



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MARGRET R. COOKE
Acting Commissioner

Tel: 617-624-6000
www.mass.gov/dph

ORDER OF THE COMMISSIONER OF PUBLIC HEALTH
COVID-19 Public Health Emergency Order No. 2021-16
Issued December 10, 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:

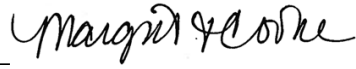
In order to preserve the ability of the Commonwealth's hospital system to respond to COVID-19 and otherwise to ensure acute care inpatient capacity, any hospital licensed pursuant to G.L. c. 111, §51 that does not meet or exceed the available staffed medical-surgical and intensive care unit bed capacity threshold ("capacity threshold") established pursuant to COVID-19 Public Health Emergency Order No. 2021-14 issued November 23, 2021 shall be exempt from the acuity-assessed staffing and nurse-to-patient ratio requirements of G.L. c. 111, s. 231 upon submission of an attestation to the Department of Public Health ("Department") of its compliance with measures specified by the Department. The attestation shall be in a form provided by the Department.

All licensed hospitals must ensure that staffing levels remain adequate to meet patients' needs, and that staff is trained and competent to meet the needs of their patients.

The Department shall issue guidance to implement this Order. All applicable statutes, regulations and guidance not inconsistent with this Order remain in effect.

This Order shall be effective immediately and shall remain in effect until rescinded by me or the public health emergency is terminated by the Governor, whichever shall happen first.

IT IS SO ORDERED.



Margret Cooke

Acting Commissioner, Massachusetts Department of Public Health

December 10, 2021