

**IN THE CIRCUIT COURT OF THE TWENTY-FIRST CIRCUIT  
KANKAKEE COUNTY, ILLINOIS**

NEELIE PANOZZO, VALERIE KIETZMAN, JUDY BUSATO,  
KATHRYN HAMBLIN, CARMEN WYMORE, AND AMY  
MEMENGA,

Plaintiffs,

v.

RIVERSIDE HEALTHCARE; an Illinois not-for-profit  
corporation; and PHILIP M. KAMBIC, in his capacity as  
President of Riverside Healthcare,

Defendants.

Case No. 2021 L 108

**MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Pursuant to 735 ILCS 5/11-101 and 11-102, Plaintiffs move for a temporary restraining order and preliminary injunction directing Defendants Riverside Healthcare and Phillip Kambic not to terminate, place on unpaid leave, transfer, or otherwise act against Plaintiffs, Riverside employees who have filed a religious exemption from the COVID-19 vaccine until this Court reaches a full determination on the merits.

**INTRODUCTION**

The Illinois General Assembly passed the Health Care Right of Conscience Act (HCRCA) in 1977, setting in law the principle that a health care employer “may not discriminate against any person because, as a matter of conscience, the person refuses to participate in any way in a form of health care services.” *Vandersand v. Wal-Mart Stores, Inc.*, 525 F. Supp. 2d 1052, 1057 (C.D. Ill. 2007).

Plaintiffs are six employees of Riverside Health System who, as a matter of conscience, refuse to participate in a form of health care services, namely being vaccinated against COVID-19, because of their sincerely held religious beliefs about medicines derived from fetal stem cell tissue.

When they filed a religious exemption request with Riverside initially, they received a photocopied form letter denying their request. According to news reports, Riverside had a blanket policy of denying all religious exemption requests from patient-facing employees.<sup>1</sup> When they filed internal appeals of the denial, they all received a second form letter denying their request. Now Riverside has said any provider who refuses to submit by October 31, 2021, will be terminated the next day. Any non-provider who refuses to submit by October 31, 2021, will be placed on a 2-week unpaid suspension and then terminated if they still refuse to submit. Moreover, to implement this timeline within its contract obligations, Riverside has scheduled a Medical Executive Committee meeting for October 25, 2021, to revoke all medical staff privileges and credentials.

The Illinois General Assembly has declared it the public policy of this state to prioritize the conscience rights of any person involved in health care, and this Court's prompt action is necessary to vindicate that principle so these nurses do not have to choose between their God-given calling and their God-given convictions.

### **PROCEDURAL BACKGROUND**

This case was formally filed by this Court on the evening of Wednesday, October 13. Counsel for Plaintiffs then promptly reached out to the judge's chambers, knowing the time-sensitive nature of this case, and learned that the assigned judge unable to hear any motions until November 1, which would be after the time needed for effective relief. Counsel then reached out to the Defendants and their counsel via email and sought their consent to waive service and to suspend any discipline against our clients until after the Court could hear a motion for preliminary

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<sup>1</sup> [https://www.daily-journal.com/news/local/riverside-denies-religious-exemptions-for-covid-vaccinations/article\\_388feb0-19a0-11ec-84ac-23aaa5bcad69.html](https://www.daily-journal.com/news/local/riverside-denies-religious-exemptions-for-covid-vaccinations/article_388feb0-19a0-11ec-84ac-23aaa5bcad69.html).

injunction. Plaintiffs stressed to Defendants the need for a prompt decision to avoid a rushed schedule. However, the Defendants communicated mid-afternoon on Tuesday, October 19, that they refused the request to waive service and that they were moving forward with their enforcement plan against Plaintiffs as planned, which means revocation of privileges on October 25 and termination on October 31.

Thus, Plaintiffs are forced to come to this Court seeking an emergency TRO in order to safeguard their rights and prevent irreparable harm. This Court can grant a TRO *ex parte*, 735 ILCS 5/11-101, but Plaintiffs' counsel will continue to send this filing and any scheduling order or hearing notice from the Court to Defendants' counsel if they decide to appear, if only for the limited purpose to defend against this TRO request.

## **STATEMENT OF FACTS**

### **Parties**

1. Riverside Healthcare is a private, not-for-profit corporation registered in the State of Illinois.
2. Phillip Kambic is president of Riverside and its day-to-day leader, manager, and decision-maker.
3. Plaintiff Neelie Panozzo is a nurse practitioner. She has been in the medical profession for 24 years, and she has been employed by Riverside Healthcare for 2 years and 4 months.
4. Panozzo is a devout Christian. As part of her Christian faith, Panozzo opposes abortion and the use of aborted fetal tissue.
5. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Panozzo's sincerely held religious beliefs.

6. Panozzo submitted a letter to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate. That request was denied. *See Exhibits C, G.*
7. Panozzo appealed the denial of her request for a religious exemption. That appeal was denied. *See Exhibits M, R.*
8. Panozzo has been told that her medical credentials and privileges will be revoked on October 31, 2021. *See Exhibit S.*
9. Now, Panozzo must choose between honoring her religious beliefs or keeping her job at Riverside Healthcare.
10. Plaintiff Valerie Kietzman is a registered nurse administrative director. Her role is non-patient-facing. She has been in the medical profession for 9 years, and she has been employed by Riverside Healthcare for 4 years and 6 months.
11. Kietzman is a devout Christian and attends Eastridge Nazarene Church. As part of her Christian faith, Kietzman opposes abortion and the use of aborted fetal tissue.
12. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Kietzman's sincerely held religious beliefs.
13. Kietzman submitted a letter and an affidavit to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate. That request was denied. *See Exhibits C, G, L.*
14. Kietzman also submitted a letter to Riverside Healthcare requesting a medical exemption from their COVID-19 vaccine mandate. That request, too, was denied. *See Exhibits K, P.*
15. Kietzman appealed the denials of both her requests for a medical exemption and a religious exemption. That appeal was denied. *See Exhibits Q, R.*



16. Now, Kietzman must choose between honoring her religious beliefs or keeping her job at Riverside Healthcare.
17. Plaintiff Judy Busato is a registered nurse. She has been in the medical profession for 10 years, and she has been employed by Riverside Healthcare for 7 months.
18. Busato is a devout Catholic and attends St. John Paul II. As part of her Catholic faith, Busato opposes abortion and the use of aborted fetal tissue.
19. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Busato's sincerely held religious beliefs.
20. Busato submitted a letter to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate. That request was denied. *See Exhibit G.*
21. Busato submitted a second request for a religious exemption from their COVID-19 vaccine mandate. Riverside Healthcare also denied this request. *See Exhibits O, R.*
22. Now, Busato must choose between honoring her religious beliefs or keeping her job at Riverside Healthcare.
23. Plaintiff Kathryn Hamblen is a nurse practitioner. She has been in the medical profession for 18 years, and she has been employed by Riverside Healthcare for 4 years.
24. Hamblen is a devout Christian and attends both a non-denominational and a Nazarene Church. As part of her Christian faith, Hamblen opposes abortion and the use of aborted fetal tissue.
25. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Hamblen's sincerely held religious beliefs.

26. Hamblen submitted a letter to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate. That request was denied. *See* Exhibits C, G.
27. Hamblen then submitted an affidavit requesting a religious exemption from the COVID-19 vaccine mandate. Riverside Healthcare again denied this request. *See* Exhibits L, R.
28. Now, Hamblen must choose between honoring her religious beliefs or keeping her job at Riverside Healthcare.
29. Plaintiff Carmen Wymore is a registered nurse.<sup>2</sup> She has been in the medical profession for 10 years, and she has been employed by Riverside Healthcare for 5 years.
30. Wymore is a devout Christian and attends Grace Baptist Church. As part of her Christian faith, Hamblen opposes abortion and the use of aborted fetal tissue.
31. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Wymore's sincerely held religious beliefs.
32. Wymore submitted a request form to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate. That request was denied. *See* Exhibits C, G.
33. Wymore then submitted an appeal to the denial of her request for a religious exemption to COVID-19 vaccination. Riverside Healthcare again denied this request. *See* Exhibits R, T.
34. Now, Wymore must choose between honoring her religious beliefs or keeping her job at Riverside Healthcare.

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<sup>2</sup> Plaintiff Carmen Wymore is traveling without reliable access to the Internet at the time of this filing. Counsel has drafted Wymore's declaration based on conversations and documents she has shared with us. Upon her return, Wymore will sign the declaration and submit it to the Court.

35. Plaintiff Amy Memenga was a nurse manager. She has been in the medical profession for 26 years, and she was employed by Riverside Healthcare for 26 years.
36. Memenga is a devout Christian and Living Stones Church. As part of her Christian faith, Memenga opposes abortion and the use of aborted fetal tissue.
37. Because all the currently available COVID-19 vaccines were developed with the use of aborted fetal tissue, receiving any COVID-19 vaccine would go against Memenga's sincerely held religious beliefs.
38. Memenga submitted a letter to Riverside Healthcare requesting a religious exemption from their COVID-19 vaccine mandate. That request was denied. *See Exhibits C, G.*
39. Memenga then submitted an appeal to the denial of her request for a religious exemption from the COVID-19 vaccine mandate. *See Exhibit I.*
40. Because Memenga was in a "LEM" leadership position, Riverside placed her on an accelerated schedule for termination. She was fired from her position by Riverside in a letter on September 20, 2021. *See Exhibit J.*

#### **STANDARD OF REVIEW**

The Illinois Supreme Court lists four factors for a preliminary injunction: (1) a clearly ascertained right in need of protection, (2) irreparable injury in the absence of an injunction, (3) no adequate remedy at law, and (4) a likelihood of success on the merits of the case. *Mohanty v. St. John Heart Clinic, S.C.*, 225 Ill. 2d 52, 62 (2006); *Beahringer v. Page*, 204 Ill. 2d 363, 379 (2003). Some Court of Appeals cases include a fifth factor, "the benefits of granting the preliminary injunction outweigh the injury to a defendant" or "the public interests." *JL Props. Grp. B, LLC v. Pritzker*, 2021 IL App (3d) 200305, ¶ 57.

## ARGUMENT

### 1. Plaintiffs enjoy a clear right and have a likelihood of success on the merits.

HRCRA provides, in relevant part, that “[i]t shall be unlawful for any . . . private institution . . . to discriminate against any person in any manner . . . because of such person’s conscientious refusal to receive, obtain, accept, perform, assist, counsel, suggest, recommend, refer or participate in any way in any particular form of health care services contrary to his or her conscience.” 745 ILCS 70/5. The HCRCA defines “conscience” as “a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths[.]” 745 ILCS § 70/3. By its terms, the HCRCA “shall supersede all other Acts or parts of Acts to the extent that any Acts or parts of Acts are inconsistent with the terms or operation of [the HCRCA].” 74 ILCS 70/14.

The plain language of the Act applies to this case. Riverside is a private institution, and so is covered by the Act. The plaintiff-employees are among the “any person” covered by the Act. And firing an employee solely because of their refusal to accept vaccination for religious reasons is axiomatically a manner of discrimination.

The mandatory injection of a vaccine is the “receipt” or “acceptance” of “health care services.”<sup>3</sup> See *Vandersaand*, 525 F. Supp. 2d at 1057 (finding that “[h]ealth care includes any phase of patient care, and specifically includes medication.”).

Nothing in the Act’s language limits it to the provision of health care by employees. The provisions of the HCRCA do not solely apply to healthcare workers, but prohibit discrimination

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<sup>3</sup> Interestingly, the Illinois Department of Public Health has a mandatory flu vaccination requirement for health care workers in administrative code, and it includes an exemption for employee religious beliefs. 77 Ill. Adm. Code 956.30.

against *any person* because of such person’s conscientious refusal to receive or obtain *any particular form* of health care services. Throughout, the Act uses incredibly, intentionally broad language: “against any person,” “in any manner,” “in any way,” “in any particular form.” To suddenly impose an artificial gloss on the text that limits it to patient-facing services but not employee-facing vaccination mandates would be to “depart from the plain language of the Right of Conscience Act by reading into it conditions that conflict with the express legislative intent or by adding provisions that are not found in the statute.” *Rojas v. Martell*, 2020 IL App (2d) 190215, ¶ 51.

Giving the Act a broad reading comports with how other courts have read it and the Legislature intended it, which is to protect people just like Plaintiffs. *Rojas*, 2020 IL App (2d) 190215 at ¶ 56 (“by prohibiting discrimination against one who exercises the right of personal conscience, the statute reflects an intent to protect that right in the provision of health care services.”); *Morr-Fitz, Inc. v. Quinn*, 2012 IL App (4th) 110398, ¶ 54 (“The General Assembly, in enacting the Conscience Act, did not substantially burden a person’s exercise of religion, but instead bolstered it, by offering protections to those who seek not to act in the health-care setting due to religious convictions.”); *Morr-Fitz, Inc. v. Blagojevich*, 371 Ill. App. 3d 1175, 1185 (2007) (Turner, J., dissenting)<sup>4</sup> (“The Right of Conscience Act purports to protect their beliefs and prevent ‘all forms’ of coercion on the part of the government to alter those beliefs.”); *Moncivaiz v. Dekalb*, No. 03 C 50226, 2004 U.S. Dist. LEXIS 3997, at \*9 (N.D. Ill. Mar. 12, 2004) (“The HCRCA prohibits discrimination in promotion by any person or public entity because of an employees [sic]

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<sup>4</sup> The Illinois Supreme Court reversed the panel majority and vindicated Justice Turner’s dissent on appeal.

conscientious refusal to participate in ‘any particular health care services contrary to his or her conscience.’”).

