

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

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STATE OF TEXAS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:21-CV-00229-Z
)	
XAVIER BECERRA, <i>et al.</i> ,)	
)	
Defendants.)	
)	

CERTIFICATION AND INDEX

I, Sheli Harris, Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services (“CMS”), United States Department of Health and Human Services, certify that, to the best of my knowledge, the materials listed in the accompanying index constitute rulemaking record documents—that is, documents that were directly or indirectly considered in connection with promulgation of the CMS Interim Final Rule with Comment Period entitled “Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination,” 86 Fed. Reg. 61,555 (Nov. 5, 2021), the rule challenged in this litigation—as of November 27, 2021. Privileged documents are not part of this administrative record. *See Ad Hoc Metals Coalition v. Whitman*, 227 F. Supp. 2d 134, 142-43 (D.D.C. 2002); *AMFAC Resorts, L.L.C. v. Dep’t of the Interior*, 143 F. Supp. 2d 7, 13 (D.D.C. 2001). The Department will supplement to the extent additional records are discovered.

Executed this 27th day of November 2021, in Baltimore, Maryland.

Sheli Harris

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 Deputy Director
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Office of Strategic Operations and Regulatory Affairs
Centers for Medicare & Medicaid Services
United States Department of Health and Human Services

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ADMINISTRATIVE RECORD INDEX

Index to the Administrative Record for CMS Interim Final Rule with Comment Period entitled
“Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination,” 86 Fed.
Reg. 61,555 (Nov. 5, 2021)

<u>Document Description</u>	<u>Beg Bates</u>
Interim Final Rule with comment period, “Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination,” 86 Fed. Reg. 61,555 (Nov. 5, 2021)	AR-00001
5 Ways COVID-19 Affected ASCs in 2020 (Becker’s ASC Review)	AR-00074
A Rapid Evidence Appraisal of Influenza Vaccination in Health Workers (Jenkin et al., Elsevier)	AR-00079
ACIP Sep 22-23, 2021 Presentation Slidedeck 1	AR-00097
ACIP Sep 22-23, 2021 Presentation Slidedeck 2	AR-00106
ACIP Sep 22-23, 2021 Presentation Slidedeck 3	AR-00126
ACIP Sep 22-23, 2021 Presentation Slidedeck 4	AR-00161
ACIP Sep 22-23, 2021 Presentation Slidedeck 5	AR-00203
ACIP Sep 22-23, 2021 Presentation Slidedeck 6	AR-00219
ACIP Sep 22-23, 2021 Presentation Slidedeck 7	AR-00240
ACIP Sep 22-23, 2021 Presentation Slidedeck 8	AR-00254
ACIP Sep 22-23, 2021 Presentation Slidedeck 9	AR-00267
ACIP Sep 22-23, 2021 Presentation Slidedeck 10	AR-00273
ACIP Sep 22-23, 2021 Presentation Slidedeck 11	AR-00298
ACIP Sep 22-23, 2021 Presentation Slidedeck 12	AR-00386

ACIP Sep 22-23, 2021 Presentation Slidedeck 13	AR-00405
ACIP Sep 22-23, 2021 Presentation Slidedeck 14	AR-00429
ACIP Sep 22-23, 2021 Presentation Slidedeck 15	AR-00452
ACIP Sep 22-23, 2021 Presentation Slides Homepage	AR-00472
Aging Services Leader Joins National Call for Long-Term Care Providers to Mandate Covid-19 Vaccines for All Staff and Care Professionals (Lisa Sanders, LeadingAge)	AR-00474
AHCA/NCAL Issues Policy Statement Regarding Covid-19 Vaccinations of Long Term Care Personnel	AR-00477
An Uncertain - Public Encouraging Acceptance of Covid-19 Vaccines (SteelFisher et al., New England Journal of Medicine)	AR-00480
APIC Position Paper: Improving Health Care Worker Influenza Immunization Rates (Dash et al.)	AR-00485
Association Between Vaccination With BNT162b2 and Incidence of Symptomatic and Asymptomatic SARS-CoV-2 Infections Among Health Care Workers (Angel et al., JAMA)	AR-00488
Associations Between County-level Vaccination Rates and Covid-19 Outcomes Among Medicare Beneficiaries (Samson et al., APSE)	AR-00497
Background and Epidemiology: Influenza Viruses and Vaccine Composition (CDC Webpage)	AR-00526
Balancing Long Term Services & Supports (CMS Webpage)	AR-00532
Benefits of Getting a COVID-19 Vaccine (CDC Webpage)	AR-00537
BNT162b2 mRNA Covid-19 Vaccine in a Nationwide Mass Vaccination Setting (Dagan et al., New England Journal of Medicine)	AR-00539
BPHC Health Center Program COVID-19 Frequently Asked Questions (HRSA Webpage)	AR-00551
Caregiver Turnover Rate is 65.2 Percent According to 2021 Home Care Benchmarking Study (Home Care Association of America)	AR-00569
CCSQ QSCG Memo QSO-20-38-NH REVISED (Sept. 10, 2021)	AR-00572

