



**MassHealth**  
**Continuous Skilled Nursing Agency Bulletin 2**  
**February 2022**

**TO:** Continuous Skilled Nursing Agencies Participating in MassHealth

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

**RE:** **Vaccine Requirement for Home Care Workers**

### **Introduction**

On September 1, 2021, the Baker-Polito administration announced a vaccine requirement for all rest homes, assisted living residences (ALRs), hospice programs, and home care workers providing in-home, direct care services under a state contract or state program as part of a continued effort to protect older adults and more vulnerable populations against COVID-19. On September 8, 2021, the Massachusetts Department of Public Health (DPH) promulgated regulation 105 CMR 159.000: *COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts*, which requires certain home care workers to receive the COVID-19 vaccine. As described in that regulation, the vaccine requirement applies to home care agency workers (HCAWs), which is defined, in part, as individuals providing in-home, direct care services who are employed by a MassHealth home health agency. See 105 CMR 159.000.

This bulletin communicates updates to the HCAW vaccine requirement previously issued through Home Health Agency Bulletin 69 to also include a COVID-19 booster vaccination requirement. All requirements in [Home Health Agency Bulletin 69](#) remain in effect.

Continuous skilled nursing (CSN) agencies must refer and adhere to Home Health Agency Bulletins that were issued before January 1, 2022.

### **COVID-19 Primary Series Vaccination Requirement**

To implement this requirement for MassHealth CSN agencies, all HCAWs that provide in-home, direct care services must have already received the full required regimen of COVID-19 vaccine doses, as defined at 105 CMR 159.000 or document that they qualified for an exemption, by October 31, 2021. See Home Health Agency Bulletin 69 for further information regarding exemptions.

### **Additional COVID-19 Booster Vaccination for Eligible Staff**

Pursuant to [COVID-19 Public Health Emergency Order No. 2022-01](#) issued by the Commissioner of Public Health on January 6, 2022, CSNs must ensure that all eligible staff who were required to receive the primary COVID-19 vaccination series, must receive a COVID-19 additional dose or booster vaccination no later than February 28, 2022.

Eligible staff are those who completed their primary COVID-19 vaccination series at least

- five months prior if they received Pfizer or Moderna, or
- at least two months prior for Johnson & Johnson, or
- such other time period as recommended by the CDC.

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Staff who are not yet eligible by February 28, 2022, must receive the COVID-19 additional dose or booster vaccination as soon as possible and no later than three weeks after the date they become eligible. This is in addition to the vaccination requirements in Home Health Agency Bulletin 69.

### **Exemptions**

Staff are not subject to the requirements of 105 CMR 159.000 or [COVID-19 Public Health Emergency Order No. 2022-01](#) if they qualify for one of the limited exemptions described below:

- If the vaccine is medically contraindicated, meaning that administration of a COVID-19 vaccine to that individual would likely be detrimental to the individual's health, and the individual can provide documentation demonstrating their need for this exemption and the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the CSN agency;

or

- If the individual objects to vaccination on the basis of a sincerely held religious belief and the individual can provide documentation demonstrating their sincerely held religious belief, and the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the CSN agency.

Any staff who qualifies for an exemption based on medical contraindication or a sincerely held religious belief is also exempt from the requirement to receive a COVID-19 additional dose or booster vaccination.

### **Implementation**

The implementation of this requirement includes reporting, oversight, and enforcement as described below.

- Every HCAW will be required to submit proof of COVID-19 vaccination as well as proof of the COVID-19 additional dose or booster vaccination to the CSN agency or documentation that they qualify for an exemption by February 28, 2022, and no later than three weeks after they become eligible as described above.
- Appropriate documentation of a medical exemption must be issued by a licensed independent practitioner who has a practitioner/patient relationship with the individual and the documentation must support the finding that the COVID-19 vaccine is medically contraindicated, which means that the vaccine would likely be detrimental to the person's health.
- The agency will be required to maintain proof of vaccination for all HCAW staff the agency employs directly or by contract. The agency's COVID-19 staff vaccination documentation and attestation will be subject to audit by the relevant state agency with which the agency contracts and/or has a provider agreement.

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- Agencies found noncompliant through an audit will be subject to a financial penalty.
- Additionally, agencies may be required to submit regular reporting to MassHealth to ensure compliance with the COVID-19 vaccine requirement and MassHealth reserves the right to implement updated reporting requirements in the future.

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**Questions**

If you have any questions about the information in this bulletin, please contact the Long Term Services and Supports (LTSS) Provider Service Center.

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