Giving the Act a broad reading also supports its legislative purpose, as spelled out by the General Assembly at the beginning of the Act: “It is the public policy of the State of Illinois to respect and protect the right of conscience of all persons who refuse to obtain, receive or accept, or who are engaged in, the delivery of, arrangement for, or payment of health care services and medical care.” 745 ILCS 70/2. Again, the refusal to “receive or accept” medical care, like a vaccination, is just as protected as the refusal to engage in the delivery of medical care.

Background principles of interpretation support giving the Act a broad reading. First, as the U.S. Supreme Court has reminded us several times recently, the provision of any exemption for any reason means religious exemptions must be afforded equal weight. In *Fulton v. City of Philadelphia*, the Supreme Court held that any opportunity for “granting exceptions” must respect religious exceptions, because otherwise it “invites the government to decide which reasons for not complying with the policy are worthy of solicitude.” 141 S. Ct. 1868, 1879 (2021). Similarly, in *Tandon v. Newson*, the Court said that “exceptions and accommodations for comparable activities” require accommodation for religious liberty. 141 S. Ct. 1294, 1298 (2021). When a public university offered vaccine exemptions for medical, non-religious reasons, this principle held true. *Dahl v. Bd. of Trs. of W. Mich. Univ.*, No. 21-2945, 2021 U.S. App. LEXIS 30153, at \*10 (6th Cir. Oct. 7, 2021). Here, we know that Riverside is granting medical exemptions to pregnant employees and nursing mothers. See Riverside Healthcare, “FAQ – Regarding Mandatory COVID-10 Vaccinations” (2021). Under the logic of *Tandon* and *Fulton*, if Riverside grants exemptions for medical reasons like pregnancy, it must treat religion with equal respect.

Second, the Illinois Court of Appeals has said, “[a] person’s right to refuse or accept medical care is not one to be interfered with lightly. As Justice Cardozo stated, ‘Every human being of adult years and sound mind has a right to determine what shall be done with his own body; and a surgeon who performs an operation without his patient’s consent commits an assault, for which he is liable in damages.’” *Cohen v. Smith*, 269 Ill. App. 3d 1087, 1095 (1995) (quoting *Schloendorff v. Society of New York Hospital*, 211 N.Y. 125, 105 N.E. 92 (1914)). Though Plaintiffs are not pressing a secondary constitutional or tort argument at this point, this court has a “duty to avoid interpretations that raise constitutional questions and cast doubt on validity.” *Maddux v. Blagojevich*, 233 Ill. 2d 508, 526, (2009). Reading the HCRCA correctly avoids creating a separate legal issue.

The policy statements, documents, and memoranda from Riverside provide a consistent rationale for denial: that these employees are in “patient-facing” positions, saying extending an exemption to such employees would create an “undue hardship” for Riverside. *See* Exhibit H. Riverside even said in its denial letter to Panozzo’s appeal: “While your request may have met the technical standard for an exemption, the granting of these exemption requests would place an undue hardship on the organization . . .” Exhibit R.

This policy makes two fundamental mistakes. First, the language of “undue hardship” is derived from the federal Title VII law, which permits employers to deny a reasonable accommodation for an employee’s religious beliefs when doing so would create an “undue hardship.” *See EEOC Guidance on Religious Exemptions for COVID-19 Vaccination*<sup>5</sup> (“Title VII and the ADA require an employer to provide reasonable accommodations for employees who,

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<sup>5</sup> <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

because of a disability or a sincerely held religious belief, practice, or observance, do not get vaccinated for COVID-19, unless providing an accommodation would pose an undue hardship on the operation of the employer’s business.”).<sup>6</sup> However, the Illinois Court of Appeals has explicitly held that the HCRCA is broader than Title VII of the federal antidiscrimination law; it contains no “reasonable accommodation” qualifier and no “undue hardship” exception. *Rojas*, 2020 IL App (2d) 190215 at ¶ 44. Riverside cannot hide behind the language of “undue hardship” when that standard has already been rejected by Illinois courts.

Second, the HCRCA already contains a limited exception for “patient-facing” interactions: emergencies: “Nothing in this Act shall be construed so as to relieve a physician or other health care personnel from obligations under the law of providing emergency medical care.” 745 ILCS 70/6. And an emergency truly means an emergency: “an unforeseen circumstance involving imminent danger to a person or property requiring an urgent response.” *Morr-Fitz, Inc.*, 2012 IL App (4th) 110398 at ¶ 75 (quoting *Gaffney v. Board of Trustees of the Orland Fire Protection District*, 2012 IL 110012, ¶ 64). Having a broader exception for any “patient-facing” employee or interaction would totally gut the Act and undermine its legislative goals, which include protecting health care employees called upon to offer certain services *to patients*. See *Vandersaand*, 525 F. Supp. 2d at 1057. Thus, the General Assembly made a policy choice to only carve out truly emergency situations from the conscience protections it confers. In short, Riverside’s asserted rationale cannot hold up to the Act’s language.

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<sup>6</sup> Moreover, Riverside’s policy of blanket denials without any consideration of reasonable accommodations given an individual employee’s circumstances likely violates Title VII as well. See *Dr. A, et al., v. Hochul*, No. 1:21-cv-01009-DNH-ML, ECF Doc. 22, \*14-15 (N.D.N.Y. Oct. 12, 2021) (New York Governor’s executive order establishing a blanket policy of vaccine mandates for health care workers with no religious exemption likely violates Title VII and the First Amendment’s free exercise clause).



**2. Plaintiffs will be irreparably harmed and cannot be made whole with monetary damages alone.**

The plaintiffs face an impossible choice: compromise their religious beliefs or lose their jobs. Employers cannot coerce employees to sacrifice their conscience to keep their jobs. The Illinois Supreme Court has observed that “courts routinely find not just harm, but *irreparable* harm, where a plaintiff asserts a chill on free exercise rights.” *Morr-Fitz, Inc. v. Blagojevich*, 231 Ill. 2d 474, 494-95 (2008) (emphasis original) (citing *Tenafly Eruv Ass’n v. Borough of Tenafly*, 309 F.3d 144, 178 (3d Cir. 2002); *Stormans, Inc. v. Selecky*, 524 F. Supp. 2d 1245, 1266 (W.D. Wash. 2007)). In this instance, though the protection is statutory rather than constitutional, the principle remains: compromising one’s religious beliefs is the sort of harm that is irreparable. *Korte v. Sebelius*, 528 F. App’x 583, 588 (7th Cir. 2012); *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1146 (10th Cir. 2013) (“establishing a likely RFRA violation satisfies the irreparable harm factor”); *Eternal Word TV Network, Inc. v. Sec’y, United States HHS*, 756 F.3d 1339, 1350 (11th Cir. 2014) (Pryor, J., concurring). Being forced to compromise one’s religious beliefs is the sort of harm which is irreparable and cannot be satisfied with money damages. *Tandon v. Newsom*, 141 S. Ct. 1294, 1297 (2021) (“they are irreparably harmed by the loss of free exercise rights for even minimal periods of time”); *Sherman v. Twp. High Sch. Dist. 214*, No. 07 C 6048, 2008 U.S. Dist. LEXIS 43261, at \*11 (N.D. Ill. June 2, 2008); *Religious Sisters of Mercy v. Azar*, 513 F. Supp. 3d 1113, 1153 (D.N.D. 2021) (“intrusion upon the Catholic Plaintiffs’ exercise of religion is sufficient to show irreparable harm”). And being forced into vaccination against one’s religious beliefs “burden[s] their free exercise rights.” *Dahl v. Bd. of Trs. of W. Mich. Univ.*, No. 21-2945, 2021 U.S. App. LEXIS 30153, at \*6 (6th Cir. Oct. 7, 2021).

**3. Any balancing of the interests weighs in the employees' favor, because the General Assembly has already made clear the priority is protecting conscience rights.**

The General Assembly has already determined that giving people a right to obey their consciences when it comes to health care is within the public interest. 745 ILCS 70/2. That right clearly applies in this case. So it is clearly in the public interest to enforce the right that the legislature has protected via the Act. The Act does not require this Court to weigh the Plaintiffs' conscience rights against the public health. The legislature has already made the determination that the public interest weighs in favor of protecting those rights by passing the Act.

Second, Riverside's asserted rationales and interests do not justify its actions. Riverside issued its first memorandum to all staff on August 27, 2021, creating a vaccine mandate in compliance with Governor Pritzker's executive order mandate for health care workers, issued August 26, 2021. Riverside Healthcare, "Memo: COVID-19 vaccine requirement for all staff" (Aug. 27, 2021). The Governor's order includes a religion exemption.<sup>7</sup> The initial August policy from Riverside created a committee to review religious exemption requests. Plaintiffs submitted requests as outlined in Riverside's August policy.

On September 10, Riverside sent another memo stating "President Biden announced last evening new requirements for healthcare workers and other private sector employers of 100 or more. The details of this new executive order have not been released but are expected in an OSHA Emergency Temporary Standard." Riverside Healthcare, "Memo: Covid Program Policy" (Sept. 10, 2021). The memo continues, "Until we receive the ETS and can review its contents in light of the existing emergency order issued by Governor Pritzker, Riverside will be temporarily suspending the decisions on pending religious and medical exemption requests..." *Id.* The Biden

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<sup>7</sup> <https://www.illinois.gov/government/executive-orders/executive-order-executive-order-number-20.2021.html>

OSHA ETS has yet to be released. Bruce Atkinson, “Where Is Biden’s Vaccine Mandate?,” Wall St. J. (Oct. 5, 2021).<sup>8</sup> Yet after promising to wait on any action until the ETS is released, Riverside reversed course a week later and blanket denied all religious exemptions without ever seeing the text of the ETS. Exhibit G. After saying on September 10 that Riverside would also be “temporarily suspending . . . any further action with respect to employee suspension or separation of employment,” Riverside on September 17 decided to go forward with firing Plaintiff Memenga and others in “LEM” positions on September 20.

Moreover, though the White House said the ETS would be a “test weekly or vaccinate” rule,<sup>9</sup> Riverside said it was rejecting testing and insisting on vaccination, now referencing a forthcoming Center for Medicare and Medicaid Services rule that has not even been released for comment yet.<sup>10</sup> Riverside Healthcare, “Memo: Covid Program Policy” (Sept. 10, 2021). Riverside’s flip-flops and shifting stories, even accepted at face value today, do not create a strong interest in their favor.

The Illinois General Assembly has made clear the priority it places on protecting employees’ rights of conscience. Riverside is obligated to respect those rights. Though state statutory rights can be overridden by binding federal regulations, they cannot be set aside based on a press release about the unpublished text of a proposed interim rule that will soon be available for public comment.

## CONCLUSION

Plaintiffs have met all factors for a preliminary injunction. They have shown a clear right under the HCRCRA. They have shown a likelihood of success under the language of the Act, the precedent

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<sup>8</sup> <https://www.wsj.com/articles/vaccine-mandate-covid-19-biden-osha-rule-legal-11633381896>.

<sup>9</sup> <https://www.natlawreview.com/article/president-biden-and-osha-to-require-vaccine-mandate-or-weekly-testing-employers-100>.

<sup>10</sup> <https://www.cms.gov/newsroom/press-releases/biden-harris-administration-expand-vaccination-requirements-health-care-settings>.

of the courts, and the background principles of statutory interpretation. They are set to suffer irreparable harm in just days, as Riverside coerces them to compromise their conscience or lose their livelihoods. And they cannot be made whole with money damages if coerced into taking a vaccine that cannot be undone or withdrawn. Finally, the Illinois General Assembly has made clear in its statutes the priority it places on protecting the rights of conscience. For all these reasons, they are entitled to preliminary relief.<sup>11</sup>

WHEREFORE, the Plaintiffs respectfully pray that the Court grant the following relief:

1. Issue a temporary restraining order maintaining the status quo and barring Riverside from terminating, transferring, suspending, placing on paid or unpaid leave, revoking or suspending any medical staff privileges or hospital credentials, or otherwise retaliate against Plaintiffs who have filed a religious exemption request from the COVID-19 vaccine mandate while the parties brief and the Court considers Plaintiffs' motion for preliminary injunction; and
2. Issue a preliminary injunction barring Riverside from terminating, transferring, suspending, placing on paid or unpaid leave, revoking or suspending any medical staff privileges or hospital credentials, or otherwise retaliate against Plaintiffs and any other Riverside employee who has filed a religious exemption request from the COVID-19 vaccine mandate; and
3. Issue a preliminary injunction reinstating Plaintiff Memenga to her job.

