The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Health Care Safety and Quality

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**Memorandum**

**TO:** Ambulatory Surgical Center Chief Executive Officers

**FROM:**          Teryl Smith, RN, MPH Director

Bureau of Health Care Safety and Quality

**SUBJECT:**   Ambulatory Surgery Center Personnel Vaccination for COVID-19 and Influenza

**DATE:** January 31, 2025

The purpose of this memorandum is to inform Massachusetts licensed ambulatory surgical centers of the steps needed to fulfill the Massachusetts Department of Public Health (DPH) requirement to vaccinate healthcare personnel (HCP) for influenza and COVID-19 and to submit these data in accordance with DPH guidelines outlined in this memorandum.

**COVID-19 and Influenza Vaccination Requirement**:

As a condition of licensure, under 105 CMR 140.150, DPH clinic licensure regulations require that licensed ambulatory surgery centers ensure all HCP are vaccinated annually with seasonal influenza vaccine and are up to date with vaccine doses for COVID-19 as recommended by the Centers for Disease Control and Prevention (CDC), unless an individual is exempt from vaccination. For the purposes of this memorandum, being up to date with vaccine doses for COVID-19 means that HCP must receive one updated 2024-2025 COVID-19 vaccine, at least eight weeks after receiving the last dose of any COVID-19 vaccine.[[1]](#footnote-2) An individual who has not previously received any doses of COVID-19 vaccine but who receives one dose of the updated 2024-2025 COVID-19 vaccine is also up to date.

HCP means an individual or individuals who either work at or come to the licensed clinic site and who are employed by or affiliated with the clinic, whether directly, by contract with another entity, or as an independent contractor, paid or unpaid including, but not limited to, employees, members of the medical staff, contract employees or staff, students, and volunteers, whether or not such individual(s) provide direct care.

All HCP, who are not subject to an exemption, must be up to date with COVID-19vaccine no later than March 31, 2025.  In alignment with the CDC and the Centers for Medicare and Medicare Care Services (CMS), all HCP, who are not subject to an exemption, must have received the 2024-2025 seasonal influenza vaccine no later than March 31, 2025. While ambulatory surgery centers are not required to procure vaccines for, or administer vaccines to HCP directly, they are required to ensure that all HCP are vaccinated, unless exempt. Ambulatory surgery centers may choose (but are not required) to host a health care provider to administer vaccines to their HCP and may bill health insurance for those HCP that provide their insurance information. Additionally, ambulatory surgery centers may direct HCP to a local pharmacy or health care provider for the administration of these vaccines.

For individuals that are subject to the vaccination requirement exemption, the ambulatory surgery center may choose to require that such individual take mitigation measures in addition to continuing to self-assess for any signs or symptoms of illness. Mitigation measures that ambulatory surgery centers may require exempt individuals take include, but are not limited to:

* Wearing a facemask during all patient care encounters for the duration of the respiratory illness season; and
* Avoiding direct patient care.

DPH continues to recommend that HCP use personal protective equipment (PPE) consistent with the Department’s [Comprehensive PPE Guidance](https://www.mass.gov/doc/updated-comprehensive-personal-protective-equipment-2/download).

**Documentation Requirements**:

The clinic licensure regulations require that ambulatory surgery centers require and maintain for each individual proof of current seasonal influenza vaccination and being up to date with COVID-19 vaccination or the individual’s exemption statement. These records must be maintained via a central system to track the vaccination status of all HCP and must be available to DPH upon request. Examples of individual proof of current vaccination include but are not limited to:

* Copy of CDC Vaccination Card.
* Copy of MA Immunization Information System (MIIS) Vaccination Record.
* Copy of vaccination from an electronic health record.
* COVID-19 SmartHealthcard from the Commonwealth’s MyVaxRecords public portal

Exemption statements from HCP must include a signed statement certifying they received information about the risks and benefits of COVID-19 and/or influenza vaccination.

**Ambulatory Surgery Center Reporting Requirements:**

To comply with the clinic licensure regulations, all Massachusetts ambulatory surgery centers must annually report their aggregate HCP COVID-19 and influenza vaccination summary data via CDC’s National Health Safety Network (NHSN) and make the data available to DPH in NHSN. NHSN training materials are located at: <http://www.cdc.gov/nhsn/training/index.html>

In alignment with CDC and CMS, ambulatory surgery centers must submit HCP COVID-19 vaccination data to CDC’s NHSN by **May 15, 2025** and HCP influenza vaccination data to CDC’s NHSN by **May 15, 2025**.

Please note the clinic licensure regulations do not allow reporting an unknown vaccination status.

Please submit questions regarding the reporting and data submission requirements to the Bureau of Health Care Safety and Quality at dhcq.fludata@state.ma.us.

1. [Staying Up to Date with COVID-19 Vaccines | COVID-19 | CDC](https://www.cdc.gov/covid/vaccines/stay-up-to-date.html) [↑](#footnote-ref-2)