



The Commonwealth of Massachusetts
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**ORDER OF THE COMMISSIONER OF PUBLIC HEALTH
REGARDING THE REQUIREMENT FOR CERTAIN PERSONNEL TO BE
VACCINATED AGAINST INFLUENZA VIRUS**

On March 10, 2020, Governor Charles D. Baker declared a State of Emergency in the Commonwealth to respond to the spread of COVID-19. The Public Health Council has approved and authorized me to take such actions, incur such liabilities, and establish such rules, requirements, and procedures which are necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth, consistent with the Governor's declaration.

As of October 4, 2020, the Department reported 132,440 confirmed cases of COVID-19 and 9,295 deaths among confirmed cases in the Commonwealth. As of that date, the Department reported 24,953 confirmed or probable cases of COVID-19 among residents and staff of long-term care facilities in the Commonwealth, and 6,104 deaths among those confirmed and probable cases. Influenza and COVID-19 present increased risk of severe illness, complications, and death to older adults and particularly those with chronic conditions. Immunization is the most effective method for preventing infection from influenza and possible hospitalization or death. Further, responding to and treating outbreaks of seasonal influenza utilizes many of the same priority resources necessary to respond to cases of COVID-19, including personnel, hospital beds and personal protective equipment.

Accordingly, having received that authorization from the Council, and with the approval of the Governor, I issue the following Order:

1. Long-Term Care Facilities

All long-term care facilities licensed pursuant to G.L. c 111, § 71 must ensure that all personnel are vaccinated against influenza virus by December 31, 2020, unless such administration is medically contraindicated, which means administration of influenza vaccine is likely to be detrimental to the individual's health, or vaccination is against the individual's religious beliefs. Personnel may not otherwise decline the vaccine.

For purposes of this Order, personnel means an individual or individuals employed by or affiliated with the facility, 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 who either work at or come to the licensed facility site, whether or not such individual(s) provide direct care.

All facilities subject to this Order must maintain documentation of vaccination of personnel and must report to the Department no later than January 15, 2021, in a form and manner directed by the Department.

Violations of this Order shall be enforced against licensed facilities as provided by 105 CMR 153.000.

2. Licensed Adult Day Health Programs

All adult day health programs licensed pursuant to 105 CMR 158.000 must ensure that all personnel are vaccinated against influenza virus by December 31, 2020, unless such administration is medically contraindicated, which means administration of influenza vaccine is likely to be detrimental to the individual's health, or vaccination is against the individual's religious beliefs. Personnel may not otherwise decline the vaccine.

For purposes of this Order, personnel means an individual or individuals employed by or affiliated with the program, 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 who either work at or come to the licensed program site, whether or not such individual(s) provide direct care.

All facilities subject to this Order must maintain documentation of vaccination of personnel and must report to the Department no later than January 15, 2021, in a form and manner directed by the Department.

Violations of this Order shall be enforced against licensed programs as provided by 105 CMR 158.000.

3. Licensed Out-of-Hospital Dialysis Units

All out-of-hospital dialysis units licensed pursuant to G.L. c 111, § 51A must ensure that all personnel are vaccinated against influenza virus by December 31, 2020. The facility must ensure that all personnel are vaccinated against influenza virus unless such administration is medically contraindicated, which means administration of influenza vaccine is likely to be detrimental to the individual's health, or vaccination is against the individual's religious beliefs. Personnel may not otherwise decline the vaccine.

For purposes of this Order, personnel means an individual or individuals employed by or affiliated with the facility, 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 who either work at or come to the licensed facility site, whether or not such individual(s) provide direct care.

All facilities subject to this Order must maintain documentation of vaccination of personnel and must report to the Department no later than January 15, 2021, in a form and manner directed by the Department.

Violations of this Order shall be enforced as provided by 105 CMR 140.000.

This Order shall remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.



Margret R. Cooke
Acting Commissioner, Massachusetts Department of Public Health

October 6, 2020