




MassHealth
Independent Nurse Bulletin 5
September 2021

TO: Independent Nurse Providers Participating in MassHealth

FROM: Amanda Cassel Kraft, Acting Assistant Secretary for MassHealth 

RE: **Expanded Vaccine Requirement to Include Home Care Workers under a State Contract**

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 105 CMR 159.000, the vaccine requirement applies to Independent Nurses enrolled in the MassHealth program delivering continuous skilled nursing services.

To implement this requirement, **all Independent Nurses enrolled in the MassHealth program must receive the full required regimen of COVID-19 vaccine doses, or document that they qualify for exemption, by October 31, 2021.**

As of October 31, 2021, a state agency shall not enroll a provider as defined above if they are not fully vaccinated unless they qualify for an exemption from the requirements.

Exemptions

- In accordance with 105 CMR 159.000, Independent Nurses are exempt from the vaccine requirement under the following 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; 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.

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

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- Every Independent Nurse will be required to complete a MassHealth Independent Nurse COVID-19 Vaccine Attestation Form by October 31, 2021, and as part of that attestation, identify the MassHealth member(s) they serve.
- The MassHealth member or their representative has the right to ask an Independent Nurse for proof of vaccination or exemption.
- If an Independent Nurse is not vaccinated, the MassHealth member and/or representative may determine whether to have the Independent Nurse, who has not received a vaccine, provide their CSN services.
- The Independent Nurse's COVID-19 vaccination documentation will be subject to audit by MassHealth.
- Independent Nurses that do not submit a COVID-19 Vaccine Attestation will be subject to financial penalty.

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 a public comment process to follow.

MassHealth Website

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Questions

The MassHealth LTSS Provider Service Center is also open from 8 a.m. to 6 p.m. ET, Monday through Friday, excluding holidays. LTSS Providers should direct their questions about this letter or other MassHealth LTSS Provider questions to the LTSS Third Party Administrator (TPA) as follows:

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