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**To:** Aging Services Access Points (ASAPs), ASAP Contracted Providers  
**From:** Lynn Vidler, Director of Home Care  
**Re:** Home Care Agency Worker Vaccine Requirement  
**Date:** September 24, 2021

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**Introduction:**

On September 1, 2021, the Baker-Polito Administration announced a vaccine requirement for all staff at rest homes, assisted living residences (ALRs), hospice programs, and for 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. This Home Care Agency Worker vaccination requirement was established through an emergency regulation promulgated by the Department of Public Health (DPH) ([COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts](#)).

For the purpose of this requirement, the term "Home Care Agency Worker" includes individuals providing in-home, direct care who are employed by an agency that contracts with an Aging Services Access Point (ASAP) to provide services through any of the State Home Care Programs. Direct care services include home health aide, homemaker, occupational therapy, personal care, physical therapy, respite services, skilled nursing services, speech/language therapy, and supportive home care aide.

To implement this requirement for home care agencies, all personnel defined above **must complete the full regimen of a COVID-19 vaccine by October 31, 2021 unless they qualify for a limited exemption from the requirements.**

*As of October 31, 2021, a home care agency shall not employ or contract with personnel as defined above if they have not completed the full COVID-19 vaccine regimen unless they qualify for an exemption from the requirements.*

**Exemptions:**

Consistent with other Massachusetts COVID-19 vaccination requirements, an individual will not be required to get the vaccine in the following limited circumstances:

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- If 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 employer, to avoid risk of contracting/transmitting COVID-19 on the job.
- If 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 employer, to avoid risk of contracting/transmitting COVID-19 on the job.

**Implementation:**

The implementation of this requirement includes reporting, oversight, and enforcement, as described below:

- Every Home Care Agency Worker will be required to submit proof of completing the full regimen of COVID-19 vaccine doses to the Home Care Agency ("The Agency") or documentation that they qualify for an exemption no later than October 31, 2021.
- Appropriate documentation of a medical exemption must be issued by a licensed independent practitioner who has a practitioner/patient relationship with the individual and the documentation must support the finding that the COVID-19 vaccine is medically contraindicated, which means that the vaccine would likely be detrimental to the person's health.
- The Agency must document that, for every individual who has submitted a request for exemption, the Agency has engaged in an appropriate individualized determination that the exemption is valid and that the Agency has determined that the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the Agency.
- The Agency will be required to maintain: i) proof of vaccination or exemption for all staff that the Agency employs directly or by contract who provide direct care; and ii) an attestation that all staff that provide direct care have been vaccinated in accordance with 105 CMR 159.010(A) or 105 CMR 159.010(D) as applicable.
- An Agency must furnish COVID-19 staff vaccination documentation and its attestation to each ASAP contractor upon request. Such information shall also be subject to review by the Executive Office of Elder Affairs upon request.
- ASAP and the Agency (ASAP contracted provider) may be subject to an audit to ensure compliance.