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UAMShealth.com



Cam Patterson, M.D., M.B.A.
Chancellor

December 6, 2021

The Honorable Jeff Wardlaw, House Co-Chairman
The Honorable Terry Rice, Senate Co-Chairman
Arkansas Legislative Council
State Capitol Building, Room 315
Little Rock, AR 72201

Dear Chairmen,

I have enclosed a copy of the UAMS letter submitted to the Administrator of the Centers for Medicare and Medicaid (CMS) in response to the CMS November 4, 2021 Interim Final Rule requiring a COVID-19 vaccination mandate for your review and as requested by the Arkansas Legislative Council (ALC).

I will keep you informed of future correspondence with CMS and other federal authorities regarding the impact of this regulation on UAMS and the State of Arkansas. I welcome the Arkansas Legislative Council's continued input and support for the mission of UAMS.

Sincerely,

A handwritten signature in black ink, appearing to read "Cam Patterson", is shown on a light blue background.

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November 29, 2021

Chiquita Brooks-LaSure
Administrator Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-3415-IFC
P. O. Box 8016
Baltimore, MD 21244-8016

Re: IFC COVID-19 Healthcare Staff Vaccination Mandate

On November 4th, 2021, The Centers for Medicare and Medicaid Services (CMS) issued a new Interim Final Rule requiring the COVID-19 vaccination of all staff by January 4, 2022. The implementation of the vaccine mandate without a preceding comment period has created several unintended consequences for our institution and the State of Arkansas. Normally, in the promulgation of a new regulation, a regulation is posted, a time for review is allowed and a comment period is established. The issuance of this rule did not allow for the standard process to be followed. As such, the impact of the proposed rule on hospitals was not able to be taken into consideration.

The accelerated timeline for implementation of this new regulation creates a significant logistical and workforce burden on hospitals and health care providers including the University of Arkansas for Medical Sciences. Fundamentally, the implementation of this regulation does not factor in the needed lead time to develop policies, protocols and vaccinate thousands of health care workers. Additionally, this regulation provides a compressed timeline to process and consider hundreds of religious and medical exemption requests.

Furthermore, the CMS mandate regulation places our health system in direct conflict with three Arkansas State laws approved by the 93rd Arkansas General Assembly. Act 977 of 2021 prohibits Arkansas state agencies, institutions, political subdivision of the state or local government from mandating a Covid 19 vaccine or immunization as a condition for education, employment, entry or service. Additionally, Act 977 provides the Arkansas Legislative Council with the narrow authority to approve a request from state-owned and controlled medical facilities to implement a COVID-19 vaccine mandate or requirement. Act 1030 of 2021 prohibits Arkansas state agencies, institutions, political subdivisions of the state or local government from requiring a vaccine passport as a means

of documentation to verify a COVID-19 vaccination or for any purpose. Therefore, a vaccine passport cannot be used as a condition of entry, travel, education or services in Arkansas. Act 1115 of 2021 created a testing provision in lieu of requiring mandatory vaccination for health care workers to maintain a healthy and safe work environment for patients and workers. I have attached copies of Acts 977, 1030, and 1115 for your review.

On behalf of the three million Arkansans we serve, we request CMS to take our concerns into consideration and make practical revisions to the interim and final rules. We ask for additional time for input in line with the issuance of other regulations brought forward by CMS. In addition, we ask for an extended timeline and flexibility to make sure policies and procedures are consistent with both Arkansas state law and the CMS regulation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cam Patterson', with a stylized flourish at the end.

Cam Patterson, MD, MBA
Chancellor

cc: The Honorable John Boozman, United States Senator
The Honorable Tom Cotton, United States Senator
The Honorable Rick Crawford, United States Congressman
The Honorable French Hill, United States Congressman
The Honorable Steve Womack, United States Congressman
The Honorable Bruce Westerman, United States Congressman
The Honorable Asa Hutchinson, Governor of Arkansas
The Honorable Jimmy Hickey, President Pro Tempore Arkansas Senate
The Honorable Matthew Shepherd, Speaker of the House, Arkansas House of Representatives
The Honorable Terry Rice, Senate Co-Chair, Arkansas Legislative Council
The Honorable Jeff Wardlaw, House Co-Chair, Arkansas Legislative Council
Dr. Donald R. Bobbitt, President, University of Arkansas System