



3. On June 5, 2023, the Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services (HHS), published a proposed rule. *See* 88 FR 36485. The proposed rule withdraws the CMS vaccine requirement set forth in 86 FR 61555. The proposed rule will be effective August 4, 2023. <https://www.federalregister.gov/documents/2023/06/05/2023-11449/medicare-and-medicaid-programs-policy-and-regulatory-changes-to-the-omnibus-covid-19-health-care#sectno-citation-491.8>. CMS has indicated that prior to the August 4, 2023 effective date, it will no longer enforce the CMS vaccine requirement set forth in 86 FR 61555. *See* 88 FR 36490 (“Since facilities are no longer operating under PHE circumstances, and considering the lower policy priority of enforcement within the remaining time, we will not be enforcing the staff vaccination provisions between now [June 5, 2023] and August 4, 2023.”).
4. Because CMS no longer enforces its vaccine requirement, RI DOH will not and does not enforce the CMS vaccine requirement set forth in 216-RICR-20-15-7.6.1.B.3. Additionally, RI DOH advises the Court that it expects to issue a proposed rule that would amend 216-RICR-20-15-7. The proposed rule will, *inter alia*, repeal Section 7.6.1.B.3 and will continue to not require healthcare workers or healthcare providers to vaccinate for COVID-19.

Respectfully submitted,

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Defendants,

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I filed the within via the ECF filing system and that a copy is available for viewing and downloading. I have also caused a copy to be sent via the ECF System to counsel of record on this 14th day of July, 2023.

/s/ Michael W. Field