



Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
[www.mass.gov/masshealth](http://www.mass.gov/masshealth)

**MassHealth**  
**All Provider Bulletin 332**  
**November 2021**

**TO:** All Providers Participating in MassHealth

**FROM:** Amanda Cassel Kraft, Assistant Secretary for MassHealth

**RE: Federal COVID-19 Vaccine Mandate for Eligible Staff at Health Care Facilities Participating in the Medicare and Medicaid Programs.**

### **Federal Vaccine Mandate**

On November 5, 2021, the Centers for Medicare and Medicaid Services (CMS) published an [interim final rule](#) with comment period requiring COVID-19 vaccination of eligible staff at health care facilities that participate in the Medicare and Medicaid programs.

Facilities and providers covered by this rule must establish a policy ensuring all eligible staff have received the first dose of a two-dose COVID-19 vaccine or a one-dose COVID-19 vaccine (or have requested or been granted an exemption to the vaccination requirements) by **December 5, 2021**. All eligible staff must have received the necessary shots to be fully vaccinated – either two doses of Pfizer or Moderna or one dose of Johnson & Johnson (or have requested or been granted an exemption to the vaccination requirements) – **by January 4, 2022**.

This vaccination requirement applies to eligible staff working at a facility regardless of clinical responsibility or patient contact. Eligible staff includes facility employees, licensed practitioners, students, trainees, and volunteers. Additionally, this also includes individuals who provide care, treatment, or other services for the facility and/or its patients under contract or other arrangements.

The interim final rule lists the provider types subject to the mandate.<sup>1</sup> The following is a non-exclusive list of MassHealth provider types or programs that may be subject to the vaccine mandate: Ambulatory Surgery Centers; Hospice Care; PACE Programs; Acute Inpatient Hospitals; Acute Outpatient Hospitals; Psychiatric Inpatient Hospitals; Substance Addiction Disorder Inpatient Hospitals; Substance Addiction Disorder Outpatient Hospitals; Chronic Disease And Rehabilitation (CFR) Inpatient Hospitals, Chronic Disease And Rehabilitation (CDR) Outpatient Hospitals; Intensive Residential Treatment Programs (IRTP); Nursing Facilities; Intermediate Care Facilities For Individuals With Intellectual Disabilities; Home Health Agencies; Rehabilitation Centers; Speech And Hearing Centers; Community Health Centers; and Renal Dialysis Clinics.

The regulation provides for exemptions based on recognized medical conditions or religious beliefs, observances, or practices. Facilities must develop a process or plan for permitting exemptions in alignment with federal law.

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<sup>1</sup>The requirements apply to the following Medicare and Medicaid-certified provider and supplier types: Ambulatory Surgical Centers; Hospices; Programs of All-Inclusive Care for the Elderly (PACE); Hospitals; Long Term Care facilities, including skilled nursing facilities (SNFs) and nursing facilities (NFs); Psychiatric Residential Treatment Facilities; Intermediate Care Facilities for Individuals with Intellectual Disabilities; Home Health Agencies; Comprehensive Outpatient Rehabilitation Facilities; Critical Access Hospitals; Clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services; Community Mental Health Centers; Home Infusion Therapy suppliers; Rural Health Clinics; Federally Qualified Health Centers; and End-Stage Renal Disease Facilities.

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Providers may be subject to other federal<sup>2</sup> or state<sup>3</sup> vaccine mandates. For example, there are state vaccine mandates for staff at nursing facilities, rest homes, assisted living residences (ALRs), and hospice programs, as well as for home care workers (HCWs) providing in-home, direct care services who are directly contracted with the Commonwealth or who are employed by an agency that is contracted or subcontracted with the Commonwealth. These state requirements impact a number of MassHealth provider types, including Nursing Facilities, Home Health agencies and Continuous Skilled Nursing agencies enrolled in the MassHealth program as well as Independent Nurses enrolled in the MassHealth program and Personal Care Attendants (PCAs) providing services through the MassHealth program.<sup>4</sup>

To learn more about the federal vaccine mandate, view the interim final rule or visit a list of [frequently asked questions](#).

### **MassHealth Website**

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### **Questions**

#### **Dental Services**

Phone: (800) 207-5019; TTY: (800) 466-7566

#### **Long-Term Services and Supports**

Phone: (844) 368-5184 (toll free)

Email: [support@masshealthtss.com](mailto:support@masshealthtss.com)

Portal: [MassHealthLTSS.com](http://MassHealthLTSS.com)

Mail: MassHealth LTSS  
PO Box 159108  
Boston, MA 02215

Fax: (888) 832-3006

#### **All Other Provider Types**

Phone: (800) 841-2900; TTY: (800) 497-4648

Email: [providersupport@mahealth.net](mailto:providersupport@mahealth.net)

Fax: (617) 988-8974

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<sup>2</sup> See, e.g., <https://www.osha.gov/coronavirus/ets2>.

<sup>3</sup> See, e.g., <https://www.mass.gov/news/baker-polito-administration-announces-expanded-vaccine-requirement-for-long-term-care-providers-and-home-care-workers>.

<sup>4</sup> For additional information on these state vaccine requirements, see [105 CMR 150.002\(D\)\(11\)](#) (nursing facilities); [105 CMR 150.002\(D\)\(11\)](#) (rest homes); [651 CMR 1206\(9\)\(f\)](#) (ALRs); [105 CMR 141.201\(D\)](#) (hospice programs); and [105 CMR 159.000](#) (HCWs).