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<sup>11</sup> Though this Court is not bound by the decisions of other trial courts of Illinois, a judge of the Eighth Circuit in Adams County has issued a temporary restraining order on nearly identical facts. After hearing from both sides, Judge Tad Brenner determined that the plaintiff health care employees (1) “rights to refuse to obtain, receive or accept health care services related to COVID-19 are clearly articulated and enshrined in Illinois law”; (2) “have shown that they will suffer irreparable harm if a temporary restraining order is not issued in that they will be separated from their respective employment. . .” and (3) “their only adequate remedy” is a TRO; monetary damages are inadequate. *Darnell v. Quincy Physicians and Surgeons Clinic, S.C.*, No. 2021 MR 193 (Cir. Ct. of the 8th Cir., Adams Cty., Sept. 30, 2021).

**Dated: October 19, 2021**

Respectfully Submitted,

NEELIE PANOZZO, VALERIE KIETZMAN, JUDY  
BUSATO, KATHRYN HAMBLIN, CARMEN  
WYMORE, AND AMY MEMENGA

By: /s/ Jeffrey M. Schwab  
One of their attorneys

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**CERTIFICATE OF SERVICE**

I, Jeffrey Schwab, an attorney, hereby certify that on October 20, 2021, I served the forgoing Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction on Defendant by electronic mail at the following e-mail addresses:

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/s/ Jeffrey M. Schwab  
Jeffrey Schwab

## **List of Exhibits**

Exhibit A	Riverside COVID Policy Effective 8/6/2021
Exhibit B	Aug. 20 Memo
Exhibit C	Plaintiffs' Religious Declination of Vaccination Forms
Exhibit D	Aug. 27 Memo and FAQs
Exhibit E	COVID Policy Effective 8/27/2021
Exhibit F	Sept. 10 Memo
Exhibit G	Blanket form denials
Exhibit H	Sept. 17 Memo
Exhibit I	Sept. 19 Memenga Appeal Email
Exhibit J	Sept. 20/21 Memenga Termination Letter
Exhibit K	Sept. 20 Kietzman Medical Declination Form
Exhibit L	Religious Affidavits of Panozzo and Hamblen
Exhibit M	Sept. 17 Panozzo Appeal Letter
Exhibit N	Vaccine Reminders for Panozzo and Busato
Exhibit O	Oct. 2 Busato Letter
Exhibit P	Oct. 4 Kietzman Medical Exemption Denial
Exhibit Q	Oct. 6 Kietzman Appeal of Medical and Religious Denials
Exhibit R	Blanket Form Religious Exemption Appeal Denials
Exhibit S	Notice of Oct. 25 Vote to Terminate Privileges Effective Oct. 31
Exhibit T	Oct. 4 Wymore Appeal Email

# Exhibit A





Original Issue: 08/2021  
Approved: 08/2021  
Last Revised: 08/2021  
Author: Jo Kilpatrick  
Department: Risk Services and Employee Health  
References:

## Employee Health COVID-19 Vaccination Program

### POLICY

Effective 8/6/2021, as a condition of employment, the following Riverside Healthcare employee groups, must receive a COVID-19 vaccination. Vaccinations are required for all LEM Leaders, new hires within the entire Riverside Health System, and all clinical instructors and students. Those who refuse the vaccination will be terminated. Those who meet exemption criteria will be required to wear a protective surgical mask over nose and mouth during work hours in all Riverside Healthcare locations. Employees and associates may schedule a COVID-19 Vaccine through their MyChart.

### PROCEDURE

- A. To be compliant with this requirement, personnel must do one of the following:
- Receive the first dose of COVID-19 vaccine(s) by September 7, 2021, which will be provided free of charge.
  - Provide Employee Health with proof of immunization if vaccinated through services other than Riverside Medical Group or Immediate Care. (E.g. private physician office, public clinics) by September 30, 2021. Proof of immunization must include a copy of documentation indicating the vaccine was received, manufacturer of vaccine, and lot number.
  - Comply with the designated procedure for obtaining a permissible exception by September 30, 2021 as described in this policy.
  - COVID-19 vaccines are immediately available.
- B. Riverside Healthcare will inform personnel about the following:
- Requirement(s) for vaccination
  - Dates when COVID-19 vaccine(s) are available
  - Procedure for receiving vaccination
  - Procedure for submitting written documentation of vaccine obtained outside Riverside Healthcare.
  - Procedure for declining due to a qualified exception.
  - Consequences of refusing vaccination.
- C. Exceptions
- Medical Contraindication:
    - Riverside Healthcare personnel who meet the requirements of contraindication for COVID-19

vaccination must complete a written Medical Declination Form (see attachment) signed by a licensed healthcare provider and submitted to the Employee Health office by September 30, 2021. New hire employees will need to submit required documentation within 14 days of hire.

- ii. The Riverside Employee Health Office, Medical Director of the Infection Control Committee, and Infection Preventionist, will evaluate any request for medical exemption individually within 14 business days after the request is presented to Employee Health. During the period of time a request for an exemption is being considered, the employee must follow the prescribed protective measures for preventing the disease. If the exception is for allergy to any component of the COVID-19 vaccine, Employee Health will follow the most current CDC Advisory Committee on Immunization Practices (ACIP).
- iii. Staff who do not receive the COVID-19 vaccination due to an approved medical contraindication must wear a mask at all times during the duration of the scheduled shift while at all Riverside Healthcare facilities and clinics. (See consequences and Non-Compliance below).
- iv. Current pregnancy is an acceptable exemption to receiving the COVID-19 vaccine.

b. Religious/Strongly Held Belief:

- i. If personnel decline immunization because it conflicts with sincerely held religious beliefs, they must complete a request for religious/strongly held belief exemption. (See Religious/Strongly Held Belief Declination Form). Requests from Riverside Healthcare employees should be submitted to the Employee Health office by September 30, 2021. New hire employees will need to submit required documentation within 14 days of hire.
- ii. The Riverside Employee Health Office, Medical Director of the Infection Control Committee, and Infection Preventionist will evaluate any request for medical exemption individually within 14 business days after the request is presented to Employee Health. During the period of time a request for an exemption is being considered, the employee must follow the prescribed protective measures for preventing the disease. Employees may be asked to attend the committee meeting.
- iii. Staff who do not receive the COVID-19 vaccination due to a Religious/Strongly held belief declination must wear a mask at all times during the duration of the scheduled shift while at all Riverside Healthcare facilities and clinics. (See Consequences and Non-Compliance below).

D. Criteria and Documentation for Medical Exemptions (See Medical Exemption Form)

- a. Persons with severe (life-threatening) allergies to components of the COVID-19 vaccine. Documentation from a licensed healthcare provider with attached form is required. (See Verification of Contraindications).
- b. Any request for medical exemption must be submitted to Employee Health by September 30, 2021 or within 14 days for a new hire employee. The Riverside Healthcare Employee Health Office, Medical Director of the Infection Control Committee, and Infection Preventionist will evaluate the exemption form individually within 10 business days after the request is presented to Employee Health. If the exception is for allergy to any component of the COVID-19 vaccine, the most current CDC Advisory Committee on Immunization Practices (ACIP) recommendations will be followed by Employee Health Office

E. Verification of Contraindications and Mask Use:

- a. Upon verification of contraindications, all persons with approved contraindications to vaccination will be required to sign written documentation which states that he/she will wear a mask at all times



during the scheduled shift. This excludes breaks, eating lunch in the break room or cafeteria, and in a private restroom.

- b. Names of persons required to wear masks will be provided to the workers' supervisors and managers, including department leadership, until otherwise determined that a mask is no longer required for unvaccinated employees.

#### F. Consequences for Non-Compliance

- a. Healthcare personnel without documentation of vaccination or valid declination by September 30, 2021, or within 14 days of hire date, will be considered noncompliant with COVID-19 vaccination requirements (unless there is a vaccine availability issue).
- b. If vaccination has not occurred by October 10, 2021, healthcare personnel will receive a written warning from their supervisor that they do not comply with the Riverside Healthcare COVID-19 Vaccination Program policy.
- c. Healthcare personnel will then have 15 days to be in compliance (through either vaccination or proof of valid medical contraindication).
- d. If healthcare personnel is not in compliance within 15 days of the written warning issuance, the worker will be suspended until the COVID-19 vaccine is obtained, or up to three (3) days without pay. After the three (3) day suspension, if the worker is still not in compliance, the healthcare personnel will be terminated. All absences related to non-compliance with the mandatory COVID-19 vaccine program will be treated as an unexcused call off under the Riverside Attendance and Punctuality policy. If the healthcare personnel is a physician, medical staff privileges will be revoked from Riverside Healthcare.
- e. If persons who have a documented medical or religious/strongly held belief declination do not comply with wearing a mask at all times during the scheduled shift, with the exception of during scheduled breaks, the worker will receive written warning from their supervisor that they do not comply with the Riverside Healthcare COVID-19 Vaccination Program policy.
- f. On a second offense, the disciplinary process through the healthcare personnel's supervisor will be initiated, and may include termination.

#### G. Compliance

- a. Employees who are required to wear surgical masks based on this policy should wear a new mask each shift and change masks as needed, when mask becomes moist.
- b. When entering isolation rooms, employees should follow appropriate isolation procedures. If masks are required as part of isolation procedure, a new appropriate mask should be put on and discarded after care of the isolation patient. Employees will return to using the standard surgical mask required in this policy to prevent the spread of COVID-19 following care of the isolation patient.
- c. Managers and Supervisors will ensure that all personnel are vaccinated against COVID-19 unless exception has been granted as described in this policy. Enforcement of mask-wearing provision of this policy will be the responsibility of all managers and supervisors.

#### H. Vaccine adverse reactions

- a. Employee Health will interview employee for pertinent information.
- b. Employee Health will give direction on a case-by-case basis.
- c. Instructions may be given to the employee to enter side effects into the VAERS system.



I. Documentation of Immune Status for those with Affiliated Organizations

- a. Departments affiliated with external organization who deploy individuals to Riverside Healthcare will communicate that documentation of immune status must be made available, prior to the individuals start date, to the departments responsible for the program. This information will be made available to Riverside Employee Health upon request and should be retained for the duration of affiliation at Riverside Healthcare Center.

J. Contingency Plan

- a. If there is a shortage of COVID-19 vaccine supply that affects the supply of COVID-19 vaccine for Riverside Healthcare staff use, Administration will develop a contingency plan. This plan will include vaccine prioritization and distribution based on the COVID-19 vaccine supply shortage faced and recommendations from the CDC and the Illinois Department of Public Health.
- b. Communication about mask use and compliance with the COVID-19 vaccination plan will be sent to healthcare personnel in the event of a COVID-19 vaccine shortage or delay.

All revision dates:

08/2021, 08/2021

Attachments

Medical Declination of COVID-19 Vaccination.pdf

Religious-Strongly Held Beliefs Declination of COVID-19 Vaccine.pdf

Approval Signatures

Approver	Date
Jo Kilpatrick	08/2021

# Exhibit B



August 20, 2021

To our Valued Miller Staff Members:

As you may already know, on August 18, President Joe Biden announced that all Long-Term Care Facilities, including Miller Health Care, will be required to have 100% of staff vaccinated against COVID. This is an important step in protecting our residents and coworkers against COVID, and be able to provide care in a safe environment. Miller Health Care must comply with this mandate in order to continue caring for Medicare and Medicaid patients. CMS is expected to release official guidance in September. Once we receive this information, we will work to ensure our facility's compliance and will communicate the necessary next steps.

You are receiving this communication because we do not have a record of your COVID vaccine. If that is incorrect, please contact Beth Totheroh to have this corrected. If you have not received a COVID vaccine, we would like to work with you through this decision-making process. Please contact Beth and we will provide you with the resources needed for you and your situation. We are happy to connect you with an infection control physician, our Medical Director, or an appropriate professional to address and evaluate your concerns with you.

Your work is extremely important to the residents and patients in our care. You stepped up through a very difficult time and your dedication to our residents is valued. We are here to support you through this process.

Riverside Healthcare has regular vaccination opportunities that can be schedule via MyChart. If you receive a vaccination outside of Riverside Medical Center, please communicate directly with Beth.