CCSQ QSOG Memo QSO-21-07-Psych Hospital, PRTF & ICF/IID (Dec. 17, 2020)	AR-00584
CCSQ QSOG Memo QSO-21-08-NLTC (Dec. 30, 2020)	AR-00599
Changes in Influenza and Other Respiratory Virus Activity During the COVID-19 Pandemic -- US, 2020-2021 (Olsen et al., CDC)	AR-00611
Characteristics of Office-based Physician Visits, 2018 (Ashman et al., CDC)	AR-00619
ChristianaCare Fires 150 Employees For Not Complying With COVID-19 Vaccine Mandate (Newman, Delaware News Journal)	AR-00627
Coinfection, Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), and Influenza: An Evolving Puzzle (Covin et al., Clinical Infectious Diseases)	AR-00629
Comirnaty and Pfizer-BioNTech COVID-19 Vaccine (FDA Webpage)	AR-00631
Vaccine Information Fact Sheet (Comirnaty)	AR-00636
Comparative Evaluation of Clinical Manifestations and Risk of Death in Patients Admitted to Hospital with Covid-19 and Seasonal Influenza (Xie et al., BMJ)	AR-00645
Comparison of the Characteristics, Morbidity, and Mortality of COVID-19 and Seasonal Influenza: a Nationwide, Population-based Retrospective Cohort Study (Pirath et al., The Lancet)	AR-00657
Control of Influenza A on a Bone Marrow Transplant Unit (Weinstock et. Al, Infection Control and Hospital Epidemiology)	AR-00666
Correlation of Healthcare Worker Vaccination on Inpatient Healthcare-associated COVID-19 (Roberts et al., Infection Control and Hospital Epidemiology)	AR-00669
Correlation of Healthcare Worker Vaccination With Inpatient Healthcare-associated Covid-19 (Research brief) (Roberts et al., Infection Control and Hospital Epidemiology)	AR-00675
County-Level COVID-19 Vaccination Coverage and Social Vulnerability -- US, Dec 14, 2020-Mar 1, 2021 MMWR (Hughes et al., CDC)	AR-00677
Covid News: Delta Variant Is Overwhelming Alaska, Site of Worst US Outbreak (NYTimes) ¹	AR-00686
COVID-19 and Workers at Risk: Examining the Long-Term Care Workforce (True et al., KFF)	AR-00715

¹ The printed version of this document in the record includes other articles from the *New York Times*.

Covid-19 Breakthrough Infections in Vaccinated Health Care Workers (Bergwerk et al., New England Journal of Medicine)	AR-00727
Covid-19 Data Tracker (healthcare personnel) (CDC Webpage)	AR-00738
Covid-19 Data Tracker (hospitalizations by vaccination status) (CDC Webpage)	AR-00741
Covid-19 Data Tracker (new Covid-19 related hospitalizations) (CDC Webpage)	AR-00744
Covid-19 Data Tracker (CDC Webpage)	AR-00748
Covid-19 Data Tracker Weekly Review (CDC Webpage)	AR-00771
Covid-19 Healthcare ETS (OSHA Webpage)	AR-00777
Covid-19 Information for Specific Groups of People (CDC Webpage)	AR-00780
Covid-19: Maintaining Essential Rehabilitation Services Across the Care Continuum (Bettger et al., BMJ Global Health)	AR-00782
Covid-19 Nursing Home Data (CMS Webpage)	AR-00789
Covid-19 Outbreak Associated with a SARS-CoV-2 R.1 Lineage Variant in a Skilled Nursing Facility After Vaccination Program -- Kentucky, Mar 2021 MMWR (Cavanaugh et al., CDC)	AR-00797
Covid-19 Outbreak in an Urban Hemodialysis Unit (Yau et al., AJKD)	AR-00803
Covid-19 Overtakes 1918 Spanish Flu as Deadliest Disease in American History (Branswell, STATnews)	AR-00810
Covid-19 Public Health Declarations List 1 of 2 (DHHS Webpage)	AR-00815
Covid-19 Public Health Declarations List 2 of 2 (DHHS Webpage)	AR-00817
Covid-19 Vaccination Coverage and Vaccine Confidence (CDC Webpage)	AR-00825
Covid-19 Vaccination of Health Care Personnel as a Condition of Employment (Talbot, JAMA)	AR-00826

