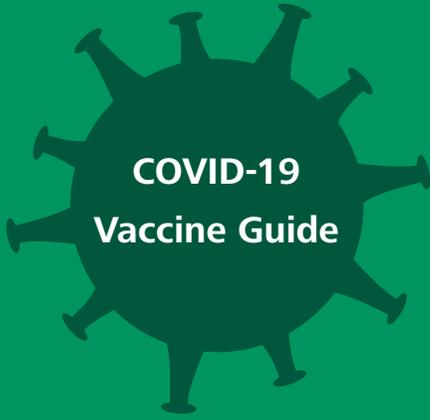


COVID-19
Vaccine Guide
Business Preparation Guide

Published April 2021



We're here with you, helping to advocate and provide guidance so you can be there for what matters most.

If you have questions or need assistance, please contact your BXS Insurance representative.

Table of Contents

COVID-19 Vaccine Guide	03
Group Health Plan Implications	07
The Employer's Role in COVID-19 Vaccination Distribution	08
Alternatives to Mandatory Vaccines	10
Creating a Vaccine Policy	11
Implementing a Vaccine Communication Plan	12



COVID-19 vaccine distribution may be the key to getting the coronavirus pandemic under control. The vaccine rollout will take time, however, and the process may not always be simple. This guide covers the basics that employers, workers, and other individuals should know about the COVID-19 vaccine, including FDA approval, rollout, and employer policies.



FDA Emergency Use Authorization for COVID-19 Vaccine

In December 2020, the Food and Drug Administration gave emergency use authorization to two COVID-19 vaccines. One is produced by Pfizer, Inc. The other is produced by ModernaTX, Inc.

Emergency use authorization is used by the FDA to allow the use of unapproved medical products or unapproved uses of medical products during a public health emergency. The FDA says that before emergency use authorization can be granted for a vaccine, the FDA must determine that the known and potential benefits outweigh the known and potential risks.

As of the date of this publication, Johnson & Johnson has been approved for emergency authorization for its COVID-19 vaccine.

Pfizer-BioNTech COVID-19 Vaccine

- Received FDA emergency use authorization on December 11, 2020
- Approved for individuals age 16 and older
- Common side effects include injection site pain, tiredness, headache, muscle pain, chills, joint pain and fever

Moderna COVID-19 Vaccine

- Received [FDA](#) emergency use authorization on December 18, 2020
- Approved for individuals age 18 and older
- Common side effects include injection site pain, tiredness, headache, muscle pain, chills, joint pain, swollen lymph nodes, nausea, vomiting and fever



Distribution of Vaccines

The supply of COVID-19 vaccines is currently limited. This means that not everyone can get vaccinated immediately. To help with the vaccine rollout, the Centers for Disease Control and Prevention has issued recommendations regarding who should be vaccinated first. However, states are in charge of the distribution of vaccines.



CDC Recommended Phases

Under CDC guidelines, the COVID-19 vaccine should be rolled out in phases based on priority. These phases may overlap.

- **Phase 1a:** healthcare personnel and long-term care facility residents
- **Phase 1b:** frontline essential workers (e.g., fire fighters, police officers, corrections officers, food and agricultural workers, U.S. Postal Service workers, manufacturing workers, grocery store workers, public transit workers, and educational workers such as teachers, support staff and daycare workers) and people aged 75 years and older
- **Phase 1c:** people aged 65 to 74, people aged 16 to 64 with underlying medical conditions that increase the risk of life-threatening COVID-19 complications, and other essential workers (e.g., workers in transportation and logistics, food service, housing construction and finance, information technology, communications, energy, law, media, public safety and public health)



State Distribution of COVID-19 Vaccines

Each state is responsible for rolling out the COVID-19 vaccines for residents. People should refer to their state's health department for information on when they will be eligible for a vaccine.