Sincerely,

Phil Kambic, President & CEO  
Rebecca Schiltz, Vice President Post-Acute Care  
Beth Totheroh, Administrator Miller Health Care

# Exhibit C





# RIVERSIDE MEDICAL CENTER

## Religious/Strongly Held Beliefs Declaration of COVID-19 Vaccination

Riverside Health System requires identified health system associates / employees to get the COVID-19 vaccine as part of each individual's effort to stay healthy, to control the spread of disease, and to protect the health and safety of fellow associates / employees, our patients and their families, and the community. I acknowledge that I am aware of the following facts:

- I have received and reviewed the Centers for Disease Control and Prevention's (CDC) Vaccine Information Statement(s) or Emergency Use Authorization information explaining the Vaccine(s) and the disease(s) they prevent.
- I understand that the COVID-19 vaccine is free of charge.
- I understand that the COVID-19 is a serious respiratory virus. It has infected and killed hundreds of thousands of people and has caused many more hospitalizations. It is particularly dangerous to the residents of long-term care facilities and people with chronic medical conditions.
- I understand that by getting the COVID-19 vaccine, I (or the recipient of the vaccine) can protect the patients, employees and family of this facility from COVID-19, its complications, and death.
- I understand that the COVID-19 vaccination does not cause COVID-19.
- I understand that by not getting the COVID-19 vaccine, I (or the recipient of the vaccine) will have to continue to adhere to CDC guidance for unvaccinated individuals in the healthcare facility. For staff, this means only participating in activities and dining with social distancing and masks.
- Despite these facts, I am choosing to decline the COVID-19 vaccine.

I am declining for the following reason(s), check those that apply:

- I have a religious reason. Please specify your religious affiliation and/or faith community and reference any church doctrine supporting an objection to vaccination:
- I have strongly held beliefs that are not based on religious doctrine that form an objection to my receiving the vaccination.

I will comply with the following requirements:

- I will need to submit a statement (reason for declination) with written signature from my clergy to validate my reason for a religious declination.
- I will need to submit a statement (reason for declination) for my strongly held belief with supporting research or scholarly articles that support my beliefs.
- I understand that I may be asked to meet with the COVID-19 Vaccination Declination Consideration Committee panel to discuss my request for a religious/ strongly held belief exemption.

If I am granted a religious/strongly held belief exception, I understand that I will be expected to wear a surgical mask as outlined in the Mandatory COVID-19 Vaccination Policy JK (Initial)

I have read and fully understand the information on this declination form.

Employee's / Contingent Worker's PRINTED LEGAL Name Amy E. Memenga  
 Dept Rehab Date 8-21-21  
 Signature [Signature]

This section must be completed by the health care worker's clergy.

My church has a doctrinal objection to immunizations. Please comment on how the doctrine applies to the COVID vaccine.

In our doctrinal position that mandatory vaccine requirements represent a flagrant overreach by both employers and government agencies into the realm of authority that God has given to both individuals and families. God has created three institutions: the family, the church and the state. Each has their own valuable and necessary spheres of authority. On matters of health and/or medical decisions, God has given authority to the family to act according to the dictates of their own conscience. Our Constitution and Bill of Rights establishes religious liberty and the rights of conscience as both inalienable and God-given. It is the role of the government to protect these rights. No employee should be forced to violate his/her conscience or threatened with loss of employment for simply doing what they believe is right for them and their family.

I have discussed with my parishioner the consequences to them, their co-workers, family, and the community of not being vaccinated.

Signature of Clergy: [Signature]  
 Name Printed: Ronald Johnson  
 Name of Church and Address: Living Stones Church 909 Pratt Street Crown Point, IN 46307  
 Phone Number of Church: 219-868-7729

August 6, 2021



Riverside Health System requires identified health system associates / employees to get the COVID-19 vaccine as part of each individual's effort to stay healthy, to control the spread of disease, and to protect the health and safety of fellow associates / employees, our patients and their families, and the community. I acknowledge that I am aware of the following facts:

- I have received and reviewed the Centers for Disease Control and Prevention's (CDC) Vaccine Information Statement(s) or Emergency Use Authorization information explaining the Vaccine(s) and the disease(s) they prevent.
- I understand that the COVID-19 vaccine is free of charge.
- I understand that the COVID-19 is a serious respiratory virus. It has infected and killed hundreds of thousands of people and has caused many more hospitalizations. It is particularly dangerous to the residents of long-term care facilities and people with chronic medical conditions.
- I understand that by getting the COVID-19 vaccine, I (or the recipient of the vaccine) can protect the patients, employees and family of this facility from COVID-19, its complications, and death.
- I understand that the COVID-19 vaccination does not cause COVID-19.
- I understand that by not getting the COVID-19 vaccine, I (or the recipient of the vaccine) will have to continue to adhere to CDC guidance for unvaccinated individuals in the healthcare facility. For staff, this means only participating in activities and dining with social distancing and masks.
- Despite these facts, I am choosing to decline the COVID-19 vaccine.

**I am declining for the following reason(s), check those that apply:**

- I have a religious reason. Please specify your religious affiliation and/or faith community and reference any church doctrine supporting an objection to vaccination:
- I have strongly held beliefs that are not based on religious doctrine that form an objection to my receiving the vaccination.

**I will comply with the following requirements:**

- I will need to submit a statement (reason for declination) with written signature from my clergy to validate my reason for a religious declination.
- I will need to submit a statement (reason for declination) for my strongly held belief with supporting research or scholarly articles that support my beliefs.
- I understand that I may be asked to meet with the COVID-19 Vaccination Declination Consideration Committee panel to discuss my request for a religious/ strongly held belief exemption.

**If I am granted a religious/strongly held belief exception, I understand that I will be expected to wear a surgical mask as outlined in the Mandatory COVID-19 Vaccination Policy CW (Initial)**

**I have read and fully understand the information on this declination form.**

Employee's / Contingent Worker's PRINTED LEGAL Name Carmen Wymore  
Dept Miller Rehab RN  
Signature [Signature] Date 8/27/21

**This section must be completed by the health care worker's clergy.**

My church has a doctrinal objection to immunizations. Please comment on how the doctrine applies to the COVID vaccine.

See Attached

**I have discussed with my parishioner the consequences to them, their co-workers, family, and the community of not being vaccinated.**

Signature of Clergy: \_\_\_\_\_  
Name Printed: \_\_\_\_\_  
Name of Church and Address: \_\_\_\_\_  
Phone Number of Church: \_\_\_\_\_



# RIVERSIDE

MEDICAL CENTER

## Religious/Strongly Held Beliefs Declination of COVID-19 Vaccination

Riverside Health System requires identified health system associates / employees to get the COVID-19 vaccine as part of each individual's effort to stay healthy, to control the spread of disease, and to protect the health and safety of fellow associates / employees, our patients and their families, and the community. I acknowledge that I am aware of the following facts:

- I have received and reviewed the Centers for Disease Control and Prevention's (CDC) Vaccine Information Statement(s) or Emergency Use Authorization information explaining the Vaccine(s) and the disease(s) they prevent.
- I understand that the COVID-19 vaccine is free of charge.
- I understand that the COVID-19 is a serious respiratory virus. It has infected and killed hundreds of thousands of people and has caused many more hospitalizations. It is particularly dangerous to the residents of long-term care facilities and people with chronic medical conditions.
- I understand that by getting the COVID-19 vaccine, I (or the recipient of the vaccine) can protect the patients, employees and family of this facility from COVID-19, its complications, and death.
- I understand that the COVID-19 vaccination does not cause COVID-19.
- I understand that by not getting the COVID-19 vaccine, I (or the recipient of the vaccine) will have to continue to adhere to CDC guidance for unvaccinated individuals in the healthcare facility. For staff, this means only participating in activities and dining with social distancing and masks.
- Despite these facts, I am choosing to decline the COVID-19 vaccine.

I am declining for the following reason(s), check those that apply:

- I have a religious reason. Please specify your religious affiliation and/or faith community and reference any church doctrine supporting an objection to vaccination:
- I have strongly held beliefs that are not based on religious doctrine that form an objection to my receiving the vaccination.

I will comply with the following requirements:

- I will need to submit a statement (reason for declination) with written signature from my clergy to validate my reason for a religious declination.
- I will need to submit a statement (reason for declination) for my strongly held belief with supporting research or scholarly articles that support my beliefs.
- I understand that I may be asked to meet with the COVID-19 Vaccination Declination Consideration Committee panel to discuss my request for a religious/ strongly held belief exemption.

If I am granted a religious/strongly held belief exception, I understand that I will be expected to wear a surgical mask as outlined in the Mandatory COVID-19 Vaccination Policy                      (Initial)

I have read and fully understand the information on this declination form.

Employee's / Contingent Worker's PRINTED LEGAL Name Nathanya Hamblen  
 Dept Neurology  
 Signature [Signature] Date August 21, 2021

This section must be completed by the health care worker's clergy.

My church has a doctrinal objection to immunizations. Please comment on how the doctrine applies to the COVID vaccine.

It is our doctrinal position that mandatory vaccine requirements represent a flagrant overreach by both employers and government agencies into the realm of authority that God has given to both individuals and families. God has created three institutions: the family, the church and the state. Each has their own valuable and necessary spheres of authority. On matters of health and/or medical decisions, God has given authority to the family to act according to the dictates of their own conscience. Our Constitution and Bill of Rights enshrines religious liberty and the rights of conscience as both unalienable and God-given. It is the role of the government to protect these rights. No employee should be forced to violate his/her conscience or threatened with loss of employment for simply doing what they believe is right for them and their family.

I have discussed with my parishioner the consequences to them, their co-workers, family, and the community of not being vaccinated.

Signature of Clergy: [Signature]  
 Name Printed: Ronald Johnson  
 Name of Church and Address: Living Stones Church 909 Pratt St. Crown Point, IN 46307  
 Phone Number of Church: 219-603-7729

August 6, 2021



### Religious/Strongly Held Beliefs Declination of Seasonal Influenza Vaccination

Riverside Healthcare does require all health system associates / employees to get the seasonal flu vaccine as part of each individual's effort to stay healthy, to control the spread of disease, and to protect the health and safety of fellow associates / employees, our patients and their families, and the community. I acknowledge that I am aware of the following facts:

- Influenza is a serious respiratory disease that kills an average of 36,000 persons and hospitalizes more than 200,000 persons in the United States each year.
- Influenza vaccination is recommended, by the CDC, for me and all other healthcare workers to prevent influenza disease and its complications, including death.
- If I contract influenza, I will shed the virus for 24-48 hours before influenza symptoms appear. Shedding the virus can spread influenza infection to patients in this facility.
- If I become infected with influenza, even when my symptoms are mild, I can spread severe illness to others.
- I understand that the strains of virus that cause influenza infection change almost every year, which is why a different influenza vaccination is recommended each year.
- I cannot get the influenza disease from the influenza vaccine.
- **The consequences of my refusing to be vaccinated could endanger my health and the health of those with whom I have contact, including: patients in this healthcare facility, my coworkers, my family, and my community**
- Despite these facts, I am choosing to decline the influenza vaccination at this time due to the religious/strongly held belief indicated below.

I am declining for the following reason(s), check those that apply:

- I have a religious reason. Please specify your religious affiliation and/or faith community and reference any church doctrine supporting an objection to immunizations:
- I have strongly held beliefs that are not based on religious doctrine that form an objection to my receiving the immunization.

I will comply with the following requirements:

- I will need to submit a statement (reason for declination) with written signature from my clergy to validate my reason for a religious declination.
- I will need to submit a statement (reason for declination) for my strongly held belief with supporting research or scholarly articles that support my beliefs.
- I understand that I may be asked to meet with the Influenza Declination Consideration Committee panel to discuss my request for a religious/ strongly held belief exemption.

If I am granted a religious/strongly held belief exception, I understand that I will be expected to wear a surgical mask during influenza season as outlined in the Mandatory Influenza Vaccination Policy KH (Initial)

I have read and fully understand the information on this declination form.

Employee's / Contingent Worker's PRINTED LEGAL Name Kathryn Hamglen Dept Neurology  
Signature [Signature] Date August 21, 2021

**This section must be completed by the health care worker's clergy.**

My church has a doctrinal objection to immunizations. Please comment on how the doctrine applies to the flu vaccine.

It is our doctrinal position that mandatory vaccine requirements represent a flagrant overreach by both employers and government agencies into the realm of authority that God has given to both individuals and families. God has created three institutions: the family, the church and the state. Each has their own valuable and necessary spheres of authority. On matters of health and/or medical decisions, God has given authority to the family to act according to the dictates of their own conscience. Our Constitution and Bill of Rights enshrines religious liberty and the rights of conscience as both unalienable and God-given. It is the role of the government to protect these rights. No employee should be forced to violate his/her conscience or threatened with loss of employment for simply doing what they believe is right for them and their family.

I have discussed with my parishioner the consequences to them, their co-workers, family, and the community of not being vaccinated.