Covid-19 Vaccination Toolkits (CDC Webpage)	AR-00828
Covid-19 Vaccine Booster Shots (CDC Webpage)	AR-00830
Covid-19 Vaccine Equity for Racial and Ethnic Minority Groups (CDC Webpage)	AR-00834
Covid-19 Vaccines (FDA Webpage)	AR-00838
Covid-19 Vaccines for Moderately to Severely Immunocompromised People (CDC Webpage)	AR-00851
Covid-19 Vaccines for People with Allergies (CDC Webpage)	AR-00854
Covid-19 Vaccines Work (CDC Webpage)	AR-00856
Daily Updates of Totals by Week and State Provisional Death Counts for Covid-19 (CDC Webpage)	AR-00858
Declining Prevalence of Antibody Positivity to SARS-CoV-2 (Ward et al.)	AR-00861
Delay or Avoidance of Medical Care Because of Covid-19 Related Concerns -- US, June 2020 MMWR (Czeisler et al., CDC)	AR-00891
Delayed and Forgone Health Care for Nonelderly Adults During the Covid-19 Pandemic (Gonzalez et al., Urban Institute)	AR-00899
Delta Variant Isn't As Contagious As Chickenpox But Is Still Highly Contagious (Douceff, NPR)	AR-00915
Delta Variant What We Know About the Science (CDC Webpage)	AR-00920
Despite Protests 98 Percent of Henry Ford Hospital Workers Get Covid-19 Vaccinations (Bridge Michigan)	AR-00923
Developing Covid-19 Vaccines (CDC Webpage)	AR-00931
Dialysis Covid-19 Vaccination Data Dashboard (CDC Webpage)	AR-00934
Dialysis Covid-19 Vaccination Data Dashboard (CDC Webpage)	AR-00937

Different Covid-19 Vaccines (CDC Webpage)	AR-00940
Direct Care Worker Retention Strategies for Success (Barbarotta, AAHSA)	AR-00942
Disparities in Covid-19 Associated Hospitalizations (CDC Webpage)	AR-01014
Disparities in Covid-19 Vaccination Coverage Among Health Care Personnel Working in Long-Term Care Facilities by Job Category National Healthcare Safety Network -- US, Mar 2021 MMWR (Lee et al., CDC)	AR-01019
Disparities in Covid-19 Vaccination Coverage Between Urban and Rural Counties -- US, Dec 14, 2020-Apr 10, 2021 MMWR (Murthy et al., CDC)	AR-01024
Disparities in Covid-19 Vaccination Rates Across Racial and Ethnic Minority Groups in the US (ASPE Webpage)	AR-01035
Do Covid-19 Vaccines Protect Against the Variants? (Mayo Clinic Staff)	AR-01052
Effect of Influenza Vaccination of Healthcare Personnel on Morbidity and Mortality Among Patients (Ahmed et al., CID)	AR-01055
Effect of Influenza Vaccination of Nursing Home Staff on Mortality of Residents (Lemaitre et al., JAGS)	AR-01063
Effectiveness of Covid-19 Vaccines Against the B.1.617.2 (Delta) Variant (Bernal et al., New England Journal of Medicine)	AR-01070
Effectiveness of Covid-19 Vaccines in Preventing SARS-CoV-2 Infection Among Frontline Workers Before and During B.1.617.2 (Delta) Variant -- Eight US Locations, Dec 2020-Aug 2021 MMWR (Fowlkes et al., CDC)	AR-01080
Effectiveness of an Influenza Vaccine Programme for Care Home Staff to Prevent Death Morbidity and Health Service use Among Residents (Hayward et al., BMJ)	AR-01085
Effectiveness of the Pfizer-BioNTech Covid-19 Vaccine Among Residents of Two Skilled Nursing Facilities Experiencing Covid-19 Outbreaks -- Connecticut, Dec 2020-Feb 2021 MMWR (Britton et al., CDC)	AR-01091
Effects of Influenza Vaccination of Health-care Workers on Mortality of Elderly People in Long-term Care (Carman et al., The Lancet)	AR-01101
Emergency Use Authorization (FDA Webpage)	AR-01106
Ensuring Equity in Covid-19 Vaccine Distribution (HRSA Webpage)	AR-01129
Erratum for Volume 70, Number 27 MMWR (CDC)	AR-01131

