



MassHealth
Independent Nurse Bulletin 7
February 2022

TO: Independent Nurses Participating in MassHealth

FROM: Amanda Cassel Kraft, Assistant Secretary for MassHealth 

RE: **Vaccine Requirement for 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 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 independent nurses (INs) enrolled in the MassHealth program delivering continuous skilled nursing services. See 105 CMR 159.000.

This bulletin communicates updates to the vaccine requirement previously issued through Independent Nurse Bulletin 5 to also include a COVID-19 booster vaccination requirement. All requirements in Independent Nurse Bulletin 5 remain in effect.

COVID-19 Primary Series Vaccination Requirement

To implement this requirement for MassHealth, INs 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 Independent Nurse Bulletin 5 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, all eligible INs 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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INs 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 Independent Nurse Bulletin 5.

Exemptions

INs 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;

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.

Any IN 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 IN will be required to complete an additional MassHealth IN COVID-19 Vaccine Attestation Form to attest to receiving both the initial series of COVID-19 vaccinations as well as a COVID-19 additional dose or booster vaccination by February 28, 2022, and no later than three weeks after they become eligible as described above, 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 IN is not vaccinated, the MassHealth member and/or representative may determine whether to have the IN who has not received a vaccine provide their continuous skilled nursing (CSN) services.
- The IN's COVID-19 vaccination documentation will be subject to audit by MassHealth.
- INs who do not submit, when requested by the MassHealth Agency or their designee, an updated COVID-19 Vaccine Attestation Form for Independent Nurses will be subject to financial penalty.

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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:

- Phone:** Toll free (844) 368-5184
Email: support@masshealthtss.com
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