

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515–2004**

October 25, 2021

Chiquita Brooks-LaSure  
Administrator  
U.S. Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Administrator Brooks-LaSure,

As health care professionals and Members of Congress, we are opposed to the Biden Administration’s directive mandating that staff within all Medicare and Medicaid-certified facilities be vaccinated against COVID-19. We support efforts to encourage Americans to get vaccinated against COVID-19, but these decisions are best left to local leaders, and it is inappropriate to hold Federal dollars hostage. Further, this could have unintended, negative consequences on the quality of patient care and workforce shortages.

We are deeply concerned that our nation’s health systems, which are already experiencing a severe workforce shortage, will be further – and perhaps catastrophically – strained by an inflexible COVID-19 vaccine mandate forcing frontline health care workers to choose between vaccination and continued employment. In fact, on the day of the President’s announcement, the American Hospital Association responded, “As a practical matter, this policy may result in exacerbating the severe workforce shortage problems that currently exist.”<sup>1</sup>

As recently as August 1, 2021, the American Nurses Association asked HHS Secretary Xavier Becerra to declare a national nurse staffing crisis and address the shortage.<sup>2</sup> Taking a longer view, the Association of American Medical Colleges recently projected an estimated shortage between 37,000 and 124,000 physicians by 2034.<sup>3</sup> Laying off educated, licensed, and willing health care workers while the overtaxed workforce is already experiencing staffing shortages during an ongoing public health emergency would be profoundly unwise and dangerous to patient care.

This vaccine mandate will disproportionately impact health care facilities in rural and underserved areas that have had their workforce shortages further exacerbated by the COVID-19 public health emergency. If you decide to finalize a policy that requires staff within all Medicare and Medicaid-certified facilities be vaccinated against COVID-19, this will have a dramatic effect on patient access in the communities with poorest health outcomes. Ultimately, these decisions are best made by the individual health care facility. Each facility can best understand

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<sup>1</sup> <https://www.aha.org/press-releases/2021-09-09-aha-statement-biden-administration-covid-19-action-plan>

<sup>2</sup> [https://www.nursingworld.org/~4a49e2/globalassets/rss-assets/analettertohhs\\_staffingconcerns\\_final-2021-09-01.pdf](https://www.nursingworld.org/~4a49e2/globalassets/rss-assets/analettertohhs_staffingconcerns_final-2021-09-01.pdf)

<sup>3</sup> <https://www.aamc.org/news-insights/press-releases/aamc-report-reinforces-mounting-physician-shortage>

the unique needs and challenges of their staff and is the best entity to determine how to encourage their staff to get vaccinated.

In order to avoid any further strain on our health infrastructure, we urge CMS not to promulgate rulemaking that would require all Medicare and Medicaid-certified facilities be vaccinated against COVID-19. If CMS determines to move forward with the rulemaking, we ask that the agency allow reasonable alternatives such as proof of natural immunity or routine testing as part of a COVID-19 vaccination mandate for health care facilities.

Health care workers have selflessly served with courage and distinction throughout the COVID-19 pandemic. In the course of their service, many of them have contracted COVID-19, likely obtaining natural immunity to the virus. Accordingly, CMS should allow health care employees to provide medical proof of their natural immunity through existing diagnostic technologies, such as authorized T Cell testing as an alternative to vaccination. Not only would this meet the presumed goal of ensuring the health care providers are protected from, and do not become vectors for, the virus, but it would also significantly reduce the risk of untenable staffing reductions that will likely follow the implementation of the currently planned policy.

Given the current state of the pandemic, a mass layoff of health care employees would be detrimental to and undercut our own efforts to combat it. Therefore, we urge CMS not to mandate a COVID-19 vaccine for health care facility employees. If you do, we strongly urge you to exempt employees who can provide proof of natural immunity and to consider allowing unvaccinated individuals to continue their employment subject to routine COVID-19 testing.

Thank you for your attention to this important and time-sensitive matter.

Sincerely,



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Andy Harris, M.D.  
Member of Congress



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Michael C. Burgess, M.D.  
Member of Congress



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Brad Wenstrup, D.P.M.  
Member of Congress



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Roger Marshall, M.D.  
U.S. Senate



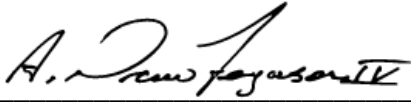
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Earl L. "Buddy" Carter  
Member of Congress



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Neal P. Dunn, M.D.  
Member of Congress



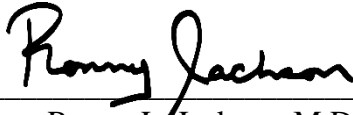
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A. Drew Ferguson, IV  
Member of Congress



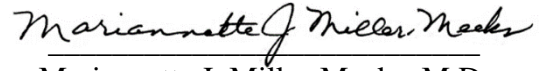
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Diana Harshbarger, Pharm.D.  
Member of Congress



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Ronny L. Jackson, M.D.  
Member of Congress



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Mariannette J. Miller-Meeks, M.D.  
Member of Congress