Essential Long-term Care Workers Commonly Hold Second Jobs and Double- or Triple-duty Caregiving Roles (Van Houten et al., JAGS)	AR-01132
Estimated Incidence of Covid-19 Illness and Hospitalization -- US, Feb-Sep 2020 (Reese et al., CID)	AR-01136
Estimating Real-world Covid-19 Vaccine Effectiveness in Israel Using Aggregated Counts (Aran)	AR-01144
Expanding Covid-19 Response in Rural Communities through Rural Health Clinics (HRSA Webpage)	AR-01152
Experiences of Home Health Care Workers in New York City During the Covid-19 2019 Pandemic (Sterling et al., JAMA Internal Medicine)	AR-01154
FDA Approves First Covid-19 Vaccine (FDA News Release)	AR-01161
Fear and Avoidance of Healthcare Workers An Important Under-recognized Form of Stigmatization During the Covid-19 Pandemic (Taylor et al., Elsevier)	AR-01165
Flu Season (CDC Webpage)	AR-01171
France Covid: Vaccinations Mandatory for All Health Workers (BBC)	AR-01173
Frequently Asked Questions About Covid-19 Vaccination (CDC Webpage)	AR-01185
Frequently Asked Questions About Therapeutic Biological Products (CDER Small Business and Industry Assistance Webpage)	AR-01192
From Inpatient to Outpatient The Evolution of Healthcare Delivery (Norwich University Online)	AR-01197
Genetic Information Nondiscrimination Act of 2008, PL 110-233	AR-01206
Greece Orders Covid-19 Vaccinations as Infections Rise (Reuters)	AR-01248
Guidelines for Regulatory Impact Analysis (ASPE Webpage)	AR-01260
Half of Unvaccinated Workers Say They'd Rather Quit Than Get a Shot But Real-world Data Suggest Few Are Following Through (Barry et al., The Conversation)	AR-01354
Having SARS-CoV-2 once confers much greater immunity than a vaccine—but vaccination remains vital (Wadman, ScienceInsider)	AR-01357

Health Economists Urge CMS to Mandate Covid-19 Staff Vaccinations Through Quick Rule-making Process (Marselas, McKnights)	AR-01363
Healthcare Associated Covid-19 in England: a National Data Linkage Study (Bhattacharya et al.)	AR-01371
Healthcare Providers Fact Sheet for Janssen	AR-01401
Healthcare Providers Fact Sheet for Moderna	AR-01432
Healthcare Providers Fact Sheet for Pfizer-BioNTech	AR-01467
Hepatitis B Vaccination Protection Fact Sheet (OSHA)	AR-01520
Hospital Experiences Responding to the COVID-19 Pandemic: Results of a National Pulse Survey March 23-27, 2020 (HHS OIG Report OEI-06-20-00300)	AR-01522
Hospitals Reported that the COVID-19 Pandemic Has Significantly Strained Health Care Delivery (HHS OIG Report OEI-09-21-00140)	AR-01563
High Nursing Staff Turnover In Nursing Homes Offers Important Quality Information (Gandhi et al., Health Affairs)	AR-01625
Hopkins Finds Dialysis Patients at Greater Risk of Covid-19 (Ravi, the Johns Hopkins News-Letter)	AR-01633
Hospital Acquired SARS-CoV-2 Infection: Lessons for Public Health (Richterman et al., JAMA)	AR-01638
Houston Hospital Employees Fired, Resign for Refusing to be Vaccinated (Diamond, Washington Post)	AR-01640
Houston Methodist Requires Covid-19 Vaccine for Credentialed Doctors (Ackerman, Houston Methodist Leading Medicine)	AR-01645
How Long Do Covid-19 Vaccines Provide Immunity? (Reddy, WSJ)	AR-01646
How Surging Delta Variant Is Leading to Rationed Care at Hospitals (Bahl, Healthline)	AR-01651
ICFs-IID Community Residential Living (Florida)	AR-01662
Immunizations Religion and Exemptions Resource 1 (Vanderbilt Faculty & Staff Health and Wellness)	AR-01663

