

WHAT YOU NEED TO KNOW ABOUT THE COVID-19 VACCINE: ACCESS, COVERAGE SPECIFICS & WORKPLACE REQUIREMENT



On December 11th and December 18th, 2020, the Food and Drug Administration (FDA) issued Emergency Use Authorizations for the Pfizer-BioNTech and Moderna COVID-19 vaccines. The Centers for Disease Control Advisory Committee on Immunization Practices (ACIP) recommended the use of Pfizer Inc.'s COVID-19 vaccine for individuals 16 years of age and older and the Moderna COVID-19 vaccine for individuals age 18 and older. The ACIP recommendations trigger the requirement for all non-grandfathered group health plans to cover the vaccine without cost sharing. Grandfathered plans may choose to cover the vaccine and could be required to do so under state law or applicable insurance policies.

The FDA and ACIP actions have resulted in questions from employees and employers related to vaccine access, health plan coverage specifics and vaccine workplace requirements and the following attempts to shed light on common concerns.

Vaccine Access

Health and Human Services (HHS) has outlined a detailed distribution plan: From Factory to Frontlines. As part of this plan, the Centers for Disease Control (CDC) is working with state, local and tribal health departments to prioritize the population, allocate and distribute the vaccines and ensure safe and effective administration. Each state has their own distribution plan with initial phases of distribution focused on front line workers and the highest risk populations.

From an employer perspective, wellness vendors are working with suppliers to gain access to vaccinations. They are assembling employer wait lists and will be prepared to distribute vaccines as soon as they are publicly available.

Vaccine Coverage Specifics

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) requires health plans and insurers to cover the vaccine within 15 business days from the ACIP recommendation. There are 3 cost components to vaccine coverage (though all three charges will not apply in all cases): the vaccine, the administration of the vaccine and the associated office or doctor visit (if any).

- Initially, the CDC's COVID-19 Vaccination Program provides initial doses of the serum at no cost to plans or individuals. The plan still may incur cost related to the administration and office visit.
- During the national public health emergency period, plans must provide coverage with no cost sharing, at both in- and out-of-network providers and in both medical and pharmacy settings.
- Office visit costs vary by plan or insurer and reason for the visit. Specifically, if the purpose of the office visit goes beyond administration of the vaccination, normal office visit copays or cost sharing may apply.

Insurers will automatically provide coverage for fully-insured plans. Self-funded plans should work with their third-party administrators to comply with vaccine coverage requirements. While plan amendment is likely unnecessary due to the Affordable Care Act's preventive services mandate, employers should review plan documents to confirm no action is needed.

Vaccination Workplace Requirements

With public distribution of the COVID-19 vaccination on the horizon, many employers are asking if they can require employees to be vaccinated as a condition of employment. While most employers can set their own working conditions and safety standards, they must also comply with certain worker protections, such as Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964 to name a few. The EEOC issued FAQs on December 16, 2020 addressing relevant considerations.

For more information, contact your HORAN representative at 800.544.8306.

