



State of Delaware Department of Human Resources

COVID-19 Vaccination and Testing Frequently Asked Questions (FAQs) Effective January 24, 2022

The content in these Frequently Asked Questions (FAQs) applies to State of Delaware (State) Executive Branch cabinet agency employees. Other employers of State personnel may choose to adopt the COVID-19 Vaccination and Testing Policy and Procedures and the provisions of this document. Non-cabinet agency personnel should contact their supervisors to determine whether their employer has adopted these provisions. Questions or concerns should be directed to their supervisor or Human Resources office. The Department of Human Resources (DHR) reserves the right to update this document based on the current public health guidance.

1. Am I required to get the COVID-19 Vaccine?

CMS (Centers for Medicare and Medicaid Services)-certified health care staff are required to receive and provide proof of, at a minimum, the first dose of a two-dose COVID-19 vaccine or a single dose COVID-19 vaccine by January 27, 2022 and must receive and provide proof that they have completed their COVID-19 vaccination(s) by February 28, 2022. Based on CMS guidance, if the impacted state health care facilities have a staff vaccination rate above 80%, the date for compliance is within 60 days. Please contact your Human Resources office for guidance.

The **only** exception to this requirement is for those staff granted medical or religious exemptions from the COVID-19 vaccine as recommended by the Centers for Disease Control and Prevention (CDC).

CMS non-certified staff are not required to receive the COVID-19 vaccine. CMS non-certified staff who have not received the COVID-19 vaccination(s) and/or who do not wish to certify that they are fully vaccinated will be required to certify weekly that they have undergone the COVID-19 test in the previous 7-day period and provide proof of testing at the time of certification.

2. Do I have to submit my COVID-19 vaccination card when I complete the COVID-19 Vaccine Certification process?

CMS-certified health care staff must be able to certify and provide validation at the time of certification. Beginning on January 27, 2022, CMS-certified staff must provide vaccination proof. Based on CMS guidance, if the impacted state health care facilities have a staff vaccination rate above 80%, the date for compliance is within 60 days. Please contact your Human Resources office for guidance.

CMS non-certified staff are not required to provide proof of their COVID-19 vaccination at the time of certification. The State will perform random verifications, and should you be selected, you will be required to show acceptable proof of vaccination within three (3) business days to your Human Resources office representative by uploading the documentation in the Attestation Management System (AMS).



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3. Which staff are covered under the CMS requirement?

This vaccination requirement applies to eligible staff working at almost all CMS-certified facilities that participate in the Medicare and Medicaid programs, regardless of clinical responsibility or patient contact. The requirement includes all current staff as well as any new staff who provide any care, treatment, or other services for the facility and/or its patients. This includes facility employees, licensed practitioners, students, trainees, and volunteers. Additionally, this also includes individuals who provide care, treatment, or other services for the facility and/or its patients under contract or other arrangements depending on frequency of services.

4. Does the CMS requirement apply to staff of covered employers who work offsite?

Yes. These requirements are not limited to those staff who perform their duties solely within a formal clinical setting, as many health care staff routinely care for patients and clients outside of such facilities (e.g., home health, home infusion therapy, etc.). To ensure maximum patient protection, all staff who interact with other staff, patients, residents, clients, or program participants in any location beyond the formal clinical setting (such as homes, clinics, other sites of care, administrative offices, off-site meetings, etc.) must be vaccinated.

5. Does the CMS requirement apply to full time teleworkers of covered employers?

No. Individuals who provide services 100 percent remotely and who do not have any direct contact with patients and other staff, such as fully remote telehealth or payroll services, are not subject to the vaccination requirements outlined in this regulation. This exclusion does not include those employees who telecommute periodically or temporarily.

6. Does the CMS requirement apply to visitors of covered employers?

This requirement does not apply to personal visitors such as family members or friends; however, it does apply to contractors that visit the facility on a regular basis. The staff vaccination requirements apply to Medicare and Medicaid-certified facilities that are regulated under the Medicare health and safety standards known as Conditions of Participation (CoPs), Conditions for Coverage (CfCs), or Requirements. Facilities are required to have a process or policy in place ensuring that all applicable staff are vaccinated against COVID-19. CMS strongly encourages all individuals and families to get vaccinated now.

