, direct contractors, and support staff and the total number of employees, direct contractors, and support staff.
- (C) Number of medical exemptions claimed by employees, direct contractors, and support staff.
- (D) Number of religious exemptions claimed by employees, direct contractors, and support staff.

- (E) Number of employees, direct contractors, and support staff identified by the facility as exempt from the requirements of this part 12.
- (F) Number of employees, direct contractors, and support staff who have left employment with the facility or agency due to the requirements of this part 12, since the last reporting date.

12.4.4 Information reported to the Department under this Part 12 shall be made publicly available on the Department's website.