Immunizations Religion and Exemptions Resource 2 (Institute for Vaccine Safety)	AR-01667
Immunizations Religion and Exemptions Resource 3 (Grabenstein, Elsevier)	AR-01669
Immunizations Religion and Exemptions Resource 4 (Christian Science Press Room)	AR-01682
Immunizations Religion and Exemptions Resource 5 (Reiss)	AR-01685
Immunizations Religion and Exemptions Resource 6 (Sandstrom, Pew Research Center)	AR-01694
Immunizations Religion and Exemptions Resource 7 (Cultural Perspectives)	AR-01700
Immunizations Religion and Exemptions Resource 8 (Ratini, WebMD)	AR-01708
Impact of Covid-19 on Excess Mortality Life Expectancy and Years of Life Lost in the US (Chan et al., Plos One)	AR-01718
Impact of Covid-19 on the Physical Therapy Profession Over One Year (APTA Report)	AR-01730
Incidence of Nosocomial Covid-19 in Patients Hospitalized at a Large US Academic Medical Center (Rhee et al., JAMA)	AR-01756
Influenza Vaccination for Health-care Workers Who Work With Elderly People in Institutions (Thomas et al., The Lancet)	AR-01765
Influenza Vaccination Levels and Influenza-Like Illness in Long-Term-Care Facilities for Elderly People in Niigata, Japan During an Influenza A Epidemic (Oshitani, et al., Infection Control and Hospital Epidemiology)	AR-01772
Influenza Vaccination of Healthcare Workers and Vaccine Allocation for Healthcare Workers During Vaccine Shortages (Talbot et al., Infection Control and Hospital Epidemiology)	AR-01775
Influenza Vaccination of Healthcare Workers in Long-Term-Care Hospitals Reduces the Mortality of Elderly Patients (Potter et al., JID)	AR-01784
In-Home and Residential Long-Term Supports and Services for Persons with Intellectual or Developmental Disabilities Status and Trends, 2017 (Residential Information Systems Project)	AR-01790
Interim Clinical Considerations for Use of Covid-19 Vaccines (last updated 27 Sep 2021) (CDC Webpage)	AR-02047
Interim Clinical Considerations for Use of Covid-19 Vaccines CDC (last updated 31 Aug 2021) (CDC Webpage)	AR-02080

Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Covid-19 Pandemic (CDC Webpage)	AR-02110
Interim Public Health Recommendations for Fully Vaccinated People (CDC Webpage)	AR-02122
Joint Statement in Support of Covid-19 Vaccine Mandates for All Workers in Health (Press Release)	AR-02127
Justice in Aging Supports Mandatory Covid-19 Vaccinations in Long-Term Care Facilities (Press Release)	AR-02131
KFF Covid-19 Vaccine Monitor: September 2021	AR-02135
Laboratory-Confirmed Covid-19 Among Adults Hospitalized with Covid-19–Like Illness with Infection-Induced or mRNA Vaccine-Induced SARS-CoV-2 Immunity -- Nine States, Jan-Sep 2021 MMWR (Bozio et al., CDC)	AR-02167
LeadingAge Statement on Vaccine Mandates for Healthcare Workers	AR-02177
Major Health Care Professional Organizations Call for Covid-19 Vaccine Mandates for All Health Workers (AAMC)	AR-02179
Mandating Covid-19 Vaccination for Health Care Workers (Emanuel and Skorton, Annals of Internal Medicine)	AR-02183
Mandatory Influenza Vaccination for Health Care Workers as the New Standard of Care A Matter of Patient Safety and Nonmaleficent Practice (Cortes-Penfield, American Journal of Public Health)	AR-02187
Mandatory Vaccination of Health Care Workers: Whose Rights Come First? (Field, P&T)	AR-02193
Mathematical Modeling to Inform Vaccination Strategies and Testing Approaches for Covid-19 in Nursing Homes (Kahn et al.)	AR-02196
May 2020 National Occupational Employment and Wage Estimates (BLS Webpage)	AR-02221
Medical Care for the Final Years of Life: “When You're 83, It's Not Going to be 20 Years” (Reuben, JAMA)	AR-02247
Medical Costs of Keeping the US Economy Open During Covid-19 (Chen et al.)	AR-02267
Medicare and You (CMS Handbook)	AR-02282
Medicare and You (Webpage)	AR-02410