Signature of Clergy: [Signature]

Name Printed: Ronnie Johnson

Name of Church and Address: Living Stones Church 909 Pratt St. Crown Point, IN 46307

Phone Number of Church: 219-663-7729

Riverside Health System requires identified health system associates / employees to get the COVID-19 vaccine as part of each individual's effort to stay healthy, to control the spread of disease, and to protect the health and safety of fellow associates / employees, our patients and their families, and the community. I acknowledge that I am aware of the following facts:

- I have received and reviewed the Centers for Disease Control and Prevention's (CDC) Vaccine Information Statement(s) or Emergency Use Authorization information explaining the Vaccine(s) and the disease(s) they prevent.
- I understand that the COVID-19 vaccine is free of charge.
- I understand that the COVID-19 is a serious respiratory virus. It has infected and killed hundreds of thousands of people and has caused many more hospitalizations. It is particularly dangerous to the residents of long-term care facilities and people with chronic medical conditions.
- I understand that by getting the COVID-19 vaccine, I (or the recipient of the vaccine) can protect the patients, employees and family of this facility from COVID-19, its complications, and death.
- I understand that the COVID-19 vaccination does not cause COVID-19.
- I understand that by not getting the COVID-19 vaccine, I (or the recipient of the vaccine) will have to continue to adhere to CDC guidance for unvaccinated individuals in the healthcare facility. For staff, this means only participating in activities and dining with social distancing and masks.
- Despite these facts, I am choosing to decline the COVID-19 vaccine.

I am declining for the following reason(s), check those that apply:

- I have a religious reason. Please specify your religious affiliation and/or faith community and reference any church doctrine supporting an objection to vaccination:
- I have strongly held beliefs that are not based on religious doctrine that form an objection to my receiving the vaccination.

I will comply with the following requirements:

- I will need to submit a statement (reason for declination) with written signature from my clergy to validate my reason for a religious declination.
- I will need to submit a statement (reason for declination) for my strongly held belief with supporting research or scholarly articles that support my beliefs.
- I understand that I may be asked to meet with the COVID-19 Vaccination Declination Consideration Committee panel to discuss my request for a religious/ strongly held belief exemption.

If I am granted a religious/strongly held belief exception, I understand that I will be expected to wear a surgical mask as outlined in the Mandatory COVID-19 Vaccination Policy NP (Initial)

I have read and fully understand the information on this declination form.

Employee's / Contingent Worker's PRINTED LEGAL Name Nellie Paroze  
Dept RMC / Miller  
Signature Nellie Paroze Date 8/22/21

This section must be completed by the health care worker's clergy.

My church has a doctrinal objection to immunizations. Please comment on how the doctrine applies to the COVID vaccine.

See Attached

I have discussed with my parishioner the consequences to them, their co-workers, family, and the community of not being vaccinated.

Signature of Clergy: \_\_\_\_\_  
Name Printed: \_\_\_\_\_  
Name of Church and Address: \_\_\_\_\_  
Phone Number of Church: \_\_\_\_\_





# RIVERSIDE

MEDICAL CENTER

## Religious/Strongly Held Beliefs Declaration of COVID-19 Vaccination

Riverside Health System requires identified health system associates / employees to get the COVID-19 vaccine as part of each individual's effort to stay healthy, to control the spread of disease, and to protect the health and safety of fellow associates / employees, our patients and their families, and the community. I acknowledge that I am aware of the following facts:

- I have received and reviewed the Centers for Disease Control and Prevention's (CDC) Vaccine Information Statement(s) or Emergency Use Authorization information explaining the Vaccine(s) and the disease(s) they prevent.
- I understand that the COVID-19 vaccine is free of charge.
- I understand that the COVID-19 is a serious respiratory virus. It has infected and killed hundreds of thousands of people and has caused many more hospitalizations. It is particularly dangerous to the residents of long-term care facilities and people with chronic medical conditions.
- I understand that by getting the COVID-19 vaccine, I (or the recipient of the vaccine) can protect the patients, employees and family of this facility from COVID-19, its complications, and death.
- I understand that the COVID-19 vaccination does not cause COVID-19.
- I understand that by not getting the COVID-19 vaccine, I (or the recipient of the vaccine) will have to continue to adhere to CDC guidance for unvaccinated individuals in the healthcare facility. For staff, this means only participating in activities and dining with social distancing and masks.
- Despite these facts, I am choosing to decline the COVID-19 vaccine.

I am declining for the following reason(s), check those that apply:

- I have a religious reason. Please specify your religious affiliation and/or faith community and reference any church doctrine supporting an objection to vaccination:
- I have strongly held beliefs that are not based on religious doctrine that form an objection to my receiving the vaccination.

I will comply with the following requirements:

- I will need to submit a statement (reason for declination) with written signature from my clergy to validate my reason for a religious declination.
- I will need to submit a statement (reason for declination) for my strongly held belief with supporting research or scholarly articles that support my beliefs.
- I understand that I may be asked to meet with the COVID-19 Vaccination Declination Consideration Committee panel to discuss my request for a religious/ strongly held belief exemption.

If I am granted a religious/strongly held belief exception, I understand that I will be expected to wear a surgical mask as outlined in the Mandatory COVID-19 Vaccination Policy MS (Initial)

I have read and fully understand the information on this declination form.

Employee's / Contingent Worker's PRINTED LEGAL Name Valerie Kietzman  
 Dept PCS  
 Signature Valerie Kietzman Date 8/13/21

This section must be completed by the health care worker's clergy.

My church has a doctrinal objection to immunizations. Please comment on how the doctrine applies to the COVID vaccine.

See attached

I have discussed with my parishioner the consequences to them, their co-workers, family, and the community of not being vaccinated.

Signature of Clergy: [Signature]  
 Name Printed: Gregory L. Chambers  
 Name of Church and Address: 2679 E. Aust St. Kankakee, IL 60901  
 Phone Number of Church: 815-539-9413

August 6, 2021

# Exhibit D

# MEMO



**TO:** All Staff

**FROM:** Phil Kambic, President & CEO *PK*

**DATE:** August 27, 2021

**SUBJECT:** COVID-19 vaccine requirement for all staff

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On August 26, Governor J.B. Pritzker issued an executive order requiring vaccination of healthcare workers across the state of Illinois. Additionally, the Pfizer COVID-19 vaccine has received full FDA approval. As a result of these two key decisions along with the resurgence of infections, **Riverside is now requiring all employed and contracted staff members to be vaccinated against COVID-19.**

While I encourage you to receive your first dose right away, you will need to be fully vaccinated by October 31, 2021. The vaccine is free and easy to schedule through Riverside MyChart.

Although a majority of Riverside staff have already chosen to receive the vaccine, this new requirement affects many in our organization. I am sensitive to your concerns. The decision results from ongoing counsel with medical experts and is consistent with many leading national healthcare institutions. You will find an FAQ attached to this memo to address additional questions you may have.

This decision is driven by our commitment to provide the highest quality patient care in the safest environment for our staff. Our community continues to need us in unprecedented ways. Thank you for your flexibility and understanding.

## FAQ - Regarding Mandatory COVID-19 Vaccinations

❖ **I work from home, do I need to get vaccinated?**

Yes. All employed and contracted staff are required to be vaccinated. There may be times that you will need to come to work as a part of your job. As a member of the community, the goal is to decrease the transmission of COVID 19.

❖ **Can I get tested weekly for COVID-19 as Governor Pritzker stated and not get vaccinated?**

No, Riverside's policy requires vaccination.

❖ **How do I prove I am fully vaccinated?**

Upon request of your manager, you will need to provide a copy of your medical record demonstrating full vaccination course was completed. Vaccine passport cards alone will not be accepted as proof of vaccine.

❖ **Do I have to get a COVID-19 Booster?**

At this time boosters for COVID-19 are recommended but not required.

❖ **How do I apply for a declination if I feel that I have an acceptable reason to not be vaccinated?**

The request to not be included in the COVID-19 vaccine mandate must be completed and received in Employee Health by September 21, 2021. Refer to the policy "COVID Vaccine" for acceptable declinations, complete the form, and send to Employee Health.

❖ **I am pregnant, do I have to be vaccinated?**

Although the CDC and many professional organizations support vaccines in pregnancy, at Riverside we are allowing for a temporary exemption for pregnant staff. The exemption will extend from during the pregnancy to 90 days post-delivery. After 90 days, you will be required to start the vaccine process.

❖ **What if I am breast feeding after 90 days?**

The CDC does not prohibit the vaccine during breast feeding. You will need to start the vaccination process ninety (90) days post-delivery.

❖ **How do I get a temporary waiver if I am pregnant?**

Follow the declination process in the policy and submit your declination forms to Employee Health by September 21<sup>st</sup>.

❖ **What if I do not complete my vaccine series (2 doses of Pfizer or Moderna or 1 dose of Johnson and Johnson) by October 31, 2021?**

This initiative is a requirement of employment. Disciplinary action for failure to comply will result in an unpaid suspension for up to two weeks and may ultimately result in separation of employment. In order to meet the October 31<sup>st</sup> deadline, you must receive your first dose by October 3<sup>rd</sup>.

❖ **Where can I get the vaccine?**

Schedule a vaccine through your Riverside MyChart account or go to [www.vaccines.gov](http://www.vaccines.gov) to find a location convenient for you.

❖ **We encourage you to discuss any further questions or concerns with your direct supervisor.**



# Exhibit E



Original Issue: 08/2021  
Approved: 10/2021  
Last Revised: 09/2021  
Author: *Jo Kilpatrick*  
Department: *Risk Services and Employee Health*  
References:

## COVID Vaccine Program

### POLICY

Effective 8/27/2021, as a condition of employment, Riverside Healthcare employees, medical staff, volunteers, agency staff, contracted service groups, clinical students and instructors must receive the COVID-19 vaccination(s). Those who meet exemption/declination criteria will be required to wear an N95 respirator over nose and mouth during work hours in all Riverside Healthcare locations. Employees and associates may schedule a COVID-19 Vaccine through their MyChart.

### PROCEDURE

- A. To be compliant with this requirement, personnel must do one of the following:
- Receive both doses of the COVID-19 vaccine(s) by October 31, 2021, which will be provided free of charge.
  - Provide Employee Health with proof of immunization if vaccinated through services other than Riverside Medical Group or Immediate Care. (E.g. private physician office, public clinics) by October 31, 2021. Proof of immunization may include:
    - A printed Vaccination or Prescription Record from a retail store such as Walgreens, OSCO, CVS, Meijer, etc
    - A Vaccination Record from a non-Riverside physician
    - An electronic vaccination record from a state sponsored website (non-Illinois)
    - Riverside EPIC or MyChart (no action is required unless requested)
  - Comply with the designated procedure for obtaining a permissible exception by September 21, 2021 as described in this policy.
- B. COVID-19 vaccines are readily available.
- C. Riverside Healthcare will inform personnel about the following:
- Requirement(s) for vaccination
  - Dates when COVID-19 vaccine(s) are available
  - Procedure for receiving vaccination
  - Procedure for submitting written documentation of vaccine obtained outside Riverside Healthcare.
  - Procedure for declining due to a qualified exception.
  - Consequences of refusing vaccination.

#### D. Exceptions

##### a. Medical Contraindication:

- i. Riverside Healthcare personnel who meet the requirements of contraindication for COVID-19 vaccination must complete a written Medical Declination Form (see attachment) signed by a licensed healthcare provider and submitted to the Employee Health office by September 21, 2021. New hire employees will need to submit required documentation prior to their start date.
- ii. The Riverside Employee Health Office, Medical Director of the Infection Control Committee, and Infection Preventionist, will evaluate any request for medical exemption individually within 7 business days after the request is presented to Employee Health. During the period of time a request for an exemption is being considered, the employee must follow the prescribed protective measures for preventing the disease. If the exception is for allergy to any component of the COVID-19 vaccine, Employee Health will follow the most current CDC Advisory Committee on Immunization Practices (ACIP).
- iii. Staff who do not receive the COVID-19 vaccination due to an approved medical contraindication must wear an N95 Respirator at all times during the duration of the scheduled shift while at all Riverside Healthcare facilities and clinics. (See consequences and Non-Compliance below).
- iv. Current pregnancy is an acceptable exemption to receiving the COVID-19 vaccine.
- v. It is recommended that people who have had COVID-19 in the past still get the vaccine. Unvaccinated employees who have tested positive for COVID-19 may apply for a temporary medical exemption. This temporary exemption will last 90 days from symptom onset or positive test date (if asymptomatic).

##### b. Religious Conviction:

- i. If personnel decline immunization because it conflicts with sincerely held religious beliefs, they must complete a request for a religious exemption. (See Religious Declination Form). Requests from Riverside Healthcare employees should be submitted to the Employee Health office by September 21, 2021. New hire employees will need to submit required documentation prior to their start date.
- ii. The Riverside Chief Operating Officer, Vice President of Human Resources, General Counsel and Chaplain will evaluate any request for religious exemption individually within 7 business days after the request is presented to the Employee Health office. During the period of time a request for an exemption is being considered, the employee must follow the prescribed protective measures for preventing the disease. Employees may be asked to attend the committee meeting.
- iii. Staff who do not receive the COVID-19 vaccination due to a Religious exemption must wear an N95 mask at all times during the duration of the scheduled shift while at all Riverside Healthcare facilities and clinics. (See Consequences and Non-Compliance below).

#### E. Criteria and Documentation for Medical Exemptions (See Medical Exemption Form)

- a. Persons with severe (life-threatening) allergies to components of the COVID-19 vaccine. Documentation from a licensed healthcare provider with attached form is required. (See Verification of Contraindications).
- b. Documentation of current pregnancy
- c. Documentation of a positive/detected laboratory COVID test result (for 90 day temporary

exemption).

