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Executive Office of Elder Affairs
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On March 10, 2020, Governor Charles D. Baker declared of a State of Emergency in the Commonwealth in response to the outbreak of COVID-19. On March 11, 2020, the Public Health Council authorized the Department of Public Health (DPH) to take all appropriate actions and establish such rules, requirements, and procedures necessary to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth. On April 2, 2020, DPH issued an Order applicable to all Assisted Living Residences (ALRs) that are certified by the Executive Office of Elder Affairs (“EOEA”) during the State of Emergency. Notwithstanding the guidance provided below, ALRs must continue to comply with all applicable statutes, regulations, and guidance not inconsistent with the Order.

I. Skilled Care.

- A. In accordance with the Order, during the State of Emergency, a nurse employed by an ALR may provide skilled nursing care in accordance with valid medical orders, provided the nurse holds a valid license to provide such care, notwithstanding the provisions of M.G.L. c. 19D, § 11. The following conditions apply to the provision of skilled care:
1. A nurse providing skilled care must be employed or contracted by the ALR.
 2. Before skilled care may be provided, the Resident must be evaluated by the nurse and any skilled care to be provided must be authorized by a physician or relevant medical professional. Documentation of such authorization must be included in the Resident’s record.
 3. Skilled care may only be provided if the setting is medically appropriate for such care and the proper equipment, medication, and supplies are readily available.
 4. The skilled care to be provided, subject to the preceding conditions, may include, but is not necessarily limited to, the application or replacement of simple non-sterile dressings, the application of eye drops, the application of ointments, the management of oxygen on a regular and continuing basis, and injections.
 5. Prior to the provision of skilled care, the ALR must obtain the consent of the Resident, the Resident Representative, or Legal Representative. Any charges that

may result from the provision of skilled care must be disclosed and accepted by the Resident, the Resident Representative, or Legal Representative.

- B. In accordance with the Order, during the State of Emergency, the prohibition on retaining or admitting residents who require skilled care for more than ninety consecutive days is suspended.

II. Staffing.

- A. The requirement that no fewer than two staff members be on duty in a Special Care Unit (SCU), as required by 651 CMR 12.06(5)(b), is suspended for the duration of the State of Emergency. ALRs are required to have sufficient staff at all times to meet the scheduled and reasonably foreseeable unscheduled Resident needs.
- B. The ALR must track and document SCU staffing levels for the duration of the State of Emergency.

III. Training.

The training requirements for ALR staff, as required by 651 CMR 12.07, are waived for the duration of the State of Emergency, subject to the following:

- A. All newly hired ALR employees must have adequate experience to safely and professionally fulfill the requirements of the position.
- B. All newly hired employees must receive sufficient on-the-job training to familiarize them with the operational and administrative standards of the ALR, and to enable them to safely carry out their assigned duties.
- C. ALRs must provide any critical training as necessary to protect the health, safety, and welfare of ALR Residents.



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