

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH
COVID-19 Public Health Emergency Order No. 2021-10
Issued October 11, 2021

On May 28, 2021, pursuant to Section 2A of Chapter 17 of the General Laws, Governor Charles D. Baker declared that an emergency exists that is detrimental to the public health in the Commonwealth due to the continuing threat of COVID-19, and authorized the Commissioner, with the approval of the Public Health Council, to adopt measures to facilitate COVID-19 testing and vaccination, to mandate special measures to protect higher risk populations or to effectuate continued surveillance of COVID-19, and to respond as necessary to outbreaks of the virus as they may arise.

Consistent with the Governor's May 28, 2021 declaration, on June 9, 2021, the Public Health Council approved and authorized the Commissioner of Public Health 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. Accordingly, having received that authorization from the Council and with the approval of the Governor, I issue the following Order:

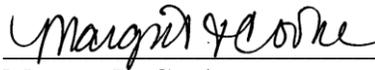
In order to ensure there is necessary information to plan for adequate staffing, employee support, and uninterrupted operations of essential human services at the hospitals and other twenty-four/seven congregate facilities operated by agencies within the Executive Office of Human Services (EOHHS) during the initial implementation of Executive Order 595, EOHHS information technology (IT) staff may access information from the Massachusetts Immunization Information System (MIIS) which it holds on behalf of the Department of Public Health to verify the COVID-19 immunization status of certain employees of EOHHS agencies and may provide that information to EOHHS human resources (HR) staff, subject to the terms of this Order. Specifically:

1. Access to identifiable MIIS information accessed pursuant to this Order shall be limited to the minimum number of IT and HR staff necessary to perform these tasks.
2. Both IT and HR shall use and disclose the minimum amount of personal information needed to perform their job duties with respect to this Order.
3. IT may only disclose to HR the vaccination status of individuals for whom an MIIS query indicates that they have not received any COVID-19 vaccination. This does not include those who are partially vaccinated (having received a single dose of a two dose COVID-19 preparation).

4. HR may not redisclose the vaccination status of any individual which was accessed pursuant to this Order.
5. Any identifiable MIIS information accessed pursuant to this Order may be used only for the following purposes:
 - a. to plan for adequate staffing, employee support, and uninterrupted operations of essential human services at the hospitals and other twenty-four/seven congregate facilities operated by agencies within EOHHS, and
 - b. for prioritization of outreach related to the completion of Executive Order 595 attestation by employees of EOHHS and its constituent agencies.

All applicable statutes, regulations and guidance not inconsistent with this Order remain in effect. This Order shall remain in effect until 12:01 am on November 1st, or until rescinded by me, or the public health emergency is terminated by the Governor, whichever shall happen first.

IT IS SO ORDERED.



Margret R. Cooke

Acting Commissioner, Massachusetts Department of Public Health

October 11, 2021