- d. Any request for medical exemption must be submitted to Employee Health by September 21, 2021 or prior to start date for a new hire employee. The Riverside Healthcare Employee Health Office, Medical Director of the Infection Control Committee, and Infection Preventionist will evaluate the exemption form individually within 7 business days after the request is presented to Employee Health. If the exception is for allergy to any component of the COVID-19 vaccine, the most current CDC Advisory Committee on Immunization Practices (ACIP) recommendations will be followed by Employee Health Office

F. Verification of Contraindications and Mask Use:

- a. Upon verification of contraindications, all persons with approved contraindications to vaccination will be required to sign written documentation which states that he/she will wear an N95 mask at all times during the scheduled shift. This excludes breaks, eating lunch in the break room or cafeteria, and in a private restroom.
- b. Names of persons required to wear N95 masks will be provided to the workers' supervisors and managers, including department leadership, until otherwise determined that an N95 mask is no longer required for unvaccinated employees.

G. Consequences for Non-Compliance

- a. Healthcare personnel without documentation of both doses of the vaccine by 10/31/2021 or an approved declination by September 21, 2021, or prior to start date for new hires, will be considered noncompliant with COVID-19 vaccination requirements (unless there is a vaccine availability issue).
- b. If vaccination has not occurred by October 31, 2021, healthcare personnel will receive a 2 week non-working and unpaid suspension from their supervisor indicating they are not in compliance with the Riverside Healthcare COVID-19 Vaccination Program policy.
- c. After the 2 week suspension, if the worker is still not in compliance, further disciplinary action will be taken up to and including termination.
- d. If persons who have a documented medical or religious exemption do not comply with wearing a mask at all times during the scheduled shift, with the exception of during scheduled breaks, the worker will receive written warning from their supervisor that they do not comply with the Riverside Healthcare COVID-19 Vaccination Program policy.
- e. On a second offense, the disciplinary process through the healthcare personnel's supervisor will be initiated, and may include termination.

H. Compliance

- a. Employees who are required to wear N95 masks based on this policy should wear a new mask each shift and change masks as needed, when mask becomes moist or soiled.
- b. When entering isolation rooms, employees should follow appropriate isolation procedures. If masks are required as part of isolation procedure, a new appropriate mask should be put on and discarded after care of the isolation patient. Employees will return to using the standard surgical mask required in this policy to prevent the spread of COVID-19 following care of the isolation patient.
- c. Managers and Supervisors will ensure that all personnel are compliant with mask-wearing provision of this policy.
- d. Employee Health staff will monitor employee vaccine compliance. If an employee is deemed to be non-compliant of the COVID Vaccine Program policy, then the Human Resources Department will be

notified of policy noncompliance.

I. Vaccine adverse reactions

- a. Employee Health will interview employee for pertinent information.
- b. Employee Health will give direction on a case-by-case basis.
- c. Instructions may be given to the employee to enter side effects into the VAERS system.

J. Documentation of Immune Status for those with Affiliated Organizations

- a. Departments affiliated with external organization who deploy individuals to Riverside Healthcare will require the vaccination. Any requests for declinations must be sent to Riverside Employee Health for approval.

K. Contingency Plan

- a. If there is a shortage of COVID-19 vaccine supply that affects the supply of COVID-19 vaccine for Riverside Healthcare staff use, Administration will develop a contingency plan. This plan will include vaccine prioritization and distribution based on the COVID-19 vaccine supply shortage faced and recommendations from the CDC and the Illinois Department of Public Health.
- b. Communication about N95 mask use and compliance with the COVID-19 vaccination plan will be sent to healthcare personnel in the event of a COVID-19 vaccine shortage or delay.

All revision dates:

09/2021, 09/2021, 09/2021, 09/2021, 09/2021, 08/2021

## Attachments

- [Covid Consent Waiver Sept 2021.pdf](#)
- [Religious Declination of COVID-19 Vaccine.pdf](#)
- [Medical Declination of COVID-19 Vaccination 9.2.2021.pdf](#)

## Approval Signatures

Approver	Date
Jo Kilpatrick	10/2021

# Exhibit F

## MEMO

From: Employee Health  
Date: September 10, 2021  
Re: Covid Program Policy

As many of you may have heard, President Biden announced last evening new requirements for Covid vaccinations for healthcare workers and other private sector employers of 100 or more. The details of this new executive order have not been released but are expected in an OSHA Emergency Temporary Standard (ETS). Until we receive the ETS and can review its contents in light of the existing emergency order issued by Governor Pritzker, Riverside will be temporarily suspending the decisions on pending religious and medical exemption requests, as well as, instituting any further action with respect to employee suspension or separation of employment.

The regulations relating to Covid vaccination and testing are complex and dynamic, at both the state and federal level. Riverside wants to insure any vaccination or testing policy it institutes is compliant with applicable laws and regulations. We appreciate your patience as you await further direction concerning the vaccination requirements under our policy. We will do our utmost to provide updated communication and policy changes, if appropriate, once the ETS is made available.

If you have any questions on this communication please contact Jo Kilpatrick or Susan Doran in the Employee Health at (815) 935-7067.

# Exhibit G



To: Employee

From: Joan Kilpatrick RN MSN, Safety and Risk Services

Re: Request for religious exemption

Date: September 17, 2021

Thank you for submitting your declination request regarding the COVID-19 vaccination. We take all requests very seriously and respect the time you invested to submit it.

Based on our review of your declination request and our Covid Vaccine Program Policy your request has been denied. Although your religious or strongly held belief may otherwise qualify for an exemption, Riverside has decided to deny your request because you are in a patient-facing position. At Riverside, the safety of our patients/residents is our top priority. Unvaccinated staff working in patient facing positions, create an undue hardship of safety risks and legal liability from an increased risk for transmission of the Covid virus among our patients and staff.

In an effort to accommodate your request for an exemption from the Covid vaccine, you may consider applying for non-patient facing positions where you otherwise meet the qualifications of the position.

We appreciate the commitment of all of Riverside's staff to our mission in this community and encourage all who are not yet vaccinated to obtain the protection it affords you, your family, our patients and staff.

To: Employee

From: Joan Kilpatrick RN, MSN, Safety and Risk Services

Re: Request for religious exemption

Date: September 17, 2021

Thank you for submitting your declination request regarding the COVID-19 vaccination. We take all requests very seriously and respect the time you invested to submit it.

Based on our review of your declination request and our Covid Vaccine Program Policy your request has been denied. Although your religious or strongly held belief may otherwise qualify for an exemption, Riverside has decided to deny your request because you are in a patient-facing position. At Riverside, the safety of our patients/residents is our top priority. Unvaccinated staff working in patient facing positions, create an undue hardship of safety risks and legal liability from an increased risk for transmission of the Covid virus among our patients and staff.

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Re: Request for religious exemption

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In an effort to accommodate your request for an exemption from the Covid vaccine, you may consider applying for non-patient facing positions where you otherwise meet the qualifications of the position.

We appreciate the commitment of all of Riverside's staff to our mission in this community and encourage all who are not yet vaccinated to obtain the protection it affords you, your family, our patients and staff.

To: Employee

From: Joan Kilpatrick RN, MSN, Safety and Risk Services

Re: Request for religious exemption

Date: September 17, 2021

Thank you for submitting your declination request regarding the COVID-19 vaccination. We take all requests very seriously and respect the time you invested to submit it.

Based on our review of your declination request and our Covid Vaccine Program Policy your request has been denied. Although your religious or strongly held belief may otherwise qualify for an exemption, Riverside has decided to deny your request because you are in a patient-facing position. At Riverside, the safety of our patients/residents is our top priority. Unvaccinated staff working in patient facing positions, create an undue hardship of safety risks and legal liability from an increased risk for transmission of the Covid virus among our patients and staff.

In an effort to accommodate your request for an exemption from the Covid vaccine, you may consider applying for non-patient facing positions where you otherwise meet the qualifications of the position.

We appreciate the commitment of all of Riverside's staff to our mission in this community and encourage all who are not yet vaccinated to obtain the protection it affords you, your family, our patients and staff.

# Exhibit H

# MEMO



**TO:** All Staff  
**FROM:** Phillip Kambic, President & CEO PK  
**RE:** Required COVID Vaccine  
**DATE:** September 17, 2021

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On August 27, 2021 Riverside announced the implementation of a mandatory COVID-19 vaccine policy. This was done after careful consideration of the scientific evidence of the vaccine's effectiveness and our obligation to protect the health and safety of our patients, staff and community members. Since that announcement, President Biden has announced the requirement of all healthcare workers to be vaccinated for COVID-19. Unlike Governor's Pritzker's executive order, the Biden executive order does not provide for a testing alternative in lieu of getting the vaccine. Riverside's vaccine policy is consistent with the Biden executive order.

Until further regulations/rules are available for the Biden executive order, Riverside will continue to utilize and enforce its existing policy which requires all staff to be vaccinated by October 31, 2021 unless they qualify for and receive an approved medical or religious exemption. **One important modification is now in effect. Where a religious belief may otherwise qualify for an exemption, Riverside will deny such request for all patient-facing positions where safety risks and legal liability create an undue hardship and increase risk for transmission of the COVID-19 virus among our patients and staff.**

Any pending medical or religious exemption requests will be processed as described in the policy and as outlined above. For any questions concerning this memo or the COVID-19 Program Policy please contact Employee Health.

We appreciate the commitment of all of Riverside's staff to our mission and encourage all who are not yet vaccinated to obtain the protection it affords to you, your family and your community.

# Exhibit I



---

## Final Appeal regarding religious exemption Amy Memenga

2 messages

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**Amy Memenga** <amemrn@gmail.com>

Sun, Sep 19, 2021 at 10:36 PM

To: pkambic@rhc.net, Kbenoit@rhc.net, "Schiltz, Rebecca K" <rschiltz@rhc.net>, "Hinrichs, Becky" <bhinrichs@rhc.net>, lcarr@rhc.net, kograd@rhc.net, kmoss@rhc.net, jkilpatric@rhc.net

I am filing an appeal regarding my religious exemption related to the Covid and influenza vaccine that was denied today, September 17, 2021. I submitted my religious exemption to Susan Doran in employee health via email on September 3, 2021. Today, September 17, 2021, I received an email with a letter addressed to "employee" stating Riverside Healthcare Center has denied granting my religious exemption "because you are in a patient-facing position".

I understand your position however, I have deep and genuine beliefs as stated in my exemption letter, that will not allow me to accept the Covid or influenza vaccines. By denying my religious exemption, you are discriminating against me and are not only violating your own EEO and Nondiscrimination/Anti-harassment policies but you have also violated the First Amendment of the United States of America, Title VII of the Civil Rights Act as well as the Health Care Right of Conscience Act.

As a faithful employee of 26 plus years; I request that my religious declination be reconsidered. I believe that this organization will abide by the law and grant my request which allows me to continue my work at Riverside. I have faith that this organization understands and respects my religious freedoms and rights.

My 2-week unpaid administrative leave is ending, I will be returning to work on Monday 9-20-21 to resume my role as Nurse manager. I have no intention to resign my position, nor did I agree to any assumed resignation. If Riverside wants to separate me from my job, Riverside would need to terminate my employment in writing.

On recommendation of legal counsel, I am writing one final appeal for reconsideration of my religious belief exemption to be honored.

Please see attached memo from Liberty Counsel regarding specific Illinois legislation cited in defense of my religious exemption.



Sincerely,

Amy Memenga



**Memo-Discrimination-on-COVID-Vax-Status-Illegal-in-IL-**

**08092021\_210918\_225414\_LC.pdf**

143K

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

Sun, Sep 19, 2021 at 10:37 PM

To: amemrn@gmail.com



## Address not found

Your message wasn't delivered to **jkilpatric@rhc.net** because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 5.1.1 <jkilpatric@rhc.net>... User unknown

Final-Recipient: rfc822; [jkilpatric@rhc.net](mailto:jkilpatric@rhc.net)

Action: failed

Status: 5.1.1

Remote-MTA: dns; [secmail.riversidehealthcare.net](https://secmail.riversidehealthcare.net). (68.23.224.194, the server for the domain [rhc.net](https://rhc.net).)

Diagnostic-Code: smtp; 550 5.1.1 <jkilpatric@rhc.net>... User unknown

Last-Attempt-Date: Sun, 19 Sep 2021 20:37:06 -0700 (PDT)

----- Forwarded message -----

From: Amy Memenga <amemrn@gmail.com>

To: pkambic@rhc.net, Kbenoit@rhc.net, "Schiltz, Rebecca K" <rschiltz@rhc.net>, "Hinrichs, Becky" <bhinrichs@rhc.net>, lcarr@rhc.net, kogrady@rhc.net, kmoss@rhc.net, jkilpatric@rhc.net

Cc:

Bcc:

Date: Sun, 19 Sep 2021 22:36:49 -0500

Subject: Final Appeal regarding religious exemption Amy Memenga

----- Message truncated -----

# Exhibit J

TO: Amy Memenga  
FROM: Rebecca Schiltz, Vice President of Post Acute Care Services  
Becky Hinrichs, Vice President Human Resources  
DATE: September 20, 2021  
SUBJECT: COVID-19 Vaccination Requirement Non-Compliance

Riverside Healthcare remains obligated to protect the health and safety of our patients, staff and community members and remains committed to follow the directives of President Biden's executive order that all healthcare workers be vaccinated for COVID-19.