7. How quickly must staff be vaccinated in order for the facility to remain compliant with the CMS requirement?

The regulation requires health care providers to establish a process or policy to fulfill the staff vaccination requirements over two phases. For Phase 1, by January 27, 2022, staff at all health care facilities included within the regulation must have received, at a minimum, the first dose of a primary vaccination series or the single dose COVID-19 vaccine prior to staff providing any care, treatment, or other services for the facility and/or its patients. For Phase 2, by February 28, 2022, staff at all health care provider and supplier types included in the regulation must complete the primary vaccination series (except for those who have been granted exemptions from the COVID-19 vaccine or those staff for whom COVID-19 vaccination must be temporarily delayed, as recommended by CDC). Primary vaccination series is having received a single-dose vaccine



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or all doses of a two-dose vaccine. Based on CMS guidance, if the impacted state health care facilities have a staff vaccination rate above 80%, the date for compliance is within 60 days. Please contact your Human Resources office for guidance and specific timeframe requirements.

8. What if I lost my COVID-19 Vaccination Record Card?

If you received your COVID-19 vaccination(s) in Delaware and need to request a replacement CDC COVID-19 Vaccination Record card, please visit the [DelVAX Public Portal](#), a site where those who were vaccinated in Delaware can access their immunization records including a digital COVID-19 vaccination card and QR code.

If you are NOT a Delaware resident or were not vaccinated in Delaware, please contact the appropriate State's Immunization Program in order to make this request.

9. Where can I get my COVID-19 vaccination?

A list of vaccine locations can be found [here](#).

10. Will employees be charged a fee to receive the COVID-19 vaccine?

In the State of Delaware, per Governor Carney's Executive Order, the COVID-19 vaccine is free for everyone.

11. If requested, what proof of vaccination does the State require for CMS non-certified staff?

If requested to provide proof of COVID-19 vaccination following submission of the Vaccination Certification, the employee not certified by the CMS is responsible for providing official COVID-19 vaccination record from their respective immunization source within three (3) business days of the request by uploading their vaccination proof to the Attestation Management System (AMS). Employees shall not provide any additional medical or family history information. Examples of acceptable proof of vaccination (validation) include:

- i. CDC COVID-19 vaccination record card (or a legible photo of the card);
- ii. Documentation of vaccination from a health care provider or electronic health record; or
- iii. State immunization information system record.

This employee vaccination documentation shall be treated as a confidential medical record separate from the personnel file or in the confidential Attestation Management System (AMS) being used for this purpose.

12. What proof of vaccination is required for CMS-certified health care staff?

CMS-certified health care staff must have completed their COVID-19 vaccination and provide certification and validation by February 28, 2022. Based on CMS guidance, if the impacted state health care facilities have a staff vaccination rate above 80%, the date for compliance is within 60 days. Examples of acceptable proof of vaccination (validation) include:

- i. CDC COVID-19 vaccination record card (or a legible photo of the card);
- ii. Documentation of vaccination from a health care provider or electronic health record; or
- iii. State immunization information system record.

Please contact your Human Resources office for guidance.



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13. How will CMS-certified health care staff provide required vaccination proof?

CMS-certified health care staff are to certify and upload their required vaccination proof starting on January 27, 2022 and if applicable, again on February 28, 2022. Based on CMS guidance, if the impacted state health care facilities have a staff vaccination rate above 80%, the date for compliance is within 60 days.

14. What proof of test results does the State require?

Following an employee's Testing Certification, the validation requested is for proof that the employee has undergone COVID-19 testing within the previous 7-day period. The employee will be responsible for providing this proof at the time of certification. This employee testing documentation shall be treated as a confidential medical record and kept separate from the personnel file or in the confidential Attestation Management System (AMS) being used for this purpose. Certain information may be shared with other DHR staff on a need-to-know basis, only as authorized by law.

