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Memorandum

TO: Home Care Agencies and Non-Agency Based Home Care Workers covered by 105 CMR 159.000

FROM: Elizabeth Daake Kelley, MPH, MBA, Director
Bureau of Health Care Safety and Quality

SUBJECT: Updated COVID-19 Personnel Vaccination Requirement

DATE: November 21, 2022

The Massachusetts Department of Public Health (DPH) continues to work with state, federal and local partners to address the Coronavirus Disease 2019 (COVID-19) pandemic. DPH understands the important role that home care agencies and home care workers serve in caring for Massachusetts residents.

COVID-19 Primary Series Vaccination Requirement:

Pursuant to the home care worker vaccination regulations (105 CMR 159.000), home care agencies must ensure that all personnel have completed the full required regimen of vaccine doses against COVID-19 unless such administration is medically contraindicated, which means administration of COVID-19 vaccine is likely to be detrimental to the individual's health, provided that the individual provides supporting documentation, or the individual objects to vaccination on the basis of a sincerely held religious belief. If the individual seeks an exemption for either medical or religious reasons, the individual must be able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the hospice program. Personnel may not otherwise decline the vaccine. Home care agencies shall ensure that all new personnel have completed the full required regimen of vaccine doses against COVID-19 or qualify for an exemption from the requirement as described herein prior to being hired or otherwise affiliated with the facility.

Each non-agency based home care worker must document that they have received the full required regimen of vaccine doses against COVID-19 unless such administration is medically contraindicated, which means administration of COVID-19 vaccine is likely to be detrimental to the individual's health, provided that the individual provides supporting documentation, or the individual objects to vaccination on the basis of a sincerely held religious belief.

Home care agencies must ensure that all eligible personnel have completed the primary series of COVID-19 vaccine. While not required, all home care agency personnel are strongly encouraged to stay up to date with COVID-19 vaccines, which means an individual has received all doses in the primary series and received the most recent booster dose recommended for the individual by the CDC.

Any individual who has been granted a reasonable accommodation by their employer based on medical contraindication or a sincerely held religious belief is exempt from the requirement to receive the primary series. Home care agencies must ensure that personnel who have not yet received their primary series and who have not been granted a reasonable accommodation receive the primary series as soon as possible. All new personnel must have received the primary series at the time of hiring.

The Bureau may revise, change, update, or rescind this memorandum at any time.

DPH strongly encourages all home care agencies and non-agency home care workers in Massachusetts to monitor the Centers for Disease Control and Prevention (CDC) website for up-to-date information and resources:

- CDC website <https://www.cdc.gov/vaccines/covid-19/images/COVID19-vaccination-schedule-most-people.png>
- For reference, the CDC healthcare personnel exposure guidance may be found here: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html>

Additionally, please visit DPH's website that provides up-to-date information on COVID-19 in Massachusetts: <https://www.mass.gov/2019coronavirus>.