



COLORADO

Governor Jared Polis

August 17, 2021

State Board of Health
A5 - 0100
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

Members of the State Board of Health:

Colorado, like the rest of our country, is seeing a rise in COVID-19 cases, largely due to the highly contagious Delta variant. We are proud of the progress we have made on vaccinating Coloradans to date: 73.65% of eligible adult Coloradans are immunized with one dose of the vaccine, and 65.33% of eligible Coloradans age 12+ are fully vaccinated. However, the pandemic we face today is largely a pandemic of the unvaccinated. The State can meet this challenge by getting more people vaccinated and protecting those most at risk. The vaccine is a safe and proven tool to curb the spread of COVID-19 and save lives.

Caretakers have provided much needed care to our older Coloradans and medically vulnerable population throughout this pandemic and have been on the front lines of our response. Our healthcare workers have been saving lives and performing everyday acts of heroism – this joint workforce deserves our gratitude for all they have done.

After much consideration and conversations with both senior living industry leaders, patient advocates and leaders in healthcare, I am writing today to ask that you engage in expedited rulemaking to require the vaccine for all personnel working directly with our vulnerable populations, personnel working in facilities with medically vulnerable populations, and personnel in the settings where people receive essential medical care. These are settings in which we have a responsibility to keep people safe who have little choice about their presence there. It's critical that all personnel who are capable of bringing the deadly virus into facilities where our vulnerable populations are in their custody be fully vaccinated in order to save lives. We know even one unvaccinated person has the opportunity to cause an outbreak and loss of life and we saw this play out far too often before this safe and highly effective vaccine was available. Now that the vaccine is free and widely available we must take additional steps to ensure we do everything in our power to save lives including this important step to protect those who we are the necessary custodians for.

I do not ask this of you lightly, nor with any pleasure. This is a grave situation as we find ourselves staring down the far more contagious delta variant and knowing that the estimated 30-40% of unvaccinated staff provides too many opportunities for this virus to enter into these facilities. I also know that we all share concerns about this workforce. This workforce has been through so much over the last 18 months. They are tired and burnt out and we were experiencing high turnover and staff shortages even before the pandemic arrived on our shores. In order to minimize disruption to the workforce you must take a comprehensive approach to this rulemaking to ensure that if one facility has a vaccine requirement the staff does not leave to go to a facility down the road without a vaccine requirement.

In Colorado, many major hospitals have already taken this step, including UCHealth, Banner Health, Denver Health, Children's Hospital Colorado, SCL Health, Rocky Mountain Regional VA Medical Center, National Jewish, Boulder Community Hospital and Kaiser Permanente. Several senior living facilities such as Genesis and Vivage have also instituted a vaccine requirement. These leaders have shared with me their personal struggle to make this decision, concerns about their workforce and potential impacts on their patients. In our conversations, these leaders have shared that while they know they made the right decision and are willing to do their part, this is hard and could exacerbate workforce stress and shortages. Therefore, they urged me and for the state to act on a more comprehensive approach to the entire healthcare and caretaker workforce in order to prevent more disruption to the workforce's needs. As an employer, we practice what we preach and the State of Colorado will announce today that we will be requiring all personnel working in our 24/7 facilities receive their first dose by September 30th as a condition of employment.

As the State Board of Health, you are the body with the rule making authority to craft a thoughtful and comprehensive approach to vaccine requirements for our caretaker and healthcare personnel. Please without delay, begin the work to promulgate emergency rules pursuant to C.R.S. § 24-4-103(6)(a) to require all personnel working in facilities with our vulnerable populations in Colorado to be vaccinated against COVID-19. These rules should apply to anyone directly involved in health care and support staff who regularly come into contact and share spaces with vulnerable populations including patients seeking medical care in essential medical settings and in congregate senior living facilities. Anyone subject to the rules should receive a first shot no later than September 30, 2021.

The Board has taken similar action in the past, promulgating a regulation requiring health facilities and agencies, including hospitals, ambulatory surgical centers, and nursing facilities, to ensure that 90% of employees and direct contractors have received the flu vaccine during a given flu season. This was done pursuant to C.R.S. §§ 25-1.5-102, 25-1.5-103, and 25-3-103. This decision is even more important and has substantially more health benefits than the flu vaccine requirements. The Board has the authority to issue emergency rules to quickly implement such a requirement to preserve public health, safety, or welfare and should act to protect patients and health care facilities statewide.

We applaud the healthcare systems that have already taken this step, and the State must now ensure that all facilities provide this level of protection for patients who have no other choice than to be where they are. We have seen time and time again that we protect ourselves and our communities best when we all do our part. A joint statement from nearly 60 medical groups, including the American Medical Association and the American Nurses Association, support a mandate for health care workers and urge all health care and long-term care employers to require their employees to be vaccinated against COVID-19. Indeed, a number of jurisdictions and organizations have already taken this step and mandated the COVID-19 vaccine for certain workers, including states like Maine and California, the federal Department of Veterans Affairs, and institutions such as The Mayo Clinic and other hospital systems across the country. Let's heed the call of so many and take this step to save lives in our state.

Thank you for your service to the State. Please take this necessary action to further protect the people of Colorado, as you have throughout your tenure.

With appreciation,

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis
Governor