15. Should I keep my proof of COVID-19 testing?

Employees are responsible for maintaining any confirmation of COVID-19 testing or testing certification e.g., print, photo, screenshot, email.

16. Is the State providing reasonable accommodations for employees who are unable to receive the COVID-19 vaccination?

CMS-certified health care staff may request an exemption from the COVID-19 vaccination requirement for health-related reasons or sincerely held religious beliefs or practices within seven (7) days from their start date, or within seven (7) days of being notified that they are covered by the CMS requirement and this policy, whichever is earlier.

CMS non-certified staff are not required to receive the COVID-19 vaccine. The State may provide reasonable accommodations for employees who are unable to be vaccinated for health-related reasons or sincerely held religious beliefs or practices unless such accommodations pose an undue hardship on its operations. Employees requesting exemptions may be required to participate in the COVID-19 Testing Certification process weekly. Appropriate documentation will be requested by Human Resources. Please contact your Human Resources Office for further information.

The ADA Reasonable Accommodation Request form is found [here](#).
The COVID-19 Religious Accommodation Request form is found [here](#).

17. How can we ensure the confidentiality of employee medical information with regard to a COVID-19 vaccine?

Any requested validation documentation provided by an employee under the [COVID- 19 Vaccine and Testing Policy and Procedures](#) shall be treated as a confidential medical record and kept separate from the personnel file or in the confidential Attestation Management System (AMS) being used for this purpose.



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18. Will my insurance cover the cost of COVID-19 testing and treatment?

100% coverage for medically necessary COVID-19 testing is available for individuals enrolled in a State of Delaware Group Health Plan through Aetna or Highmark Delaware. Members who are experiencing symptoms and receive one or more COVID-19 tests or have a healthcare provider visit (in or out of network), urgent care visit, or emergency room visit that results in an order for or administration of the COVID-19 test due to a medical necessity will have a zero-dollar copay, coinsurance, and deductible.

Effective January 15, 2022, individuals enrolled in a State of Delaware Group Health Plan may be reimbursed the cost of FDA-approved, over-the-counter COVID-19 diagnostic tests without a prescription. Refer to FAQ #21 regarding the type of tests that will be accepted for meeting the weekly COVID-19 testing requirement.

State of Delaware Group Health Plan benefits and COVID-19 information, resources, and Frequently Asked Questions (FAQs) are being updated regularly on the Statewide Benefits Office [website](#). Please visit this site regularly for the latest information. If you have benefit-related questions that are not answered on the website, please submit your questions to benefits@delaware.gov.

19. What are my testing options for meeting the COVID-19 weekly testing requirement?

Employees may seek guidance on where and how to get tested on the [DPH website](#). Testing locations and details on ordering self-test kits can be found on the [DPH website](#).

20. If testing is free, why am I being asked for my credit card information and/or insurance information?

If an employee uses any option not listed or available through the [DPH website](#), the employee will be responsible for any costs associated with that testing option.

21. What type of tests will be accepted?

Employees may choose to undergo weekly COVID-19 testing that includes an “active infection” test (PCR tests) to look for presence of the virus that causes COVID-19. Testing locations and details on ordering self-test kits can be found on the [DPH website](#). Testing with take-home rapid antigen test kits and over-the-counter test kits are not acceptable for testing certification.

22. If I submit a positive anti-body test results, do I still need to submit a COVID-19 Testing Certification weekly?

If you have received positive anti-body test results, you must still continue to undergo testing and complete the COVID-19 Testing Certification process weekly. Although you may have some short-term natural protection after recovering from COVID-19, the Centers for Disease Control and Prevention (CDC) does not know how long this protection will last.¹

¹ [Frequently Asked Questions about the COVID-19 Vaccine \(cdc.gov\)](#)



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23. If I am approved for telecommuting and am not vaccinated, do I still need to submit a Certification of COVID-19 testing weekly?

All **CMS non-certified employees** who have not attested to being fully vaccinated and who are without an approved accommodation, are required to submit a weekly COVID-19 Testing Certification regardless of their telecommuting status, unless telecommuting meets criteria in FAQ #5.