MEDPAC Report to Congress: Medical Payment Policy, March 2019	AR-02413
Merck Says It Has the First Antiviral Pill Found to Be Effective Against Covid (Robbins, NYTimes)	AR-02944
Modeling Effectiveness of Testing Strategies to Prevent Covid-19 in Nursing Homes (See et al.)	AR-02949
Monitoring Incidence of Covid-19 Cases Hospitalizations and Deaths by Vaccination Status -- 13 US Jurisdictions, Apr 4-Jul 17, 2021 MMWR (Scobie et al., CDC)	AR-02968
National Study Shows Home Health Care is in a Fragile State (National Association for Home Care & Hospice)	AR-02977
Nearly One-Third of US Coronavirus Deaths Are Linked to Nursing Homes (NYTimes)	AR-02979
New AARP Analysis Shows Nursing Homes Vaccination Rates Still Well Short of Benchmark as Covid-19 Cases Trend Upwards (AARP Press Release)	AR-03194
New CDC Study: Vaccination Offers Higher Protection than Previous COVID-19 Infection (CDC Media Release)	AR-03198
New Covid-19 Cases and Hospitalizations Among Adults by Vaccination Status -- New York, May 3-Jul 25, 2021 MMWR (Rosenberg et al., CDC) (corrected report)	AR-03199
New Covid-19 Cases and Hospitalizations Among Adults by Vaccination Status -- New York, May 3-Jul 25, 2021 MMWR (Rosenberg et al., CDC)	AR-03207
NHE Fact Sheet (CMS Webpage)	AR-03215
Race, Ethnicity, and Kidney Disease (NIH Webpage)	AR-03219
Nosocomial Transmission and Outbreaks of Covid-19 (Abbas et al., BMC)	AR-03221
Novant Health Update On Mandatory Covid-19 Vaccination Program For Employees (Press Release)	AR-03234
Nursing Home Covid-19 Vaccination Data Dashboard (CDC Webpage)	AR-03236
Nursing Home Data Dashboard (CDC Webpage)	AR-03240
Nursing Home Staff Networks and Covid-19 (Chen et al., PNAS)	AR-03243

Nursing Home Staff Networks and Covid-19 (Chen et al.)	AR-03250
Nursing Home Staffing Levels Did Not Change Significantly During Covid-19 (Werner and Coe, Health Affairs)	AR-03277
Occupational Covid-19 Exposures and Secondary Cases Among Healthcare Personnel (Ibiebele, et al., Elsevier)	AR-03284
Outcomes Among Patients Referred to Outpatient Rehabilitation Clinics After Covid-19 Diagnosis -- US, Jan 2020-Mar 2021 MMWR (Rogers-Brown et al., CDC)	AR-03288
Outcomes of Patients on Maintenance Dialysis Hospitalized with Covid-19 (Chan et al., American Society of Nephrology)	AR-03293
Performance of an Antigen-Based Test for Asymptomatic and Symptomatic SARS-CoV-2 Testing at Two University Campuses -- Wisconsin, Sep-Oct 2020 MMWR (Pray et al., CDC)	AR-03307
PHE for Covid-19 Determination Renewals (15 Oct 2021) DHHS	AR-03316
PHE for Covid-19 Initial Determination (31 Jan 2020) DHHS	AR-03317
Population Based Estimates of Chronic Conditions Affecting Risk for Complications from Covid-19 -- US, Volume 26 Number 8, Aug 2020 (Adams et al., CDC)	AR-03318
Possible Side Effects After Getting a Covid-19 Vaccine (CDC Webpage)	AR-03323
Postvaccination SARS-CoV-2 Infections Among Skilled Nursing Facility Residents and Staff Members -- Chicago, Illinois, Dec 2020-Mar 2021 MMWR (Teran et al., CDC)	AR-03327
Predicting the Impact of Low Influenza Activity in 2020 on Population Immunity and Future Influenza Season in the US (Lee et al.)	AR-03337
Presidential Proclamation on Declaring a National Emergency Concerning The Novel Coronavirus Disease (Covid-19) Outbreak	AR-03353
Prevalence of Underlying Medical Conditions Among Selected Essential Critical Infrastructure Workers -- Behavioral Risk Factor Surveillance System 31 States 2017-2018 MMWR (Silver et al., CDC)	AR-03357
Preventing Nosocomial Influenza by Improving the Vaccine Acceptance Rate of Clinicians (Salgado et al., Infection Control and Hospital Epidemiology)	AR-03367
Prevention Strategies for Seasonal Influenza in Healthcare Settings (CDC Webpage)	AR-03373
Protecting Healthcare Personnel in Outpatient Settings: The Influence of Mandatory Versus Nonmandatory Influenza Vaccination Policies on Workplace	AR-03381