The CDC has a [tool](#) that directs people to the health department in their state or territory. You can also visit the following state health department pages:

- Alabama: <https://www.alabamapublichealth.gov/covid19vaccine/index.html>
- Alaska: <http://dhss.alaska.gov/dph/Epi/id/Pages/COVID-19/VaccineInfo.aspx>
- Arizona: <https://azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-find-vaccine>
- Arkansas: <https://www.healthy.arkansas.gov/programs-services/topics/covid-19-vaccination-plan>
- California: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19Vaccine.aspx>
- Colorado: <https://covid19.colorado.gov/for-coloradans/vaccine/where-can-i-get-vaccinated>
- Connecticut: <https://portal.ct.gov/Coronavirus/covid-19%20vaccinations>
- Delaware: <https://coronavirus.delaware.gov/vaccine/where-can-i-get-my-vaccine/>
- District of Columbia: <https://coronavirus.dc.gov/vaccinatedc>
- Florida: <https://floridahealthcovid19.gov/vaccines/vaccine-locator/>
- Georgia: <https://dph.georgia.gov/covid-vaccine>
- Hawaii: <https://hawaiicovid19.com/vaccine/>
- Idaho: <https://coronavirus.idaho.gov/covid-19-vaccine/>
- Illinois: <https://coronavirus.illinois.gov/s/vaccination-location>
- Indiana: <https://www.coronavirus.in.gov/vaccine/index.htm>
- Iowa: <https://idph.iowa.gov/Emerging-Health-Issues/Novel-Coronavirus/Vaccine>
- Kansas: <https://www.kansasvaccine.gov/>
- Kentucky: <https://govstatus.egov.com/ky-covid-vaccine>
- Louisiana: <https://ldh.la.gov/covidvaccine-locations/>
- Maine: <https://www.maine.gov/covid19/vaccines/vaccination-sites>
- Maryland: <https://coronavirus.maryland.gov/pages/vaccine>
- Massachusetts: <https://www.mass.gov/info-details/covid-19-vaccination-locations>
- Michigan: https://www.michigan.gov/coronavirus/0,9753,7-406-98178_103214_104822---,00.html
- Minnesota: <https://mn.gov/covid19/vaccine/find-vaccine/index.jsp>



State health department pages, continued

- Mississippi: <https://covidvaccine.umc.edu/>
- Missouri: <https://covidvaccine.mo.gov/map/>
- Montana: <https://dphhs.mt.gov/>
- Nebraska: <http://dhhs.ne.gov/Pages/COVID-19-Vaccine-Information.aspx>
- Nevada: <https://www.immunizenevada.org/county-specific-covid-19-vaccine-plan>
- New Hampshire: <https://www.vaccines.nh.gov/>
- New Jersey: <https://covid19.nj.gov/pages/vaccine>
- New Mexico: <https://cv.nmhealth.org/covid-vaccine/>
- New York: <https://covid19vaccine.health.ny.gov/>
- North Carolina: <https://covid19.ncdhhs.gov/vaccines/find-your-spot-take-your-shot>
- North Dakota: <https://www.health.nd.gov/covidvaccinelocator>
- Ohio: <https://vaccine.coronavirus.ohio.gov/>
- Oklahoma: <https://vaccinate.oklahoma.gov/>
- Oregon: <https://www.oregon.gov/oha/covid19/Pages/vaccine-information-by-county.aspx>
- Pennsylvania: <https://www.health.pa.gov/topics/disease/coronavirus/Vaccine/Pages/Vaccine.aspx>
- Rhode Island: <https://covid.ri.gov/vaccination>
- South Carolina: <https://scdhec.gov/covid19/covid-19-vaccine/covid-19-vaccine-appointments>
- South Dakota: <https://doh.sd.gov/COVID/Vaccine/ProviderMap/default.aspx>
- Tennessee: <https://covid19.tn.gov/stay-informed/blogs/tdh-county-health-departments-offer-covid-19-vaccination-by-appointment/>
- Texas: <https://www.dshs.state.tx.us/coronavirus/immunize/vaccine-hubs.aspx>
- Utah: <https://coronavirus.utah.gov/vaccine/>
- Vermont: <https://www.healthvermont.gov/covid-19/vaccine/getting-covid-19-vaccine>
- Virginia: <https://www.vdh.virginia.gov/covid-19-vaccine/>
- Washington: <https://www.doh.wa.gov/Emergencies/COVID19/vaccine>
- West Virginia: <https://dhhr.wv.gov/COVID-19/Pages/Vaccine.aspx>
- Wisconsin: <https://www.dhs.wisconsin.gov/covid-19/vaccine.htm>
- Wyoming: <https://health.wyo.gov/publichealth/immunization/wyoming-covid-19-vaccine-information/>



New federal rules establish certain requirements for group health plans and other health plans regarding coverage for COVID-19. States may establish additional requirements, and insurance companies may agree to coverages beyond those that are required by law.

