

What the COVID vaccine means for employers



A COVID vaccine is here, and more are on the way.

If you're like us, you hate vaccinations so much that memories of running around the doctor's office screaming are beginning to resurface. Childhood trauma notwithstanding, as of today, COVID vaccines are rolling out. The FDA has already given one emergency authorization use. Two others show promising results and could be in use soon.

This prompts two questions for employers:

1. Can you require employees to get vaccinated?
2. Must your group health plan cover the expense cost-free to employees?

Shirt sleeves up: mandating employees get the COVID vaccine

Yes, you can require employees to get vaccinated. However, the Equal Employment Opportunity Commission strongly encourages you to [make your vaccination policy voluntary](#) for employees. They also suggest including accommodations for employees under the Americans with Disabilities Act and Title VII for employees who have religious objections.

Reasonable accommodations can include:

- Requiring employees to wear masks or other protective gear.
- If possible, sequestering employees from others.
- Allowing employees to continue to work remotely.

If you choose to have a mandatory vaccination policy, put it in writing. Prepare to articulate an objective business reason for the policy. Apply it to all employees equally (with appropriate accommodations).

Thumbs down on co-pay, coinsurance, and other creative ways to make employees pay

One way to motivate employees to get the COVID vaccine is to pick up the cost. But even if you don't, you can't require employees to pay out-of-pocket for their shots. [Interim final regulations](#) extend the Affordable Care Act's prohibition on making employees pay for qualifying preventive services.

The ACA requires certain preventive services to be provided to employees cost-free. However, it also sets up a complicated system for determining whether employees can be charged for office visits. The burden is on employees to specify the reason for their office visit when they make their appointments. Those rules aren't changing for coronavirus shots.

- If a recommended preventive service is billed separately from the office visit, plans may impose cost-sharing on the office visit only.
- If a recommended preventive service isn't billed separately from the office visit, and the primary purpose of the employee's office visit is to receive the recommended preventive service, plans may not impose cost-sharing on the office visit.
- If a recommended preventive service isn't billed separately from an office visit, and the primary purpose of the employee's office visit isn't to receive the recommended preventive service, plans may impose cost-sharing on the office visit.

Free is a powerful word, so employees may not understand the technicalities of the ACA's rules on office visits. It's worth taking a few minutes to explain to employees how they need to communicate with their doctors.

Additional Resource: Learn more about how [COVID-19 vaccinations will pose new employer challenges](#).