24. Once I am fully vaccinated, do I still need to follow State of Delaware COVID-19 protocols including face masks and physical distancing?

Receiving the COVID-19 vaccine does not excuse an employee from following the State's COVID-19 protocols, including proper use of face masks and appropriate social distancing.

25. Isn't requiring an employee to disclose medical information a violation of HIPAA or ADA rights?

The State is requesting certification by the employee of being fully vaccinated or certification that the employee is being tested weekly for COVID-19. The EEOC and the most recent U.S. Department of Justice guidance have made clear that employers may request this information due to the public health threat posed by COVID-19.

26. I am currently out on full-time Family and Medical Leave Act (FMLA) and I cannot participate in the COVID-19 vaccination or testing process? Will I be disciplined?

Per the [COVID-19 Vaccination and Testing Policy and Procedures](#), employees who are out on full-time FMLA, full-time Short-Term Disability or on other types of full-time leave must comply with the COVID-19 Vaccination Certification, COVID-19 Testing Certification, or the CMS requirements, whichever applies, within the first week of returning to work, regardless of whether the return to work is full-time.

27. What if I test positive for COVID-19 and weekly testing is my option?

If you test positive for COVID-19 and weekly testing is your option, please refer to the [COVID-19 Vaccination and Testing Policy and Procedures](#). You may submit your test results to your Human Resources office to excuse you from weekly testing and weekly certification for a period of 90 days after your positive result, during which you may still continue to test positive.

28. What if I did not complete my weekly testing certification?

If you failed to complete the weekly testing certification without a valid reason, you may be deemed non-compliant.

29. What if I don't want to provide proof of testing and/or vaccination when contacted?

Pursuant to the [COVID-19 Vaccination and Testing Policy and Procedures](#), employees who are non-compliant or violate the policy may be subject to discipline including leave without pay, up to and including termination.



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30. Can I be disciplined for not being vaccinated against COVID-19 if I did not get an approved accommodation, or for not complying with testing requirements?

Employees who are non-compliant or violate the terms outlined in the [COVID-19 Vaccine and Testing Policy and Procedures](#) may be subject to discipline including leave without pay, up to and including termination.

31. What if I was informed that I failed to provide or upload proof of weekly testing, however, I was compliant for next few weeks, but failed to certify or provide proof again several weeks later?

Employees will be held accountable for their conduct. Continued non-compliance will result in appropriate escalating discipline.

32. What if I forgot to print out the confirmation page after completing my weekly COVID-19 testing certification?

If you want a copy of the confirmation page after certifying that you have undergone the weekly COVID-19 testing, you must print the page after certifying. The system is not able to generate a confirmation page on demand at this time. You are responsible for keeping a copy or copies of proof that you have completed the weekly COVID-19 testing.

33. Do I need to stay out of work while awaiting my COVID-19 test results?

Unless you are symptomatic, you do not need to stay out of work while your test results are pending.

34. Are we required to get COVID-19 booster shots?

At this time, you are considered fully vaccinated two weeks after your second shot of a two-dose vaccination or two weeks after your first shot of a one-dose vaccination.

35. Where do I attest that I received my COVID-19 booster shot?

The State will continue to follow the CDC and DPH guidance. At this time, you do not need to attest that you received your booster shot.

36. Why do I keep getting an error message when I attempt to access the Vaccine and Testing Certification through Internet Explorer?

Internet Explorer is not a supported browser. Microsoft Edge or Google Chrome must be used to access the Vaccine and Testing Certification process.

37. Why are there additional disclosures when I attempt to submit my request for the Vault or Pixel Testing?

The statements need to be acknowledged in the affirmative in order to move forward.



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For any other personnel-related questions not covered in these Frequently Asked Questions, please contact your Human Resources representative.

ADDITIONAL RESOURCES:

Division of Public Health Website: de.gov/coronavirus

Division of Public Health Call Center: 1-866-408-1899

Division of Public Health Email for inquiries and questions: dphcall@delaware.gov

Centers for Disease Control and Prevention: cdc.gov/coronavirus/2019-nCoV/

[CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule:](#)

[CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule FAQs](#)