Costs

Even when COVID-19 coverage is provided at no cost, patients may face some out-of-pocket costs. For example, although the COVID-19 vaccine itself may be provided at no cost to the patient, the patient may be responsible for administration fees. Doctor's appointments associated with COVID-19 testing and treatment may also involve certain costs, including possible out-of-network costs.

However, the CDC says that no one will be denied a COVID-19 vaccine for being unable to pay the vaccine administration fee.

Group Health Plan Implications



COVID-19 Diagnostic Testing Coverage

Under Section 6001 of the [Families First Coronavirus Response Act](#), group health plans and individual health insurance plans are required to cover COVID-19 diagnostic tests provided on or after March 18, 2020 and lasting through the public health emergency. The tests must be provided without cost-sharing requirements.



COVID-19 Vaccine Coverage

On November 6, 2020, an [interim final rule](#) was issued by the IRS, Centers of Medicare & Medicaid Services and the Employee Benefits Security Administration. This rule addresses implementation of certain requirements in the Coronavirus Aid, Relief, and Economic Securities Act (CARES Act), including Section 3203.

Section 3203 of the [CARES Act](#) significantly shortens the timeframe that non-grandfathered group or individual health insurance coverage has to begin coverage of coronavirus preventative services, including COVID-19 vaccines, without cost sharing. Under this Act, health plans have 15 days to provide coverage after a recommendation is made from the Advisory Committee on Immunization Practices of the CDC.

Additionally, the [CDC](#) says that vaccine doses purchased with U.S. taxpayer dollars will be provided to the American people at no cost. The vaccine providers can be reimbursed by the patient's insurance company. If the patient is uninsured, the vaccine provider can be reimbursed by the Health Resources and Services Administration's Provider Relief Fund.



Getting workers vaccinated may be the fastest way to return to business as normal. Vaccination may also prevent outbreaks that could result in lawsuits and workers' compensation claims.

There are serious EEOC and workers' compensation issues to consider when creating vaccine policies.

See the [EEOC's page](#) on what employers should know about COVID-19 and EEO laws for the most up-to-date information. There may be additional requirements established under state and local laws.

The Employer's Role in COVID-19 Vaccination Distribution



EEOC and the ADA

Employers that wish to mandate or administer the vaccine must comply with the Americans with Disabilities Act and other Equal Employment Opportunity regulations.

According to the Equal Employment Opportunity Commission, the vaccination is not a medical examination. Additionally, asking for proof of vaccination is not a disability-related inquiry. However, pre-screening may include questions that fall under the rules of the ADA's provision on disability-related questions. Employers should ensure that questions are "job-related and consistent with business necessity."

Some employees may claim that they cannot be vaccinated due to a disability. Employers that want to mandate the vaccine should be able to show that an unvaccinated employee poses a direct threat that cannot be addressed through reasonable accommodation. Even if a direct threat exists, termination is not necessarily the solution, and other options – such as remote work – should be considered.



Title VII and Religious Beliefs

When employers mandate the COVID-19 vaccine, some employees may claim that they cannot be vaccinated due to religious beliefs, practices or observances. According to the EEOC, employers must provide a reasonable accommodation unless doing so would pose an undue hardship, as defined in Title VII of the Civil Rights Act. If the employer has reason to suspect that the religious claim is not sincere, supporting information may be requested.

If the worker cannot be vaccinated due to religious beliefs and the employer cannot provide a reasonable accommodation, the worker may be excluded from the workplace. However, as with ADA-based vaccine exemptions, this does not necessarily mean the employer should automatically terminate the worker.



Pregnant Workers and Vaccination

According to the [CDC](#), pregnant people may have a higher risk of severe illness from COVID-19. However, because the COVID-19 vaccines are very new, there is limited data regarding the safety of use during pregnancy. The CDC says that getting a vaccine is a personal choice for people who are pregnant.

This means that some pregnant workers may object to mandatory vaccine policies.

The EEOC says pregnancy is not considered an ADA disability, but pregnancy-related medical conditions can count as disabilities under the ADA. Under Title VII, pregnant employees may be entitled to accommodations such as remote work, altered schedules or assignments, or leave.



Workers' Compensation for COVID-19

Workers' compensation does not usually provide coverage for viruses that spread through the community, such as the cold or flu. However, workers' compensation coverage may be available for workers who get COVID-19.