Absenteeism During Multiple Respiratory Virus Seasons (Frederick et al., Infection Control and Hospital Epidemiology)	
Provider Supplier Count 09012021 DC (from QCOR website)	AR-03392
Public Perspectives on Decisions About Emergency Care Seeking for Care Unrelated to Covid-19 During the Covid-19 Pandemic (Gale et al., JAMA)	AR-03393
Racial Diversity within Covid-19 Vaccine Clinical Trials: Key Questions and Answers (Artiga et al., KFF)	AR-03410
Reduced Risk of Reinfection with SARS-CoV-2 After Covid-19 Vaccination -- Kentucky, May-Jun 2021 MMWR (Cavanaugh et al., CDC)	AR-03415
Reductions in 2020 US Life Expectancy Due to Covid-19 and the Disproportionate Impact on the Black and Latino Populations (Andrasfay and Goldman, PNAS)	AR-03421
Reflections on the Influenza Vaccination of Healthcare Workers (McLennan and Wicker, Elsevier)	AR-03427
Report of Nationally Representative Values for the Noninstitutionalized US Adult Population for 7 Health-Related Quality-of-Life Scores (Hanmer et al., Medical Decision Making)	AR-03431
Request for a Religious Exception (Template)	AR-03442
Requiring Influenza Vaccination for Health Care Workers: Seven Truths We Must Accept (Poland et al., Elsevier)	AR-03444
Results of a National Survey of Infectious Disease Specialists Regarding Influenza Vaccine Programs for Health Care Workers (Polgreen et al., Infection Control and Hospital Epidemiology)	AR-03449
Revised SHEA Position Paper: Influenza Vaccination of Healthcare Personnel (Talbot et al., Infection Control and Hospital Epidemiology)	AR-03453
Risk Factors Associated with SARS-Cov-2 Seropositivity Among US Health Care Personnel (Jacob et al., JAMA)	AR-03462
Risk for Covid-19 Infection, Hospitalization, and Death By Age Group (CDC Webpage)	AR-03475
Risk of Severe Illness or Death from Covid-19 (CDC Webpage)	AR-03476
S&C QCOR Home Page	AR-03482
Safe Care, Safe Workplace—We Are Vaccinated (Nevin, ChristianaCare News)	AR-03483

Safety of Covid-19 Vaccines (CDC Webpage)	AR-03486
SARS-CoV-2 Cases in Healthcare Workers May Not Regularly Originate From Patient Care: Lessons from a University Hospital on the Underestimated Risk of Healthcare Worker to Healthcare Worker Transmission (Schneider, et al., BMC)	AR-03489
Science Brief: Covid-19 Vaccines and Vaccination (CDC Webpage)	AR-03496
Science Brief: Evidence Used to Update the List of Underlying Medical Conditions Associated with Higher Risk for Severe Covid-19 (CDC Webpage)	AR-03516
Section 12: Religious Discrimination (EEOC Guidance)	AR-03530
Selected Adverse Events Reported after Covid-19 Vaccination (CDC Webpage)	AR-03694
Serologic Surveillance and Phylogenetic Analysis of SARS-CoV-2 Infection Among Hospital Health Care Workers (Sikkers et al., JAMA)	AR-03696
Several Hundred Virginia Health-care Workers Have Been Suspended or Fired Over Coronavirus Vaccine Mandates (Portnoy, Washington Post)	AR-03709
Short-term and Long-term Rates of Postacute Sequelae of SARS-Cov-2 Infection: A Systematic Review (Groff et al., JAMA)	AR-03713
Signs and Symptoms to Determine if a Patient Presenting in Primary Care or Hospital Outpatient Settings Has Covid-19 (Review) (Struyf et al., Cochrane Database of Systematic Reviews)	AR-03730
Spectrum Health workers can use natural immunity as vaccine mandate exemption (LeBlanc, The Detroit News)	AR-03937
State Covid-19 Data and Policy Actions (KFF Webpage)	AR-03939
State of the Long Term Care Industry: Survey of Nursing Home and Assisted Living Providers Show Industry Facing Significant Workforce Crisis (AHCA & NCAL)	AR-03944
State-wide Genomic Epidemiology Investigations of COVID-19 Infections in Healthcare Workers – Insights for Future Pandemic Preparedness (Watt et al.)	AR-03951
Summary Document for Interim Considerations for Use of Covid-19 Vaccines (CDC)	AR-03971
Sustained Effectiveness of Pfizer-BioNTech and Moderna Vaccines Against Covid-19 Associated Hospitalizations Among Adults -- US, Mar-Jul 2021 MMWR (Tenforde et al., CDC)	AR-03974
The Case for Mandating Covid-19 Vaccines for Health Care Workers (Klompas et al., Annals of Internal Medicine)	AR-03984

