**Governor Kelly Announces State Surveyors Will Not Enforce Federal CMS COVID-19 Vaccine Mandate**

*~~Governor Kelly Worked with Health and Human Services Secretary Becerra on Agreement that fits Kansas’ Needs~~*

**TOPEKA** – Governor Laura Kelly announced today the state of Kansas reached an agreement with Centers for Medicare and Medicaid Services (CMS) confirming state employees who survey CMS-funded facilities within Kansas will not enforce COVID-19 vaccine mandates as part of those surveys. Surveyors ensure compliance with rules, requirements and regulations in public and private healthcare facilities. The agreement comes after negotiations with Health and Human Services (HHS) and CMS leadership beginning in late 2021.

“I’ve consistently opposed federal COVID-19 vaccine requirements because the responsibility was given to the states to make these decisions,” **Governor Laura Kelly said.** “Kansas employees should not be required to enforce a federal mandate this late in the pandemic. In addition, mandates like this could further intensify the workforce shortage we are experiencing in our health care facilities throughout the state. CMS leadership has assured me they’re working with facilities and will not take punitive measures.”

The agreement comes after months-long negotiations between the Kelly administration and Health and Human Services Senior staff, which led to a meeting between Governor Kelly and Secretary Becerra on January 29, 2022, to discuss concerns about the mandate’s impact on already-struggling rural healthcare facilities in Kansas. Following the productive meeting, Governor Kelly directed staff and agencies to work with CMS to find a path forward that protects our workforce, ensures patient and resident safety and complies with existing state law.

The U.S. Supreme stayed two preliminary injunctions against the rule on January 13, 2022, allowing implementation of the CMS COVID-19 vaccine mandate. Governor Kelly announced an executive directive to ensure that state-run healthcare facilities follow state law regarding medical exemptions, religious exemptions, documentation, and self-attestation. However, state surveyors from the Kansas Department for Aging and Disability Services and the Kansas Department of Health and Environment survey state and private healthcare facilities. Therefore, private facilities fell outside the authority of the executive directive.

CMS confirmed with the Kelly Administration that they will work with facilities on compliance with the mandate. Additionally, CMS indicated they have no interest in terminating funding agreements with facilities that struggle with implementing the mandate among their workforce.

Please find more details [here](https://kdads.ks.gov/kdads-commissions/survey-certification-and-credentialing-commission/publications-and-reports).

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