Vaccination Requirement FAQ

1. **How is the State of Rhode Island implementing a vaccination requirement for health care workers and RIDOH-licensed health care facilities?**
   The authority for RIDOH to issue this emergency regulation is in Rhode Island General Laws § 23-1-1 and 23-1-17. Under this regulation, individuals who work in RIDOH licensed health care facilities and licensed health care providers must be vaccinated. Unlicensed individuals at private, non-facility employers are strongly encouraged but not required to be vaccinated.

2. **Who is included in the regulation?**
   All individuals who work in RIDOH-licensed health care facilities and all licensed health care providers, whether they work in a licensed facility or not, are covered by the regulation. "Health care worker" means any person who is temporarily or permanently employed by or at, or who serves as a volunteer in, or has an employment contract with, a RIDOH-licensed health care facility, and has or may have direct contact with a patient in that health care facility. “Health care provider” means any person licensed by RIDOH to provide or otherwise lawfully providing health care services. For a more comprehensive list of persons who may fall into these categories, please refer to the regulation here.

3. **What are the facilities covered by this regulation?**

4. **Are there any exemptions?**
   The sole exemption in the regulation is a medical exemption. The person must be evaluated for an applicable medical exemption by a licensed physician, physician assistant, or advanced practice registered nurse who will complete the form available at: Resources for Healthcare Professionals | RI COVID-19 Information Portal.

5. **Can medical providers list an alternative medical exemption on the designated form, where the option for “other underlying medical conditions” does not exist?**
   A medical exemption form with reasons other than those listed is not considered valid under the regulation.

6. **Are positive COVID-19 antibody tests considered evidence of immunity which would not require vaccination?**
   No.

7. **Is there a specific test that employees must use to meet twice weekly testing requirements pursuant to the regulations?**
   Any COVID-19 tests authorized by the Food and Drug Administration (FDA), e.g., PCR and BinaxNOW rapid test, may be used to meet the requirements.
8. To be in compliance do unvaccinated staff need to have two results per week or two tests per week to continue working the following week?
   Unvaccinated health care workers are required to get two tests per week, not two results, as we understand that the timing of results may vary.

9. Are health care facilities required under this emergency regulation to terminate the employment of health care workers who refuse to be vaccinated against COVID-19?
   Health care facilities are not required to terminate employment if an employee refuses to be vaccinated.

10. Are we required to discharge employees who refuse to be vaccinated?
    No, but unvaccinated health care workers at RIDOH-licensed facilities are not allowed in the facilities beginning October 1.

11. Will exemptions be made for health care workers who have a documented appointment for either or both vaccination rounds (shot #1 or shot #2, when applicable) after October 1?
    The regulation provides that all health care workers and health care providers must be vaccinated by October 1. There should be plenty of time to achieve this goal. “Vaccinated” means a person has received all recommended dose(s) of a COVID-19 vaccine authorized by the U.S. Food and Drug Administration (FDA) or the World Health Organization, or all recommended dose(s) of another COVID-19 vaccine approved by RIDOH (e.g., Novavax).

12. I have a few employees that have not been vaccinated but are unable to due to recent COVID-19 infection. How does this affect their status?
    Anyone who tests positive for COVID-19 must wait until completion of the applicable isolation period and no longer have symptoms before receiving a COVID-19 vaccine. Any unvaccinated non-medically exempt health care workers must be denied entry to health care facilities unless deemed critical pursuant to a corrective action plan, in which case the health care worker is permitted to enter the facility until October 31. After October 31, the health care worker cannot enter the facility until vaccinated.

13. Are office workers within the health care sector, such as those who do not provide direct care services but work as scheduling coordinators or billing clerks for a home care provider, included within the mandates under the emergency regulation?
    Any individual who works at a RIDOH-licensed health care facility, including those not directly involved in patient care but potentially exposed, in the course of employment, to infectious agents that can be transmitted from person to person, and any individual who is a licensed health care provider, must follow this regulation.

14. Are homemakers, personal care attendants (PCAs) and individual providers (IPs) within the Medicaid Program included in this vaccination requirement?
    If they are licensed health care providers in the state of Rhode Island or enter a licensed health care facility for the purposes of work, they must be vaccinated by October 1. The regulation does not apply to a patient’s family member or friend who visits or otherwise assists in the care of that patient in a health care facility.

15. I am a health care provider licensed by RIDOH, but I work out-of-state. Am I covered under the mandate and, if so, what do I need to do to maintain my license?
You are subject to the regulation if you are a licensed health care provider providing direct patient care or you are exposed to infectious agents in your work in Rhode Island.

16. Are essential caregivers required to be vaccinated?
Unless an essential caregiver fits within the definition of a health care worker or health care provider, no, an essential caregiver is not required to be vaccinated. The definition of health care worker expressly excludes a member of the patient’s family or friend who visits or otherwise assists in the care of that patient in a health care facility.

17. How does regulation apply to those practicing under a temporary/emergency license?
These individuals are licensed. If they are providing healthcare services under a license, they are covered.

18. Where can I get tested?
The employee can be tested anywhere testing is available. All Rhode Islanders can schedule a free COVID-19 test for themselves or their dependent child online at portal.ri.gov or by calling 401-222-8022. This list has more information about each State-run test site. General testing information is available at: https://covid.ri.gov/testing.

19. Is it the responsibility for the employer to test the employee?
No. Employers in RIDOH-licensed healthcare facilities are responsible for tracking testing compliance of their employees.

20. What requirements will the employer have for tracking testing of its unvaccinated employees?
It will be up to the employer in a RIDOH-licensed healthcare facility to track testing of all unvaccinated staff and have data available for survey or if asked.

21. What options are available if a healthcare employer is interested in building their own testing infrastructure?
The State can support with laboratory connections and training of specimen collection for employers that do not have the skill set or pre-existing laboratory relationship. If they do, our recommendation would be to utilize existing lab relationships that employers already have and add PCR testing to their current agreements. Companies have various over the counter, point-of-care test options if they choose to conduct asymptomatic screening with antigen-based tests.

22. If someone is beginning employment in a position that would fall under this regulation, is COVID-19 vaccination required to start work?
Yes.

23. Can facilities obtain COVID-19 vaccine to administer to their own healthcare workers?
Yes. You can either fill out our Vaccine Community Partner Interest Form (available at https://covid.ri.gov/public), which will help us work with you to set up a vaccination event, or you can enroll as a COVID-19 vaccine provider. To enroll as a vaccine provider, please follow the steps outlined at https://covid.ri.gov/vaxproviders.

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24. Do employers that do not meet the definition of health care facility have any liability if unvaccinated health care providers continue to work? Do they face any repercussions for having an unvaccinated health care provider provide services in Rhode Island?
   Any employer that is not licensed by RIDOH does not have any obligation under this regulation to take action with regard to an unvaccinated health care provider. However, a RIDOH-licensed health care provider who is not vaccinated could face action against their license.

25. Can RIDOH report on the vaccination status of employees?
   No.

26. I would like to report a healthcare worker that has a fake COVID-19 vaccination card. What do I do?
   If the person is licensed by RIDOH, please submit your complaint through our complaint process: https://health.ri.gov/complaints/