Assisted Living Advisory Council (ALAC) Meeting Minutes
Tuesday, June 22nd, 2021
10:00 am
\*The meeting was held virtually via WebEx\*

ALAC members: Ryan Ambrose – DHCD, Mary Jo Boynton, Steven Ellsweig, and Kim Martone.
EOEA staff: Matt Casey, Siobhan Coyle, Trisha Marchetti, and William A. Travascio.

1. Call to Order:

The meeting was called to order at 10:00 am by Matt Casey, EOEA’s General Counsel.
2. Welcome and Introductions:

Matt Casey, EOEA, thanked everyone for attending and noted that he will be chairing the meeting on Secretary Chen’s behalf.
3. Approval of the Minutes:

The minutes from the March 23rd, 2021 meeting were presented and approved by all members present.
4. EOEA Updates:

Matt began by reviewing guidance that EOEA and the Department of Public Health (DPH) have issued since the onset of the pandemic. In March, 2020 the Governor declared a State of Emergency, a few days later DPH issued an order related to visitors in ALRs. At the time EOEA also released guidance around visitation in ALRs. He noted that the State of Emergency declaration allowed DPH to act by issuing an order. Upon DPH’s order EOEA was then allowed to follow-up and issue guidance covering administrative details not mentioned specifically in the order.

In April, 2020 DPH issued an order that waived the prohibition of skilled care in ALRs. The order also waived training requirements and special care staffing requirements for overnights. The waiver for the prohibition of skilled care was a statutory waiver. Whereas the waivers for training and staffing are regulatory.

In August, 2020 EOEA issued Emergency Regulations to update certain portions of the regs covering ALRs. Documentation requirements for Flu shots and other related pandemic novel viruses were added in. The regs allow for someone to decline a vaccine if it would be medically detrimental for them or for sincerely held religious beliefs. It also allowed someone to refuse to be vaccinated for a reason not already covered by the first two exemptions. Under the updated regs the ALR would be required to collect documentation that show a worker got the vaccine or a reason for declining it.

The Emergency Regs also added an emergency waiver provision. This allows EOEA in an emergency to consult with DPH and waive a portion of our regulations if necessary. This would allow EOEA to take some action without needing to wait for DPH to issue an order.

In October, 2020 DPH issued the Flu Vaccination Order. EOEA then issued guidance requiring that ALR workers receive the Flu vaccine. It also updated the guidance issued in August by only allowing staff to opt out of receiving a vaccine for 2 reasons: medical or for sincerely held religious beliefs. ALRs would be required to submit to EOEA that their staff complied by January 15th, 2021. However, Matt also noted that the guidance from October, 2020 has expired.

On May 28th, 2021 the Governor issued an executive order ending the State of Emergency. He also declared that there is a Public Health Emergency, which allows DPH to continue to issue orders as needed. On May 29th, 2021 DPH issued guidance requiring masks in certain settings. EOEA also issued updated guidance on June 14th noting that unvaccinated residents should wear a mask outside their units. Whereas vaccinated residents will not be required to wear masks within the residence. However, staff should continue to mask in certain settings. Visitors will also be required to wear masks when in common areas.

In early June, 2021 DPH issued an order allowing the continuation of skilled care in ALRs until September 15th, 2021. EOEA issued guidance noting that a resident can receive skilled care services only if a note has been received from that resident’s doctor and an assessment has been done by a nurse. The setting where the resident lives has to be appropriate for medical care. Consent must also be received by the resident or a legal representative of the resident. The ALR must track the services being provided. A day later the deadline was extended to December 15th, 2021 in accordance with legislation filed by the legislature. It will remain in effect until that date or until the Public Health Emergency expires, whichever happens first.
5. Industry Updates:

Brian Doherty, President & CEO of Mass-ALA, commended EOEA on keeping the industry updated on all the recent changes. He added that allowing vaccinated residents to leave their rooms without a mask on is a boost to their quality of life. He is encouraged by the data collection of health services in ALRs and noted that in Mass-ALA’s internal surveys 61% of residences have provided additional services allowed under the waiver. 90% of residences noted that their nurses were not required to take additional trainings to provide those services, because they were already trained.
6. Other items for discussion:

None.
7. Adjournment:
The meeting adjourned at 10:20 am. The next meeting will be held Tuesday, September 28th, 2021 at 10:00 am via Zoom.