

Want a Covid-19 vaccine exemption? It can be as easy as copy and paste.

[politico.com/news/2022/02/28/covid-vaccine-exemption-hospital-00011951](https://www.politico.com/news/2022/02/28/covid-vaccine-exemption-hospital-00011951)

Health Care

Several hospital executives said they believe they have to approve the religious exemptions for their employees.



A nurse takes care of a patient with Covid-19. | Boris Roessler/dpa via AP

By Rachael Levy and Megan Messerly

02/28/2022 04:30 AM EST

- 
- 
- 

Health care employees looking to skirt the federal vaccine mandate and claim a religious exemption need to do little more than submit a short request to human resources.

Take Clark Fork Valley Hospital in western Montana. When the Biden administration's vaccine requirement for health workers took effect earlier this month, roughly one-third of the hospitals' workers were unvaccinated against Covid-19. The hospital granted almost all of them religious exemptions after they filled out a one-page form, according to the hospital's chief executive.

"It doesn't require that folks write any sort of big thesis about their request for religious accommodation," the hospital's CEO Gregory Hanson said. "We take them at their word."

Biden outlines newest steps in fight against Omicron

Hospital officials from several states said they created simple forms to meet the administration's mandate, which requires all health workers, including those not directly involved in patient care, to either get vaccinated or have a hospital-approved religious or medical exemption.

While the federal government doesn't track the number of religious exemptions, anecdotal evidence indicates they are widespread in health care settings. Several hospital executives told POLITICO their prevalence has helped keep the hospital from laying off dozens of employees, which would threaten their ability to provide patient care. But public health experts and patient advocates fear that widespread use of the exemptions risks infecting patients with the virus, even as Covid-19 cases decline rapidly from their January peak. Last month, as Omicron surged, more patients than at any time of the pandemic caught Covid in U.S. hospitals, likely due to insufficient control measures, [POLITICO found in an analysis of federal data](#).

"If I knew that a health care worker was unvaccinated, I would not consent to their involvement in my care," said Matthew Cortland, a disability rights attorney who takes immunosuppressants and is a senior fellow at Data for Progress, a progressive think tank.

Studies show that unvaccinated individuals are more likely to contract and transmit the virus.

Biden to vaccine mandate legal challengers: 'Have at it'

Employees in all states are required to have their first shot, and those in about half the states are supposed to have their second shot by Monday. Patients can ask hospitals whether their caregivers are vaccinated but hospitals don't have to answer them, and routinely won't, according to Cortland and hospital executives around the country.

“Many health care facilities are already denying this vital information to disabled patients, depriving us of the right to make meaningfully informed choices about the care we receive — a matter that is, quite literally, life and death for many of us,” Cortland said.

Nearly all mainstream religious leaders, including the pope, have called on their faithful to take the shot. Still, some people have genuine religious objections, including concerns about the use of lab-grown cell lines from the tissue of decades-old aborted fetuses in the research that led to the vaccines — though those cell lines were also used in the development of common over-the-counter medicines like Tylenol and aspirin.

MOST READ

But the federal government’s mandate has also led determined anti-vaxxers to ask for religious exemptions — with no way to tell how sincere they are, according to attorneys reviewing the claims.

Some attorneys say many of those seeking religious exemptions are drumming up any reason to refuse the vaccine and lying about their beliefs. Some workers are submitting the same language as one another, copied and pasted from documents found online or shared in anti-vaccine Facebook groups, said Michelle Strowhiro, an employment lawyer advising health care facilities around the country at McDermott.

“The religious exemption is not a tough standard for a worker to submit,” she said. “There can be a level of people making things up, unfortunately.”

Facebook didn’t respond to a request for comment.

Some Republican elected officials who oppose vaccine mandates are encouraging people to request religious dispensations. Montana Gov. Greg Gianforte urged health care workers to “consider using the religious and medical exemption processes that your employers are required to offer,” attaching a sample form for employees. South Dakota Gov. Kristi Noem is pushing a bill that would exempt workers from vaccination if they submit a one-sentence statement saying they object to the shot on religious grounds. And Nebraska lawmakers are advancing legislation that would allow exemption if workers sign a one-page state-produced form.

Unless their employees make an explicitly political argument against the shot or espouse easily debunked conspiracy theories, several hospital executives said they believe they have to approve the religious exemptions. The only guidance hospital officials have gotten from the federal government is that a religious belief must be “sincerely held.”

“I wouldn’t be surprised at the end of the day if we see double-digit percentages of [the] workforce who are getting the exemptions,” said Jeremy Nordquist, president of the Nebraska Hospital Association.

No one knows for certain how many hospital workers remain unvaccinated. About 20 percent of hospital workers weren't fully vaccinated as of Feb. 16, according to the Centers for Disease Control and Prevention, though only 35 percent of hospitals had voluntarily reported their figures.

The Supreme Court last month upheld the administration's vaccine requirement for health workers while striking down a broader rule for the country's employers that allowed a testing opt-out. But some facilities are wary of questioning employees' requests, according to Lindsay Wiley, a law professor at the University of California, Los Angeles. She said courts, which shifted rightward under the Trump administration, are likely to look skeptically at employers investigating employees' beliefs.

"The law is just more unsettled than it was," Wiley said. "That uncertainty has a chilling effect on what employers are willing to do."

Many facilities are concerned about worker shortages more than two years into the pandemic. The exemptions have been a lifeline for rural hospitals, allowing them to retain staff who might otherwise quit rather than be vaccinated.

Some facilities are enforcing a strict approach, however, eschewing the opt-outs. One hospital in rural Maine reached a 100 percent vaccination rate without granting any religious exemptions.

"There's nothing in the Bible or anything that says, 'Thou shalt not take a vaccination,'" said Millinocket Regional Hospital CEO Robert Peterson. "We said, all this is going to do is confuse us and all we want to do is help our employees stay well, so we're not going to entertain religious exemptions."

Other hospitals have found employees' faith kept them from lying about why they didn't want to take the shot.

"In a region like ours, it's very steeped in faith," said Alan Levine, CEO of Ballad Health, a health system serving parts of Tennessee, Virginia, Kentucky and North Carolina. "A lot of our people that I've talked to have said, 'I am a Christian and I don't want to take the vaccine, but not because of religious opposition to it. I'm just scared.' And so what they say is, 'As a Christian, I'm not going to hide behind my Christian faith if it's not something that's true.'"

In an interview with POLITICO, regulators at CMS declined to say what they consider a valid religious reason to forgo vaccination and pointed to guidance from the Equal Employment Opportunity Commission, which monitors workplace issues.

A spokesperson for the White House's Covid-19 response didn't respond to a request for comment.

Under the mandate, health care facilities determine their own rules, and workers granted exemptions are supposed to be subject to additional mitigation measures to stop them from spreading an infection. Hospitals that don't comply risk losing federal funds from Medicare and other government programs.

CMS will check whether a facility is compliant through a broad survey run by state officials. The agency plans to allow a grace period at first if a facility isn't following the law but will not question the sincerity of religious objections.

"We don't really have the ability to judge the sufficiency of the exemption because that is really outside our purview," said a CMS official in charge of enforcing the mandate, who wasn't authorized to speak publicly.