Assisted Living Advisory Council (ALAC) Meeting Minutes
December 14th, 2020
10:30 am
\*The meeting was held virtually via WebEx\*

ALAC members: Ryan Ambrose – DHCD, Mary Jo Boynton, Brian Danaher, Steven Ellsweig, and May Shields.
EOEA staff: Secretary Chen (attended for a portion of the meeting), Matt Casey (chairing the meeting on Secretary Chen’s behalf), Assistant Secretary Carole Malone, Siobhan Coyle, Trisha Marchetti, and William A. Travascio.

1. Call to Order:

The meeting was called to order at 10:06 am by Matt Casey, EOEA’s General Counsel, who will be chairing the meeting on Secretary Chen’s behalf.
2. Welcome and Introductions
3. EOEA Updates:

Since the September 22nd meeting, the regulations that were filed in August became effective on September 30th. On October the Department of Public Health (DPH) released guidance around Flu vaccinations. EOEA decided to follow DPH’s lead and on October 22nd released guidance that waived some of the waiver language that was part of the emergency regulations filed in August. Prior to the October 22nd guidance, ALR staff could opt out of the Flu vaccine under 3 circumstances; religious, medical, or for no reason. The guidance waived the 3rd option thus requiring staff to get the vaccination unless they asked for a medical or religious exemption. Guidance also went out in November with respect to visitation policies. Matt noted that currently EOEA does not have a policy on COVID vaccinations, the only required vaccination for now is for the Flu. If anything develops ALAC will be notified.

Brian Danaher asked whether EOEA could assist the industry by developing a form for ALRs to use for the waivers. He noted that through Mass-ALA a sample form was provided to EOEA. He felt it would be helpful for the industry to have a “uniform form.”

May Shields asked if there would be a window of time in which a candidate would need to have their pre-employment physical done within. She asked that EOEA advise the industry by way of a form to show what criteria is needed in addition to the completion of a TB test.

Matt responded that with respect to the waiver on the 3rd option to opt out of a Flu vaccine, that will likely be in effect through to the end of the health emergency. After that the initial language can be visited. He said he would work with Trisha and the ALR team about the form, he agreed that EOEA would also like to see something uniform for the industry to use.

May Shields asked if a form would be used for the seasonal flu vaccinations, or if ALRs should submit a roster to EOEA of all the employees who have gotten it or has met one of the two conditions as to why they cannot get it? Trisha Marchetti responded that a mechanism has been created through UMass to get that information, that is similar to the Dynamics system. Facilities can upload their information to the system using forms provided by EOEA between now and January 15th, 2021. UMass will aggregate all the information. More instructions will be released shortly. In addition, Matt asked that facilities track who among their staff has requested an exemption. Steven Ellsweig asked about the religious exemption, he felt that it was “fairly general.” He was concerned the language was “too open to interpretation.” With respect to pre-employment physicals, he thought 45 days was excessive. Matt responded by saying that EOEA’s guidance is consistent with DPH’s, which provides for a religious exemption. He added that staff should be educated about the importance of getting the vaccine.
4. Industry Updates:

Brian Danaher asked about COVID reporting numbers. Earlier in the pandemic, ALRs had to report those numbers to; the local boards of health, EOEA, and Chapter 93A reporting to DPH. He noted that much of the data being reported 3 times is redundant. Asked if there was work in process that would allow for the free flow of information among these government entities so that this data would not need to be filed with each one- especially since EOEA and DPH are EOHHS agencies. Matt said he did not have enough information at the moment but noted there is a data sharing agreement between EOEA and DPH.

May Shields asked about staffing and there was a discussion about employees should notify the ALR if they had a contagious disease that kept them from being able to report to work. Matt suggested that management have a policy that asks employees to notify them if they had a contagious disease, that would satisfy the regulations.

Brian Danaher thanked EOEA and EOHHS for all the support that has been provided during the pandemic. He gave a shout out to Trisha and the ALR certification team for all their work. He asked that the network be notified as more information about PPE supply becomes available and thanked the Secretary for the welcome news about some reimbursement for testing. He added that staffing remains an issue and welcomes any ideas or suggestions from EOEA.

May Shields echoed those sentiments and said that staffing among RNs remains a challenge. Secretary Chen asked if Hearth has tried using the Long-Term Care Staffing Portal, she noted that there is not a guarantee that specific kinds of staff they are looking for will be available. May responded that her team has tried it, with little luck for RNs or CNAs. They have been trying to hire staff over the last 4 or 5 months with little success. The Secretary noted that EOEA is aware of it and it is a pattern that others are seeing as well.

Brian Doherty, President & CEO – MassALA, pointed out a recent article in the Boston Globe. He thanked the certification team for supporting ALRs that have outbreaks of COVID, especially with helping them hone their infection control policies. He went on to say that the top priority from their perspective is that pre-employment physical requirement. Staffing is critical, the sooner that a new employee can begin work, the better. MassALA submitted to EOEA a copy of a form used in another state, that can hopefully be the basis for their form. The second priority on their list is the piece about staff needing to alert management if they were out because they had an infectious disease, this portion of the regulations was gray- it wasn’t clear what the duty of each residence is or should be. Finally, many providers felt that they have complied with the requirement that their staff get the Flu vaccine. It would be better not to have a standardized form prior to January 15th, because each site has already documented who has gotten the vaccine. Matt responded that he and Trisha would look at the two main issues raised by Brian and get back to the industry.
5. Other items for discussion:

None.
6. Adjournment:

The meeting adjourned at 10:38 am. Matt noted that the next regularly scheduled meeting will be on Tuesday, March 23rd at 10:00 am and will likely be held virtually.