Multiple states have introduced orders or legislation to make it easier for workers who get COVID-19 to file a workers' compensation claim. Some of these rules apply only to first responders and healthcare workers but other rules apply to other workers as well.

Vaccinating workers against COVID-19 could help prevent claims. However, the vaccine itself could result in additional claims. This could happen if an employer mandates the vaccine and some workers have an adverse reaction to it.



Other Vaccine Considerations

Employers that want to mandate the COVID-19 vaccine should consider other possible issues as well. Multiple states are attempting to pass legislation prohibiting employers from mandating the vaccine in the workplace.

Also, employees who object to the vaccine may decide to quit instead of complying with the mandate. Some people have safety concerns about vaccines in general and the COVID-19 vaccines in particular.

Finally, it's important to realize that employees may not be able to get vaccinated quickly despite their best efforts. Even if the state says that your workers are eligible for vaccination, appointments may be difficult to secure if the vaccine demand is high and the supply is low.



Employers may want to consider alternative policies that encourage employees to get vaccinated without actually requiring it, thus avoiding some of the legal and morale complications that may come with mandatory vaccinations.

Incentives

Some employers have offered financial bonuses to employees who get vaccinated. However, a bonus may not be sufficient motivation for workers who are strongly opposed to the vaccine. Additionally, employees who cannot be vaccinated for ADA or Title VII-related reasons may object to missing out on the bonus.

Alternatives



Educating Employees

OSHA recommends providing information on the benefits and safety of vaccinations. The more workers know, the more comfortable they may be with receiving the vaccine themselves. However, it's important not to downplay possible negative side effects or to ignore the potential for complications and ADA concerns.

The CDC is an excellent source of information on the COVID-19 vaccine. It offers printable stickers, social media messages, template letters and more. An educational campaign might start with a letter sent to employees, followed by additional reminders and FAQs using the resources provided by the CDC.



Providing the Vaccine for Free

[OSHA](#) also currently recommends providing the COVID-19 vaccine to all eligible workers at no cost.

Even though the vaccine should be covered under group health plans with no cost-sharing, workers may still be worried about associated costs, including possible administration costs. Employers may address this by offering to cover all administration costs for employees whether or not they have health insurance coverage.



Hosting a Workplace Clinic

Hosting a workplace vaccination program may be the ideal way to provide convenient access to vaccines with no out-of-pocket costs for employees. However, employers will have to contact the state health departments and vaccine distributors to determine whether this is currently possible.



Employees may request exceptions to the vaccine requirement based on disability or religious beliefs. When creating vaccine policies, employers should be aware of how these policies might conflict with various regulations, including the ADA and Title VII.

The CDC offers an Essential Worker Vaccine to view the toolkit, [click here](#).

Creating a Vaccine Policy

Employers should create a vaccine policy that is in compliance with the ADA, Title VII and other federal, state and local requirements.

When creating a policy, the following issues should be addressed:

- Will the vaccine be mandatory or simply encouraged?
- When and where can employees be vaccinated? This may involve a worksite clinic or community-based vaccination programs.
- Will additional incentives be provided?
- How will exemptions to mandatory vaccines be handled?
- Who should employees speak to regarding disability-based or religion-based concerns?
- Will accommodations be possible for workers who can't be vaccinated?

Issuing Verification Letters

States may require essential workers to provide proof that they are essential workers and therefore eligible to receive vaccinations. Therefore, employers may need to provide letters that include the name of the company, the name of the worker, and a statement that the worker is considered essential under the relevant state or federal guidelines.



Workers' Compensation Implications

Employees who contract COVID-19 may file for workers' compensation, and some states have issued orders or passed legislation to make these claims easier. At this time, 17 states and Puerto Rico have extended workers' compensation to include COVID-19 according to the [National Conference of State Legislatures](#).

In some states, the extension only applies to certain workers, such as healthcare workers, but other states – notably California – have passed broader presumptive liability rules.

While COVID-19 vaccinations may prevent claims, they also could create workers' compensation claims. If a worker requires medical treatment for a vaccination reaction, it may be a compensable workers' compensation claim.

