

**Michelle G. Fry, J.D., Ph.D.**  
*State Director*  
**Constance Holloway**  
*General Counsel*  
**Tracey Hunt**  
*Chief Financial Officer*  
**Janet Priest**  
*Interim Associate State Director*  
*Operations*  
**Lori Manos**  
*Associate State Director*  
*Policy*



3440 Harden Street Extension  
Columbia, South Carolina 29203  
**803/898-9600**  
**Toll Free: 888/DSN-INFO**  
**Home Page: [www.ddsn.sc.gov](http://www.ddsn.sc.gov)**

**COMMISSION**  
**Stephanie M. Rawlinson**  
*Chairman*  
**Barry D. Malphrus**  
*Vice Chairman*  
**Robin B. Blackwood**  
*Secretary*  
**Gary Kocher, M.D.**  
**Eddie L. Miller**  
**David L. Thomas**  
**Michelle Woodhead**

Reference Number: 413-11-DD

Title of Document: COVID-19 Vaccine Requirements and Exemptions for Staff in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID)

Date of Issue: February 14, 2022

Date of Last Revision: March 8, 2022 (REVISED)

Effective Date: March 8, 2022

Applicability: DDSN Regional Centers

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (DDSN). THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. DDSN RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

## **PURPOSE**

Pursuant to the Center for Medicare and Medicaid Services (CMS) Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule (IFR), the South Carolina Department of Disabilities and Special Needs (DDSN) must establish COVID-19 vaccination requirements and exemptions for staff who provide any care, treatment, or other services in Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID). The purpose of this directive is to set forth the requirements for compliance with the CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule.

## **STATEMENT OF POLICY**

On November 5, 2021, CMS published an IFR entitled “Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination” revising the infection control requirements most Medicare and Medicaid certified providers and suppliers must meet to participate in the Medicare and Medicaid programs. CMS has broad statutory authority to establish health and safety regulations, which includes authority to establish vaccination requirements. ICFs/IID are a supplier type required to comply with this IFR. The COVID-19 vaccination requirements, policies and procedures required by this IFR must comply with applicable federal non-discrimination and civil rights laws and protections, including providing reasonable accommodations to individuals who are legally entitled to them because they have a disability or sincerely held religious beliefs, practices, or observations that conflict with the vaccination requirement.

The directive is based upon guidance from the Centers for Disease Control and Prevention (CDC), the Equal Employment Opportunity Commission (EEOC), and public health authorities. This directive aligns with DDSN’s commitment to providing a safe and healthy environment for the residents, employees, vendors and others who provide direct care.

This directive applies to all DDSN Regional Center employees, including full-time, part-time, temporary or temporary-grant, contractual employees, volunteers, students, interns, work-study students, and any individuals receiving an offer of employment in any of these categories. Additionally, this directive applies to all Central Office employees who interact with staff and residents of a DDSN Regional Center.

## **DEFINITIONS**

**Staff:** Individuals who provide any care, treatment, or other ICF/IID services. This includes licensed practitioners, adult students, trainees, volunteers, and individuals who provide care, treatment, or other services under contract or other arrangement. Staff shall not include anyone who provides only telemedicine services or support services outside of DDSN facilities, and who do not have any direct contact with residents.

In addition, this directive applies to all DDSN Central Office and DDSN Regional Center employees, including full-time, part-time, temporary or temporary-grant, contractual employees, volunteers, students, interns, work-study students, who interact with staff and others supported by other South Carolina agencies that are covered by the CMS IFR.

**COVID-19 Vaccine:** (1) A vaccine licensed or authorized for emergency use by the Food and Drug Administration (FDA); (2) A vaccine listed by the World Health Organization (WHO) for emergency use that is not approved or authorized by the FDA; (3) A vaccine received during participation in a clinical trial.

**Fully vaccinated:** Staff who are two weeks or more from completion of their primary vaccination series for COVID-19.

**Primary Vaccination Series:** Refers to staff who have received a single-dose vaccine or all required doses of a multi-dose vaccine for COVID-19.

Temporarily delayed vaccination: Refers to vaccination which must be temporarily postponed, as recommended by CDC, due to clinical precautions and considerations including, but not limited to, individuals with acute illness secondary to COVID-19, or individuals who received monoclonal antibodies or convalescent plasma for COVID-19 treatment in the last 90 days.

