

July 16, 2025

William N. Parham, III  
Director, Division of Information Collections and Regulatory Impacts  
Office of Strategic Operations and Regulatory Affairs  
Centers for Medicare & Medicaid Services

RE: **Comments on the OMB Control Number 0938-1402: Conditions of Participation for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs-IID) CMS-10777**

Submitted electronically to:

[https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref\\_nbr=202506-0938-010](https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202506-0938-010)

Dear Director Parham,

On behalf of the members of the American Health Care Association and the National Center for Assisted Living (AHCA/NCAL), the nation's largest association representing long term and post-acute care providers, we appreciate the opportunity to provide comments on the Centers for Medicare & Medicaid Services' (CMS) intention to collect information from the public. Specifically, we appreciate the opportunity to offer input on the reinstatement of requirements for intermediate care facilities for individuals with intellectual disabilities (ICF/IID) to document COVID-19 vaccination for staff efforts. **Given the COVID-19 public health emergency ended more than two years ago and the Trump Administration's focus on reducing regulatory and reporting burden, we encourage CMS to rescind reinstating this requirement.**

Among AHCA/NCAL's more than 15,000 member facilities, our association represents ICFs/IID. Nationwide, there are more than 5,300 ICFs/IID serving more than 56,000 residents of all ages daily, of which more than 75 percent are between the ages of 22 and 65. Many of these individuals are non-ambulatory, have seizure disorders, behavior problems, mental illness, visual or hearing impairments, or a combination of the above. ICFs provide active treatment and services for people with significant support needs. They offer 24-hour supervision, health care, therapies, activities, and training intended to maximize residents' autonomy and independence. Virtually all funding for ICFs is by Medicaid, the primary source of coverage for residents.

As CMS outlined in its request for comment, the agency is requesting recommendations on a "reinstatement with change of a previously approved collection" which would require ICFs to document efforts related to the COVID-19 vaccination "educate and offer" requirements. The notice states that a June 2023 rule, which eliminated the vaccination mandate and finalized the "educate and offer" requirements, included language to document this activity for clients in their medical records, but the documentation language for staff was eliminated.

AHCA/NCAL has concerns around reinstating these requirements for ICF providers. First, the COVID-19 pandemic and public health emergency officially ended more than two years ago. The prevalence and severity of COVID-19 in long term care facilities, including ICFs, and across the country has greatly diminished. While ICF providers remain committed to offering vaccines to both residents and staff, reinstating documentation requirements surrounding staff vaccination efforts would not reflect where we are today and would not demonstrably improve the lives of residents. A more meaningful endeavor would be a collective, coordinated effort among federal health care agencies, public health officials, health care providers (in all settings), and other trusted messengers to improve vaccine confidence among the general public, including health care personnel. Second, this notice seems contradictory to current efforts within the Administration to reduce provider regulatory burden that creates additional, unnecessary costs.

Specifically:

- President Trump signed an executive order in January (EO 14192) which requires that whenever an agency promulgates a new regulation, it must identify at least 10 existing regulations to be repealed. The reinstatement of information collection is implementing a new requirement for ICFs without reducing or repealing any other ICF requirements.
- Subsequently, CMS issued a Request for Information titled, "Unleashing Prosperity Through Deregulation of the Medicare Program." The agency requested comments from the public, including providers, on opportunities to reduce administrative burden of reporting and documentation.
- On June 18, 2025, CMS released QSO-25-20-NH which removed COVID-19 vaccination information for nursing homes from Nursing Home Compare, a clear signal that other quality data has more value for the American public.
- The Administration and Congress have expressed support in finding financial savings and ways to reduce wasteful government and healthcare costs. The notice states this requirement would cost \$5,470,418 for ICFs to implement. Since ICF services are nearly entirely covered by Medicaid, this would add \$5.4 million in costs to the Medicaid program.

**We respectfully request that this requirement not move forward based on the rationale stated above.** We stand ready to work with your agency on more meaningful ways to strengthen vaccine confidence and encourage uptake. If you have any questions, please don't hesitate to contact me at [dritchie@ahca.org](mailto:dritchie@ahca.org).

Sincerely,

A handwritten signature in black ink that reads "Dana Ritchie". The signature is written in a cursive, flowing style.

Dana Ritchie  
Associate VP of Constituency Services and Workforce  
American Health Care Association/National Center for Assisted Living