When you did not meet the requirement for LEM leaders to be vaccinated with the first dose of (Pfizer or Moderna) or the one-dose Johnson and Johnson vaccine by September 6, 2021, you were placed on an administrative leave with a two-week extension to become compliant (see attached). We have been informed by Employee Health that you have not yet obtained a COVID-19 vaccine and do not have an approved declination.

As that two-week extension has now expired, we will process your separation effective today.

Please acknowledge your receipt of this memo by signing below:

Refused to Sign  
Amy Memenga

\_\_\_\_\_  
Date

Rebecca Schiltz  
Witness

9-21-21  
Date

Jean M Koehler JEAN M KOEHLER  
Witness

9-21-21  
Date

# Exhibit K

Riverside Health System requires identified groups of associates / employees to get the COVID-19 vaccine as part of each individual's effort to stay healthy, to control the spread of disease, and to protect the health and safety of fellow associates / employees, our patients and their families, and the community. I acknowledge that I am aware of the following facts:

- I have received and reviewed the Centers for Disease Control and Prevention's (CDC) Vaccine Information Statement(s) or Emergency Use Authorization information explaining the COVID Vaccine(s) and the disease they prevent.
- I understand that the COVID-19 vaccine is free of charge.
- I understand that the COVID-19 is a serious respiratory virus. It has infected and killed hundreds of thousands of people and has caused many more hospitalizations. It is particularly dangerous to the residents of long-term care facilities and people with chronic medical conditions.
- I understand that by getting the COVID-19 vaccine, I (or the recipient of the vaccine) can protect the patients, employees and family of this facility from COVID-19, its complications, and death.
- I understand that the COVID-19 vaccination does not cause COVID-19.
- I understand that by not getting the COVID-19 vaccine, I (or the recipient of the vaccine) will have to continue to adhere to CDC guidance for unvaccinated individuals in the healthcare facility. For staff, this means only participating in activities and dining by practicing social distancing and wearing masks.
- Despite these facts, I am choosing to decline the COVID-19 vaccine.

I am declining for the following reason(s), check those that apply:

- I have a COVID-19 vaccination and have submitted official documentation of receiving the vaccine to Employee Health with this declination form. (This reason does not require a physician's statement)
- I am currently pregnant (attach appropriate documentation)
- I am allergic to the COVID-19 vaccine or to a component of the COVID-19 vaccine. (Requires allergy testing or medical documentation of reaction & completion of physician/practitioner section)

Other (list specific medical reason) Severe Anxiety and ADHD / No Symptomatic  
(Requires medical documentation & completion of physician/practitioner section) to 0121

If I am granted a medical exemption I understand that I will be expected to wear a surgical mask as outlined in the Mandatory COVID-19 Vaccination Policy UC (Initial)

Associate's / Employee's PRINTED LEGAL Name Valerie Kietzman  
Dept PCS  
Signature Valerie Kietzman Date 9/22/21

This section must be completed by the health care worker's physician or practitioner.

- This health care worker should not receive the COVID-19 vaccination due to an allergy to a component of the vaccine. Specify the allergy \_\_\_\_\_ and provide medical documentation.

Date of Previous Reaction: _____	Date of Registered Visit for Reaction: _____
Description of Reaction: _____	
Treatment for Reaction: _____	
Allergy Testing Confirming Allergy Completed Y / N (circle one)	

- This health care worker should not receive the COVID-19 vaccination due to the following medical condition that is outside of the CDC published contraindications. Please list the medical condition and attach evidence based medicine documentation from the medical literature which supports this causal link

Medical literature which supports this causal link? None needed - obvious correlation  
I have discussed with my patient the consequences to them, their co-workers, family, and the community of not being vaccinated.

Physician's PRINTED Name: A. Kendra MD Date: 9/21/21  
Signature \_\_\_\_\_

Please submit via fax to Employee Health at (815) 936-6553



# Exhibit L

**AFFIDAVIT OF VACCINE EXEMPTION ON RELIGIOUS GROUNDS FOR HEALTH CARE WORKERS**

Date: 9/3/2021

Governing Authority Name (entity issuing mandate): Riverside Medical Center  
Address: 350 N. Wall St. Kankakee, IL 60901

RE: Religious Exemption from Immunization Requirements

I, (Legal Name), Neelie Panozzo the undersigned, do hereby swear and affirm that I am a member of a recognized religious organization, and that the immunizations required by (Governing Authority Name) Riverside Medical Center are contrary to my religious tenets and practices. On this basis, as the above referenced immunization requirements violate my right to freely exercise my religion as guaranteed by the First Amendment of the Constitution of The United States of America, I am asserting my rights to an exemption from (Governing Authority Name) Riverside Medical Center immunization requirements.

I qualify for this exemption based on the following:

- 1) First Amendment of the United States Constitution
- 2) Title VII of the Civil Rights Act (42 U.S. Code § 2000e) prohibits discrimination against a sincerely held religious belief, practice, or observance. As enforced by the U.S. Equal Employment Opportunity Commission, Title VII requires employers to reasonably accommodate an employee's sincerely held religious belief, practice, or observance. For religious accommodation request, according to the EEOC's COVID-19 guidance, employers should ordinarily assume that an employee's request for religious accommodation is based on a sincerely held religious belief, practice, or observance.

EEOC guidance also reminds employers that the ADA prohibits employers from both disclosing that an employee is receiving a reasonable accommodation and retaliating against an employee for requesting an accommodation.

Failure to uphold 42 U.S. Code § 2000e and any attempt to coerce an individual to get the Covid-19 vaccine is a violation of federal law and may be met with legal action.

Thank you in advance,

Neelie Panozzo  
(Legal Name)

-----Notarial Certificate – To be filled out by a notary public-----

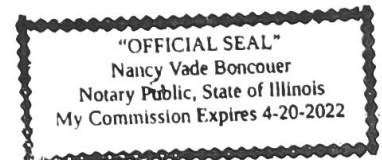
State of Illinois  
County of Kankakee

On 9-3-21 before me, Nancy VadeBoncoeur (here insert name and title of the officer), personally appeared Neelie Panozzo who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Illinois that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Nancy VadeBoncoeur (Seal)



**AFFIDAVIT OF VACCINE EXEMPTION ON RELIGIOUS GROUNDS FOR HEALTH CARE WORKERS**

Date: 9, 20 21

Governing Authority Name (entity issuing mandate): Riverside Medical Center  
Address: 350 N Wail Street Kankakee IL 60901

RE: Religious Exemption from Immunization Requirements

I, (Legal Name), Kathryn Hamblen the undersigned, do hereby swear and affirm that I am a member of a recognized religious organization and that the immunizations required by (Governing Authority Name) Riverside Medical Center are contrary to my religious tenets and practices. On this basis, as the above referenced immunization requirements violate my right to freely exercise my religion as guaranteed by the First Amendment of the Constitution of The United States of America, I am asserting my rights to an exemption from (Governing Authority Name) Riverside Medical Center immunization requirements.

I qualify for this exemption based on the following:

- 1) First Amendment of the United States Constitution
- 2) Title VII of the Civil Rights Act (42 U.S. Code § 2000e) prohibits discrimination against a sincerely held religious belief, practice, or observance. As enforced by the U.S. Equal Employment Opportunity Commission, Title VII requires employers to reasonably accommodate an employee's sincerely held religious belief, practice, or observance. For religious accommodation request, according to the EEOC's COVID-19 guidance, employers should ordinarily assume that an employee's request for religious accommodation is based on a sincerely held religious belief, practice, or observance.

EEOC guidance also reminds employers that the ADA prohibits employers from both disclosing that an employee is receiving a reasonable accommodation and retaliating against an employee for requesting an accommodation.

Failure to uphold 42 U.S. Code § 2000e and any attempt to coerce an individual to get the Covid-19 vaccine is a violation of federal law and may be met with legal action.

Thank you in advance,

Kathryn Hamblen  
(Legal Name)

-----Notarial Certificate -- To be filled out by a notary public-----

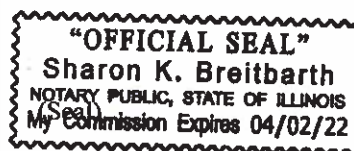
State of Illinois  
County of Kankakee

On 9-20-21 before me, Sharon K. Breitbarth (here insert name and title of the officer), personally appeared Kathryn Hamblen, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Illinois that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sharon K. Breitbarth



# Exhibit M

**Subject** Fw: religious exemption appeal  
**To:** [Diner060809@yahoo.com <Diner060809@yahoo.com>]  
**From** NEELIE PANOZZO <diner060809@yahoo.com>  
**Date** Mon, Sep 27, 2021 at 4:44 AM

Appeal letter to rmc

Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "NEELIE PANOZZO" <diner060809@yahoo.com>

**To:** "soconnor@rhc.net" <soconnor@rhc.net>, "sdoran@rhc.net" <sdoran@rhc.net>, "Phil Kambic" <pkambic@rhc.net>, "Keith Moss" <kmoss@rhc.net>, "bhinrichs@rhc.net" <bhinrichs@rhc.net>, "jkilpatrick@rhc.net" <jkilpatrick@rhc.net>, "Kyle E. Benoit" <kbenoit@rhc.net>

**Sent:** Fri, Sep 17, 2021 at 9:18 PM

**Subject:** religious exemption appeal

I am filing an appeal regarding my religious exemption related to the Covid and influenza vaccine that was denied today, September 17th, 2021. I submitted my religious exemption to Susan Doran in human resources via email on August 24th, 2021. Today, September 17th, 2021, I received an email with a letter that Riverside Healthcare Center has denied to grant my religious exemption "because you are in a patient-facing position".

I have sincere and genuine religious beliefs, as stated in my exemption letter, that will not allow me to accept the Covid or influenza vaccines. By denying my religious exemption, you are discriminating against me and are not only violating your own EEO and Nondiscrimination/Anti-harassment policies but you have also violated the First Amendment of the United States of America, Title VII of the Civil Rights Act as well as the Health Care Right of Conscience Act.

I sincerely request that my religious exemption request be reconsidered. I have faith that this organization will abide by the law and grant my request which allows me to continue my work here at this organization for which I dedicate myself to each and everyday. I look forward to hearing from you and hope that this organization can understand and respect my religious freedoms and rights.

Sincerely,  
Neelie Panozzo NP-C

# Exhibit N



# MEMO



**TO:** Neelie Panozzo  
**FROM:** Dawn Willbarger, Vice President RMG  
**RE:** Required COVID Vaccine  
**DATE:** September 30, 2021

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**On behalf of our patients and their loved ones, as well as our community and colleagues, thank you for your leadership, hard work and dedication to Riverside Healthcare.**

As was announced on August 27, 2021, Riverside Healthcare has instituted a policy requiring all employees to receive the COVID-19 vaccine or an approved medical or religious exemption. Our policy is consistent with President Biden's executive order and reflects our unwavering commitment to creating the safest environment possible—each and every day

**Our records indicate that you have not yet documented receiving the COVID-19 vaccine. We are sending this reminder to encourage you to do so by no later than October 31, 2021 as required under the policy.** Failing to receive the vaccine or an approved exemption by the deadline, as required in your Memorandum of Agreement (“MOA”) with Riverside Medical Center, could result in an unpaid leave of absence or separation from the organization.

If you have received this letter in error, please help us correct our records by presenting your vaccination documentation to Employee Health and informing Dawn Willbarger when you have done so.

Again, thank you for your understanding and compliance with this important health safety measure. As a highly valued member of our Riverside team, it is our sincere hope and desire that you will continue to positively impact our patients and community for many years to come.

Received and acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Neelie Panozzo

Questions concerning the COVID-19 Vaccine Program policy  
or this correspondence?

Please contact Dawn Willbarger, Vice President of the Riverside Medical Group, at 815-935-7256 extension 37228.

# MEMO



**TO:** Judith Busato  
**FROM:** Becky Hinrichs, Vice President of Human Resources  
**RE:** Status of Compliance with COVID-19 Vaccine Requirement  
**DATE:** October 1, 2021

*Rec 10/9/21*

**On behalf of our patients and their loved ones, as well as our community and colleagues, thank you for your hard work and dedication to Riverside Healthcare.**

As was announced on August 27, 2021, Riverside Healthcare has instituted a policy requiring all employees to receive the COVID-19 vaccine or an approved medical or religious declination. Our policy is consistent with state regulation and President Biden's executive order, and it reflects our unwavering commitment to creating the safest environment possible for both our patients and employees

**Our Employee Health records indicate that you have not yet documented receiving the COVID-19 vaccine or an approved declination for a religious or medical exemption.**

**We are sending this reminder to encourage you to do so by no later than October 31, 2021 as required under the policy.**

**If you fail to comply by October 31, 2021, you will be placed on administrative leave without pay for a period of up to two weeks.** If vaccine confirmation or an approved declination is not on file by November 14, 2021, it will result in separation from the organization.