Exemptions: Refers to medical and non-medical conditions, including sincerely held religious beliefs.

Clinical contraindication: Refers to conditions or risks that precludes the administration of a treatment or intervention with regard to recognized clinical contraindications to receiving a COVID-19 vaccine.

Good Faith Effort: Refers to aggressive steps toward achieving compliance with staff vaccination requirements and/or has limited access to COVID-19 vaccine, and has documented attempts to access the vaccine.

## **DIRECTIVE**

### A. General Provisions

All ICFs/IIDs are required to achieve a 100% vaccination rate for their staff through the development of a policy to address vaccination applicable to all staff who provide any care, treatment, or other settings where ICF/IID services are delivered. An employee is considered to be “fully vaccinated” two weeks after the receipt of either the single dose or two-dose vaccine series.

Employees who fail to achieve the status of “fully vaccinated” and those who do not qualify for an exemption shall be required to participate in a consultation with the South Carolina Department of Disabilities and Special Needs Division of Human Resources (DDSN-HR). DDSN-HR shall meet with the employee to provide informational resources regarding the COVID-19 vaccine. If non-compliance persists, the employee may be subject to disciplinary actions, up to and including termination.

Individuals receiving offers of employment with DDSN must comply with this directive prior to the start of employment. These individuals shall provide proof of completed authorized vaccination or proof of DDSN vaccine exemption approval. Individuals who do not comply with this directive prior to employment may have their offers rescinded.

DDSN offers vaccination at each of our state operated ICFs/IID or DDSN Regional Centers. DDSN-HR will maintain an accurate list of locations where employees may receive the COVID-19 vaccine should they choose to be vaccinated offsite. This list can be found by visiting the Department of Health and Environmental Control (DHEC) [vaccine locator](#). Verification of vaccination must be presented to DDSN-HR. Examples of acceptable forms of vaccination include:

- CDC COVID-19 vaccination record card (or a legible photo of the card),
- Documentation of vaccination from a health care provider or electronic health record, or
- State immunization information system record.

If vaccinated outside of the United States, a reasonable equivalent of any of the previous examples would suffice.

B. Request for Vaccine Exemption and Accommodation

To assist any employee who has either: (1) an underlying medical condition or disability that does not allow for the administration of the COVID-19 vaccine; or (2) an objection based on a sincerely held religious belief, practice or observance, DDSN-HR will work with the employee to determine if a reasonable accommodation can be provided, so long as it does not create an undue hardship for DDSN or does not pose substantial harm to the health or safety of other employees or consumers.

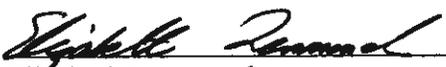
To request a vaccine exemption, employees shall complete one of the attached forms. Employees shall complete the form that applies and then email it to [Covid-19ExemptionRequest@ddsn.sc.gov](mailto:Covid-19ExemptionRequest@ddsn.sc.gov), or return it to DDSN-HR, along with any supporting documents. All employees requesting an exemption are encouraged to submit requests as soon as possible.

While accommodations could be appropriate under certain limited circumstances, no accommodation will be provided to staff that is not legally required.

Falsification of vaccination records and/or exemption documentation may result in disciplinary action up to and including termination. Current employees must be in compliance with this directive within 45 days of implementation. Failure to comply may result in a disciplinary action according to the DDSN Directive 413-01-DD: Standards of Disciplinary Action.

C. Procedures for Mitigating the Spread of COVID-19

In an effort to mitigate the spread of COVID-19, when approved for an exemption or accommodation by DDSN, the procedures which must be followed by approved, unvaccinated staff are outlined in Attachment 3 of this document.

  
Elizabeth Lemmond  
Director-Human Resources

  
Dr. Michelle Fry  
State Director

Attachment 1: Request for a Medical Exemption to the COVID-19 Vaccination  
Attachment 2: Request for a Religious Exemption to the COVID-19 Vaccination  
Attachment 3: Procedures for Mitigating the Spread of COVID-19

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (DDSN). THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. DDSN RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**