The Cost of Frontline Turnover in Long-Term Care (IFAS)	AR-03988
The Delta Variant is Putting America's Hospitals Back in Crisis Mode (Sellers et al., Washington Post)	AR-04021
The Devastating Impact of Covid-19 on Individuals with Intellectual Disabilities in the United States (Gleason et al., NEJM Catalyst)	AR-04026
The Effects of Influenza Vaccination of Health Care Workers in Nursing Homes: Insights from a Mathematical Model (van den Dool et al., Plos Medicine)	AR-04046
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The Federal Retail Pharmacy Program for Covid-19 Vaccination (CDC Webpage)	AR-04058
The Possibility of Covid-19 After Vaccination Breakthrough Infections (CDC Webpage)	AR-04060
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Underlying Medical Conditions Associated with Higher Risk for Severe Covid-19: Information for Healthcare Providers (CDC Webpage)	AR-04113
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Vaccination Laws (CDC Webpage)	AR-04141
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What You Should Know About Covid-19 and the ADA, the Rehabilitation Act, and Other EEO Laws (EEOC Guidance)	AR-04337
When You've Been Fully Vaccinated (CDC Webpage) (updated 15 Oct 2021)	AR-04390
When You've Been Fully Vaccinated (CDC Webpage) (updated 16 Sep 2021)	AR-04393
Whether Section 564 of the FDC Act Prohibits Entities From Requiring the Use of a Vaccine Subject to an EUA (OLC Opinion)	AR-04396
WHO Considerations For Evaluation of Covid-19 Vaccines	AR-04414
WHO Covid-19 and Mandatory Vaccination: Ethical Considerations and Caveats	AR-04443
WHO Covid-19 Vaccine Status 29 Sept 2021	AR-04448
WHO Covid-19 Vaccines	AR-04451
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Science Brief: SARS-CoV-2 Infection-induced and Vaccine-induced Immunity (CDC Webpage)	AR-04481
Nursing Home COVID-19 Vaccination Data Dashboard (CDC Webpage)	AR-04500
Dialysis COVID-19 Vaccination Data Dashboard (CDC Webpage)	AR-04504
Covid-19 Data from the National Center for Health Statistics (CDC Webpage)	AR-04507
Covid-19 Data Tracker (CDC Webpage)	AR-04510
HHS Protect Public Data Hub (HHS Webpage)	AR-04533
Covid-19 Vaccination Coverage and Vaccine Confidence (CDC Webpage)	AR-04539

Reduced Access to Care (CDC Webpage)	AR-04540
American Hospital Association Letter	AR-04546
America's Essential Hospitals Letter	AR-04553
The Jewish Federations of North America Letter	AR-04558
LeadingAge Letter	AR-04562
Florida Hospital Association Letter	AR-04565
Service Employees International Union Letter	AR-04567
Nonprofit Kidney Care Alliance Letter	AR-04572
Ascension Letter	AR-04574
American Health Care Association / National Center for Assisted Living Letter	AR-04578
The First Church of Christ, Scientist Letter	AR-04579
Federation of American Hospitals Letter	AR-04585
Native Production of Internet Databases	AR-04591
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