If you have received this letter in error, please help us correct our records by presenting your vaccination documentation to Employee Health and by informing Susan Doran, Employee Health Nurse, at extension 35502.

**Questions concerning the COVID-19 Vaccine Program policy or this correspondence?**

Please contact Employee Health at 815-935-7256 extension 35502.

# Exhibit O

**To:** Becky Hinrichs and the management at Riverside Health  
**From:** Judy Busato RN  
**RE:** Status of Compliance with COVID-19 Vaccine Requirement  
**Date:** October 2, 2021

As you are aware I filed for my religious exemption on September 1, 2021, well within the required deadline given by Riverside Health. My religious beliefs and convictions have not wavered in the past 55-years, and they most certainly have not changed since September 1, 2021.

On the day of my Baptism (9/11/1966), my mother and father made a promise to raise me in the Faith, the Faith in Jesus Christ and the Catholic Church. When I was in 8<sup>th</sup> grade, I made my Confirmation, invoking the Holy Spirit for myself and promising to be a soldier of Christ. My parents raised me with integrity and to stand firmly on what I believe to be true and right with God. There is nothing you and/or any man can say to compromise me and the Covenant I made with God. As a proclaimed Catholic, Phil Kambic, Riversides President & CEO should most certainly know this, and know that although the pope has made a statement regarding it "*being acceptable to receive a vaccine created with and/or tested utilizing aborted fetal cell lines,*" he is speaking as a man, and with his own personal, moral conscience. He is not speaking infallibly through the Chair of Peter, nor is he, or can he speak, for my moral conscience, or anyone else's.

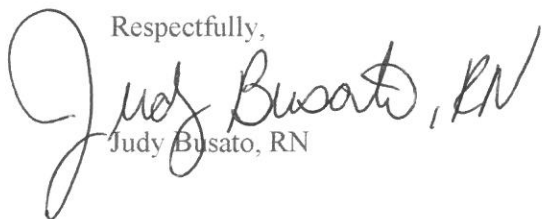
Please understand, that for myself, I could never justify the killing of our most vulnerable, our unborn children, for any reason, let alone to take their life in place of mine. Jesus said, "we need to receive the children" not kill them.

When I graduated from nursing school May 13, 2011, I pledged before God and an assembly of the people that I would adhere to the code of ethics. Included in this was the promise not to do anything evil and malicious and that I would not knowingly give any harmful drug. I also pledged to myself to do everything within my power to raise the standards and prestige of the practical nurse. Devoting my life to this service and profession.

In respect to the Covid vaccines, it is arguable as to whether or not they are physically "safe." There is all kinds of science in both directions and personally I feel way too soon to make a confident decision. However, forcing someone to do something in direct conflict with their moral conscience, and religious beliefs, is unconscionable. Damage to the Soul and Spirit, can often times be irreversible, causing permeant loss and suffering.

This said, please understand that I would never separate myself from my job as a Riverside employee/nurse on the premise, that I have devoted my life to the nursing profession, and most of all to providing help to others. If you ask me to "separate" myself from Riverside Health on November 14, 2021 and/or at any time regarding the denial of my religious exemption and moral conscience decision not to get vaccinated, it will be accepted as layoff by Riverside for irreconcilable differences and Riversides unwillingness to accept my religious exemption and denial of my constitutional rights to hold firm to my religion.

Respectfully,

  
Judy Busato, RN

# Exhibit P

TO: Valerie Kietzman  
FROM: Employee Health  
RE: Decision regarding your request for a medical exemption  
DATE: October 4, 2021

Thank you for submitting your medical declination request regarding the COVID-19 vaccination. We take all requests very seriously and respect the time you invested to submit it.

Medical declination requests are reviewed by a team of expert physicians and clinicians. Determinations are based upon best evidence for potential for adverse events.

Your request was carefully reviewed to ensure the decision is consistent with those of similar requests. Based on this review, your declination has been denied. For additional questions, please speak with your manager or director.



# Exhibit Q

10/6/21, 7:00 PM

Mail - vkietzman@RHC.net

## Appeal

Kietzman, Valerie L

Wed 10/6/2021 7:00 PM

To: Doran, Susan M <sdoran@RHC.net>;

Hello Susan,

I am formally requesting an appeal to the decision to deny both my religious exemption as well as my medical exemption for the covid "vaccine". I am a house supervisor. I do not do any patient care and am not in a patient-facing position. My contact with patients is extremely limited to attending codes of which again I am not doing ANY patient care, my role is to document or administrate **only**. I also may respond to a patient complaint. In which case I always use the provided PPE, which has been more than sufficient to keep myself and others safe from exposure to covid for the past year and a half. My religious beliefs should have already been sufficient as am a minister's wife as well and after many, many prayers, God told me specifically not to take the "vaccine". I also had covid this past April and just had my antibodies tested of which are at a high level (138- I can provide documentation for). Since we ALL KNOW vaccination makes no difference in the ability to catch or spread covid to others, my own immune system thankfully has provided me the ability to stay healthy. My medical reason for taking this vaccine is also valid as I have severe anxiety causing syncopal episodes and specifically to the thought of injecting an experimental, non-FDA approved medication into my body which as I mentioned DO NOT NEED. Please send this appeal to whomever makes this decision based on my specific role here.

Valerie Kietzman MSN, RN  
RN Administrative Director/House Supervisor  
Patient Care Services  
Office (815)935-7506 Fax (815)929-5749 Mobile (815)928-8088  
[vkietzman@rhc.net](mailto:vkietzman@rhc.net)

*"If it doesn't challenge you, It won't CHANGE you!"*

### **Riverside Healthcare**

350 N. Wall Street - Kankakee, IL 60901

One of the Nation's Top 100 Hospitals – Magnet-Designated

<https://www.RiversideHealthcare.org> | <https://www.facebook.com/RiversideHC>



Please think before you print.

# Exhibit R

**TO:** Valerie Kietzman

**FROM:** Employee Health

**RE:** Religious and Medical Exemption Appeal

**DATE:** October 11, 2021

---

We have received your appeal of Riverside's decision to deny your religious and medical exemption request as outlined in Riverside's COVID-19 Vaccination policy.

**Our exemption review committee has reviewed your appeal and is upholding our initial decision to deny your exemption request based on the role you are in.** While your request may have met the technical standard for an exemption, the granting of these exemption requests would place an undue hardship on the organization by compromising patient and staff safety.

**As next steps please consider one of the following options:**

- **Document having received the vaccine by no later than October 31, 2021.** This important and selfless step will increase protection of you, your family, our patients and staff.
- **Connect with HR to explore non-patient-facing options.** Our HR team is committed to helping you through this transition and to explore whether there are any non-patient-facing positions available.

# MEMO



**TO:** Carmen Wymore

**FROM:** Employee Health

**RE:** Religious Exemption Appeal

**DATE:** October 5, 2021

---

We have received your appeal of Riverside's decision to deny your religious/strongly held belief exemption request as outlined in Riverside's COVID-19 Vaccination policy.

**Our exemption review committee has reviewed your appeal and is upholding our initial decision to deny your exemption request based on the role you are in.** While your request may have met the technical standard for an exemption, the granting of these exemption requests would place an undue hardship on the organization by compromising patient and staff safety.

**As next steps please consider one of the following options:**

- **Document having received the vaccine by no later than October 31, 2021.** This important and selfless step will increase protection of you, your family, our patients and staff.
- **Connect with HR to explore non-patient-facing options.** Our HR team is committed to helping you through this transition and to explore whether there are any non-patient-facing positions available.

**TO:** Judith Busato

**FROM:** Employee Health

**RE:** Religious Exemption Appeal

**DATE:** October 11, 2021

---

We have received your appeal of Riverside's decision to deny your religious belief exemption request as outlined in Riverside's COVID-19 Vaccination policy.

**Our exemption review committee has reviewed your appeal and is upholding our initial decision to deny your exemption request based on the role you are in.** While your request may have met the technical standard for an exemption, the granting of these exemption requests would place an undue hardship on the organization by compromising patient and staff safety.

**As next steps please consider one of the following options:**

- **Document having received the vaccine by no later than October 31, 2021.** This important and selfless step will increase protection of you, your family, our patients and staff.
- **Connect with HR to explore non-patient-facing options.** Our HR team is committed to helping you through this transition and to explore whether there are any non-patient-facing positions available.

# MEMO



**TO:** Kathryn Hamblen  
**FROM:** Employee Health  
**RE:** Religious Exemption Appeal  
**DATE:** October 1, 2021

---

We have received your appeal of Riverside's decision to deny your religious/strongly held belief exemption request as outlined in Riverside's COVID-19 Vaccination policy.

**Our exemption review committee has reviewed your appeal and is upholding our initial decision to deny your exemption request based on the role you are in.** While your request may have met the technical standard for an exemption, we are unable to provide suitable accommodations to our employees who are patient-facing.

**As next steps please consider one of the following options:**

- **Document having received the vaccine by no later than October 31, 2021.** This important and selfless step will increase protection of you, your family, our patients and staff.
- **Connect with HR to explore non-patient-facing options.** Our HR team is committed to helping you through this transition and to explore whether there are any non-patient-facing positions available.



# MEMO



**TO:** Neelie Panozzo  
**FROM:** Employee Health  
**RE:** Religious Exemption Appeal  
**DATE:** October 4, 2021

---

We have received your appeal of Riverside's decision to deny your religious/strongly held belief exemption request as outlined in Riverside's COVID-19 Vaccination policy.

**Our exemption review committee has reviewed your appeal and is upholding our initial decision to deny your exemption request based on the role you are in.** While your request may have met the technical standard for an exemption, the granting of these exemption requests would place an undue hardship on the organization by compromising patient and staff safety.

**As next steps please consider one of the following options:**

- **Document having received the vaccine by no later than October 31, 2021.** This important and selfless step will increase protection of you, your family, our patients and staff.
- **Connect with HR to explore non-patient-facing options.** Our HR team is committed to helping you through this transition and to explore whether there are any non-patient-facing positions available.

# Exhibit S

October 8, 2021

Neelie Panozzo, NP  
2414 Sportsman Club Road  
Bourbonnais, IL 60914

Dear Ms. Panozzo:

As we continue to undertake heroic efforts to manage and contain the deadly impact of this pandemic, Riverside Healthcare has instituted a policy requiring all medical staff members and employees to receive the COVID-19 vaccine by October 31, 2021. Our policy (attached) is consistent with President Biden's executive order and reflects our unwavering commitment to create the safest environment possible for our patients and colleagues.

Our community continues to need us in unprecedented ways, and we are grateful that the vast majority of our medical staff is now in compliance with our policy. That number continues to rise daily.

We have provided you with multiple notices of this patient safety mandate. However, we have not yet received proof that you have been vaccinated. The policy includes multiple options for demonstrating proof of immunization. We hope that you will choose one of them and demonstrate compliance as soon as possible.

This letter serves as notice to you that the Medical Executive Committee, on Monday, October 25, 2021, will consider termination of your medical staff membership and/or clinical privileges for failure to comply with hospital policy. We urge you to submit proof of compliance or a letter of resignation by October 25, 2021 to avoid the recommendation for adverse action to terminate your medical staff membership and/or clinical privileges.

While such action does not appear to be reportable to the NPDB, it is reportable on future applications for medical staff and managed care participation.

Riverside remains committed to providing the highest quality patient care in the safest environment for our staff. Thank you for your immediate attention to this important issue.

Sincerely,



Saroja Yalamanchili, MD  
President of the Medical Staff

# Exhibit T

**From:** Wymore, Carmen L  
**Sent:** Monday, October 4, 2021 5:30:38 AM  
**To:** Doran, Susan M; Kilpatrick, Jo  
**Cc:** Totheroh, Elizabeth  
**Subject:** appeal of RE

Hello,

I am emailing, again, because on Friday, I received a reminder to vaccination, by HR. However, I have appealed my RE that was denied 2.5 weeks ago, with follow up emails sent twice now, with no response. I would like to know specifically why my RE exception was denied, as I followed you form **specifically**. IF, this whole time, the plan was to deny ALL patient facing employees exceptions, then why were we told to fill them out and turn them in by 9/21/21? It is inconsiderate and inappropriate to have employees wait their own, and their pastor's time in follow your specific guidelines, if this plan was in place from the beginning. I was told by my administrator, RE were being reevaluated and looked at closely, is this the case? If it is then when will we be hearing back?

Thank you for your time.

Carmen Wymore BSN,RN  
**Registered Nurse**  
[Carmen-Wymore@riversidehealthcare.net](mailto:Carmen-Wymore@riversidehealthcare.net)