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NOTICE: COVID-19 Vaccine Requirement for PCAs

September 2021

Dear PCA Consumer,

On September 1st, 2021, the Baker-Polito Administration announced a vaccine requirement for all rest homes, assisted living residences (ALRs), hospice programs, and to home care agency workers providing in-home, direct care services under a state contract or state program as part of a continued effort to protect older adults and more vulnerable populations against COVID-19. On September 8, 2021, the Massachusetts Department of Public Health promulgated 105 CMR 159.000, *COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts*, a new regulation that requires certain home care workers to receive the COVID-19 vaccine.

As a result, **all PCAs working in the MassHealth PCA Program are required to complete the full required regimen of COVID-19 vaccine doses by October 31, 2021**, except for those PCAs who qualify for a limited exemption because:

1. The vaccine is medically contraindicated, meaning that administration of a COVID-19 vaccine to that individual would likely be detrimental to the individual's health, and the individual can provide documentation demonstrating their need for this exemption, and the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the consumer-employer, to avoid risk of contracting/transmitting COVID-19 on the job; or
2. The individual objects to vaccination on the basis of a sincerely held religious belief and the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the consumer-employer, to avoid risk of contracting/transmitting COVID-19 on the job.

Please continue reading to learn more information about the vaccine requirement and what this means for you as an employer of PCAs under the MassHealth PCA program.

Please continue reading on reverse side →



When is the deadline for my PCA to get a COVID-19 vaccine?

All PCAs are required to complete the full required regimen of COVID-19 vaccine doses, or document that they qualify for an exemption by October 31, 2021. Completing the full required regimen of COVID-19 vaccine doses means:

- Two doses of the Pfizer-BioNTech COVID-19 vaccine; or
- Two doses of the Moderna COVID-19 vaccine; or
- One dose of the Johnson & Johnson COVID-19 vaccine.

Does the vaccine requirement change my rights and responsibilities as a PCA Consumer-employer?

No, this vaccine requirement does not change your rights and responsibilities as the employer of your PCA(s). **As a PCA Consumer-employer, it is your choice whether to hire, terminate, or decline services from a PCA based on their individual vaccination status.**

Please see 130 CMR 422.000 and/or talk to your Personal Care Management (PCM) agency for more information about your responsibilities as a Consumer-employer.

Can I ask my PCA about their vaccination status?

Yes. In order to make the best decisions about your safety and personal care, you may ask your PCA(s) to verify if they have been vaccinated and/or whether they qualify for an exemption. As the employer, you are entitled to ask your PCA(s) to complete the attached COVID-19 Vaccine Attestation Form, which has important information about the COVID-19 vaccine and your PCA(s)' vaccination status. For information regarding the vaccine requirement, please go to: <https://www.mass.gov/info-details/massachusetts-law-about-vaccination-immunization>.

Should I ask my PCA for a copy of their vaccine card or medical information?

You may ask to *look at* your PCA(s)' vaccine card or an applicable doctor's letter explaining why they cannot receive a vaccine. It is strongly recommended that Consumer-employers NOT keep copies of this information on file, but if a Consumer-employer chooses to do so, the Consumer-employer should ensure that any such documents are maintained in compliance with any applicable laws.

If you wish to keep a record of your PCA(s)' vaccination status, you may have them complete the attached COVID-19 Vaccine Verification Form after viewing their verification documents.

What should I do if my PCA refuses to get a vaccine?

COVID-19 vaccination is the most effective method for preventing infection and serious illness from the virus. As the employer of your PCA(s), it is your decision whether to hire, schedule, or terminate someone who has not received a vaccine. Under federal employment law, you have a legal right to require your employee(s) to receive a COVID-19 vaccine.

The Massachusetts Executive Office of Health and Human Services (EOHHS) does not plan to monitor PCAs' COVID-19 vaccination statuses. Consumer-employers are responsible for monitoring their own employees' vaccination statuses.