



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

**MassHealth**  
**Home Health Agency Bulletin 69**  
**September 2021**

**TO:** Home Health Agencies Participating in MassHealth

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

**RE: Expanded Vaccine Requirement to Include 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 105 CMR 159.000: *COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts*, a new regulation that 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.

To implement this requirement for MassHealth home health agencies, which includes home health agencies providing intermittent home health as well as continuous skilled nursing services, all HCAWs that provide in-home, direct care services **must receive the full required regimen of COVID-19 vaccine doses, or document that they qualify for exemption, by October 31, 2021.**

### **Exemptions**

105 CMR 159.000 requires Home Health Agencies to provide an exemption from the vaccine requirement under these circumstances:

- 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 Home Health Agency; or

**MassHealth**  
**Home Health Agency Bulletin 69**  
**September 2021**  
**Page 2 of 3**

- 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 Home Health Agency.

## **Implementation**

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

- Every HCAW will be required to submit proof of vaccination to the home care agency (Agency) or documentation that they qualify for an exemption no later than October 31, 2021.
- 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.
- 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.

## **Process**

The new DPH regulation 105 CMR 159.000: *COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts* was promulgated on an emergency basis on September 8, 2021, and is effective immediately with public comment process to follow.

## **MassHealth Website**

This bulletin is available on the [MassHealth Provider Bulletins](#) web page.

[Sign up](#) to receive email alerts when MassHealth issues new bulletins and transmittal letters.

## **Questions**

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

**Phone:** Toll free (844) 368-5184

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

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

**Mail:** MassHealth LTSS  
PO Box 159108  
Boston, MA 02215

**Fax:** (888) 832-3006