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PROGRAM INSTRUCTION (PI)

EOEA PI-21-03

TO: Aging Services Access Point Executive Directors
FR: Lynn Vidler, Home Care Director
DA: September 24, 2021
RE: Home Care COVID-19 Vaccination Requirement

Authority:

This is a new Program Instruction (PI) issued by the Executive Office of Elder Affairs (EOEA) pursuant to its authority under Section 1.13 of the 2021 Aging Services Access Point (ASAP) contract and 651 CMR 3.02.

Background:

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. 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](#),

Purpose:

This purpose of this Program Instruction (PI) is to implement the COVID-19 Vaccination requirements in accordance with 105 CMR 159.000.

Requirements:

1. Definitions. Capitalized terms herein are defined by Section 1.6.3.3 of the ASAP Contract, 105 CMR 159.000, and/or 651 CMR 3.00, as applicable.

2. Compliance. ASAPS shall comply, and ensure that all Home Care Agencies (e.g., providers contracted to provide Home Care Services for the Home Care Program) comply with the COVID-19 Vaccination requirements established by 105 CMR 159.000 and any relevant guidance issued by EOEA, DPH, or the Executive Office of Health and Human Services (EOHHS), including MassHealth.

3. Documentation.

3.1. Home Care Agency Workers.

3.1.1. Pursuant to 105 CMR 159.010(E), Home Care Agencies (“the Agency”) must maintain proof of current COVID-19 Vaccination or a declination statement for each Home Care Agency Worker and maintain an attestation that all Home Care Agency Workers have received the full regimen of a COVID-19 Vaccine or have qualified for an exemption. 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 employer.

3.1.2. ASAPS shall ensure that each Home Care Agency it contracts with to provide Home Care Services pursuant to 651 CMR 3.00 maintains all required proof of current COVID-19 Vaccination, declination statements, and attestations as required by 105 CMR 159.000 that such documentation is made available to EOEA for review upon request.

3.2. Non-Agency Based Home Care Workers.

3.2.1. Pursuant to 105 CMR 159.020(C), Non-Agency Based Home Care Workers shall maintain individual proof of current COVID-19 Vaccination or a declination statement and provide such proof in accordance with guidelines established by MassHealth or by the Executive Office of Elder Affairs, as applicable. ASAPS shall send EOEA approved communication to Non-Agency Based Home Care Workers (e.g., Consumer Directed Care (CDC) home care workers) and CDC Consumers upon request.

Effective Date and Compliance:

This PI is effective on the date of its release. ASAPs may be subject to an audit to ensure compliance with this PI.

Contact:

Questions related to this memorandum should be directed to: Desiree Kelley, Clinical Nurse Manager at desiree.kelley@mass.gov.