



January 31, 2022

Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
200 Independence Ave SW
Washington, DC 20001

Dear Administrator Brooks-LaSure,

We write today to respectfully request a limited waiver from the Centers for Medicare and Medicaid Services' (CMS) interim rule on COVID-19 health care staff vaccinations. Our objections to the rule itself have been well noted, but we recognize the legal process has left this interim rule in place. However, rural and state health care facilities in our states are facing an urgent staffing crisis that we believe necessitates relief from the rule.

As you undoubtedly know, our healthcare facilities are strained. After two years of the pandemic and the temporary surge in cases related to the omicron variant, some are even at a breaking point. Unfortunately the CMS interim rule compounds this problem, potentially forcing thousands of healthcare professionals to be fired for failing to comply with the rule's requirement to be vaccinated.

Hospital systems in our states, and many of our state-run facilities, are operating under crisis standards of care. In some cases, staff who are confirmed positive for COVID-19 are being asked to return to work inside of the quarantine period. In Virginia, there is a temporary state of emergency to allow healthcare providers more flexibility in responding to staffing needs, but the top concern we continue to hear from leaders of our healthcare systems is the pending vaccination requirement and the impact it will have on staffing.

Fortunately, we do see each of our states have turned the corner on the omicron wave. However, we are concerned about the long-term impact on quality of care if thousands of healthcare professionals are no longer allowed to work because of the vaccine requirement. The impact in Southwest Virginia and throughout West Virginia will be particularly acute. In these rural areas, access to lifesaving care could be threatened and we may displace a generation of healthcare professionals in a region already battling health disparities.

Respectfully, we request CMS provide a limited waiver to the interim rule for rural and state run facilities that are in a state of crisis. This relief could take multiple forms, including broader conscience exemptions, flexibility on enforcement, or simply a six month delay of the rule. Our health teams are on standby to define the terms of this waiver to protect our most vulnerable healthcare systems and facilities from a staffing breakdown. Please give this request due consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glenn Youngkin'.

Governor Glenn Youngkin
Commonwealth of Virginia

A handwritten signature in blue ink, appearing to read 'Jim Justice'.

Governor Jim Justice
State of West Virginia