

EXECUTIVE DIRECTIVE NO. 22-550

Affirming State Law in Agency CMS Compliance

WHEREAS, Kansas is committed to the continued well-being of its citizens and families;

WHEREAS, ensuring the effective delivery of public human services is a necessary component of healthy communities;

WHEREAS, certain Kansas state health facilities are certified and receive funding through federal Medicare and Medicaid programs;

WHEREAS, the federal Centers for Medicare and Medicaid Services (CMS) has published an interim final rule establishing requirements regarding COVID-19 vaccine immunization of staff among Medicare- and Medicaid-certified providers and suppliers;

WHEREAS, attempts to prevent enforcement of the CMS rule failed to receive temporary relief from the United States Supreme Court, creating an active requirement to comply in order to receive needed funds for medical care; and

WHEREAS, the loss of CMS funding would result in the loss of services for Kansas veterans, elderly, and disabled;

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas as head of the Executive Branch, I hereby direct the Kansas Department for Aging and Disability Services, the Kansas Commission on Veterans Affairs Office, and any other state agency impacted by the CMS Interim Final Rule to comply with all provisions of state law related to COVID-19 vaccine immunization when developing policies in accordance with federal guidelines issued under QSO-22-09-ALL.

Policies must include clear and specific reference to provisions of 2021 Special Session House Bill 2001, including but not limited to:

- **Medical exemptions.** Facilities shall grant an exemption to the federal COVID-19 vaccine requirement if the employee submits a written waiver request stating that complying with the requirement would endanger the life or health of the employee or an individual who resides with the employee, as evidenced by an accompanying written statement signed by a physician or another person who performs acts pursuant to practice agreements, protocols or at the order, direction or delegation of a physician.

- **Religious exemptions.** Facilities shall grant an exemption to the federal COVID-19 vaccine requirement if the employee submits a written waiver request stating that complying with the requirement would violate sincerely held religious beliefs of the employee. Religious beliefs include, but is not limited to, theistic and non-theistic moral and ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views. Facilities shall not inquire into the sincerity of the request.

Policies must also comply with the “COVID-19 vaccination passport” proviso in 2021 Senate Bill 159, which prevents state agencies from issuing to any individual without consent or requiring an individual to use for any purpose a “COVID-19 vaccination passport,” defined as any written or electronic documentation of an individual’s COVID-19 vaccination status.

- **Documentation.** Facilities shall not require an individual to provide documentation of their COVID-19 vaccination status. Facilities may request such documentation, but must make it clear that providing documentation is not a condition of employment and that no adverse action will be taken if the employee does not provide it.
- **Self-Attestation.** Facilities may require and record a verbal self-attestation of COVID-19 vaccination status from any individual who does not provide documentation **and** does not request an exemption from the vaccination requirement as allowed by 2021 Special Session House Bill 2001 and the facility policy as previously directed. The facility, not the individual, will be responsible for documenting the individual’s self-attested vaccination status.

This directive shall apply to all facilities under the direction of the Executive Branch of the State of Kansas, including but not limited to:

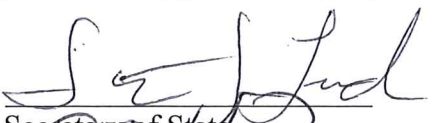
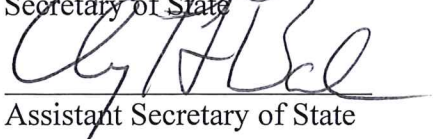
- Kansas Veterans Home
- Kansas Soldiers Home
- Kansas Neurological Institute
- Parsons State Hospital
- Larned State Hospital (CMS-funded portions)
- Osawatomie State Hospital (CMS-funded portions)

THE GOVERNOR’S OFFICE

By the Governor 

FILED
FEB 14 2022
SCOTT SCHWAB
SECRETARY OF STATE

Date 2.14.22


Secretary of State

Assistant Secretary of State