Implementing a Vaccine Communication Plan

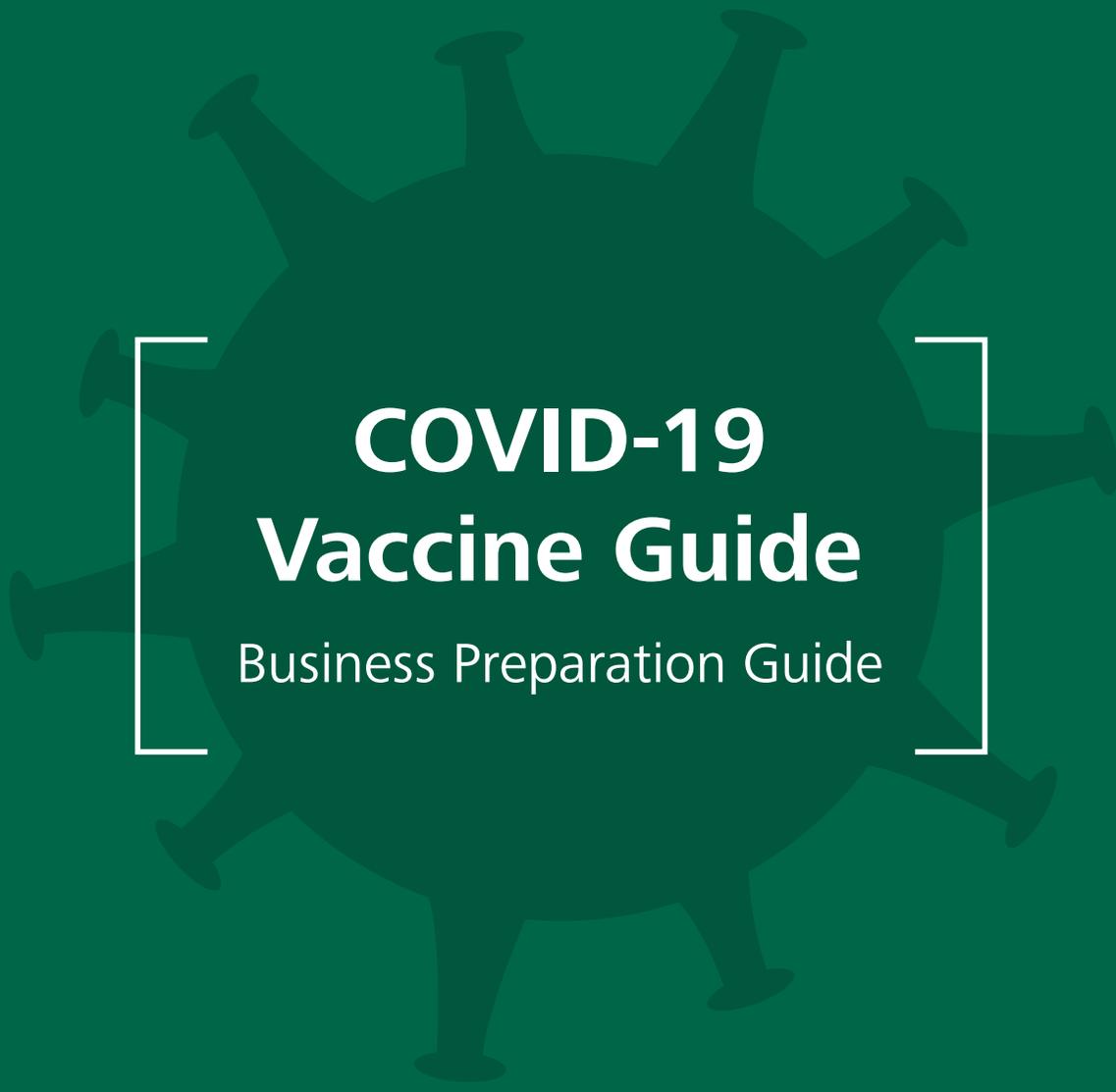
This is a confusing and rapidly changing situation, so employers need to devise a strong communication plan.

Important information to communicate includes the following:

- Verification letter for essential workers
- The employer's vaccine policy
- Educational information regarding the vaccine's safety and effectiveness
- Employee eligibility under current state rules
- Updates on when and where to get vaccine

The communication plan should address the following:

- How will information be sent to employees? Consider using posters, meetings, letters, emails, social media and text messages.
- How can workers get answers to the additional questions and concerns they may have? Identify a key contact who employees can call with any questions.
- Give managers and supervisors talking points to follow. Make sure they are prepared to support your written communication efforts.
- Over-communicate to avoid any confusion.



COVID-19
Vaccine Guide
Business Preparation Guide

Published April 2021