**Procedures for the Control of COVID-19
Addition of 14 NYCRR Section 680.14**

Adopted Rulemaking

Effective Date: Upon Publication

• **A new section 680.14 is added to read as follows:**

680.14   Vaccination Procedures for the Control of COVID-19

(a)   Definitions

(1)   "Fully Vaccinated" means that 14 days or more have passed since the person received either the second dose of vaccine in a 2-dose series or a single dose vaccine.

(2)   "Personnel" shall mean all persons employed or affiliated with a Specialty Hospital, whether paid or unpaid

(3)   "Specialty Hospital" means a facility operated or certified by OPWDD as defined by 14 NYCRR § 680.13 (be) and which is governed by 14 NYCRR Part 680.

(b)   COVID-19 Vaccination Requirements

(1)   All Specialty Hospitals shall develop policies to require all personnel to be fully vaccinated against COVID-19 and to verify such vaccination. Unless otherwise specified by OPWDD or DOH, documentation of vaccination must include the manufacturer, lot number(s), date(s) of vaccination; and vaccinator or vaccine clinic site. The following may be accepted as documentation of vaccination:

(i)   CDC Vaccine Card;

(ii)   a WHO Yellow Card;

(iii)   documentation of COVID-19 vaccination from a health care provider; or

(iv)   a digital record, such as the New York State Excelsior Pass, that includes a Quick Response (QR) code which, when scanned by a SMART Health Card reader, displays to the reader client name, date of birth, vaccine dates and vaccine type.

(2)   All personnel of a Specialty Hospital, unless appropriately exempted as described herein, must receive the full COVID-19 vaccination to protect against the transmission and spread of COVID-19 with a first dose received by November 1, 2021.

Note: New material is underlined and deleted material is in [brackets].

(i) Personnel may receive any of the vaccines authorized for emergency use and/or approved by the federal Food and Drug Administration or listed by the World Health Organization for inoculation against COVID-19.

(ii) Specialty Hospitals shall require personnel to produce documentation sufficient to show that the person is fully vaccinated as defined above.

(3) Personnel hired or retained after November 1, 2021 must receive the first dose of their COVID 19 vaccination within two weeks after commencing employment with any Specialty Hospital.

(4) Specialty Hospitals shall be required to obtain proof of any relevant COVID-19 booster injections.

(c) **Exclusions From Mandatory COVID-19 Vaccination**

(1) In order to permit an exemption from the vaccination requirements of this section, the employee or volunteer shall have documentation of a legally recognizable exemption, including but not limited to:

(i) A signed, completed medical exemption form approved by the DOH or OPWDD from a physician licensed to practice medicine in New York State certifying that immunization will be detrimental to the employee's health, containing sufficient information to identify a medical contraindication to the COVID-19 vaccination. A completed medical exemption form must be reissued periodically, but at least annually.

(d) Testing for COVID-19

(1) All Specialty Hospitals whose personnel who have not been fully vaccinated because they have received a reasonable accommodation consistent with subdivision (c) of this section or because they are not yet fully vaccinated consistent with subdivision (b)(3) of this section shall ensure that each such individual receives diagnostic screening for COVID-19 by either rapid (antigen) or PCR (molecular) testing at least once weekly. Documentation of testing results must be provided to and maintained by the Specialty Hospital.

(2) Personnel that are not fully vaccinated and who refuse to undergo diagnostic screening testing must not be permitted to report to work.

(e) OPWDD will enforce this mandate as part of its oversight activities in accordance with the authority set forth in Mental Hygiene Law section 16.11.

Note: New material is underlined and deleted material is in [brackets].