



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. 2021-17
Issued December 14, 2021

On May 28, 2021, pursuant to Section 2A of Chapter 17 of the General Laws, Governor 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:

To provide proper protection and medical care for higher risk patients receiving residential care during the COVID-19 public health emergency and to provide for continued flexibility in staffing across the Commonwealth's health care system, this Order applies to all Assisted Living Residences that are certified by the Executive Office of Elder Affairs ("EOEA").

Notwithstanding the provisions in M.G.L. c. 19D, § 11, any nurse employed or contracted by an Assisted Living Residence ("ALR") may provide skilled nursing care to any resident of an ALR who is receiving such care under a plan of care in place on December 15, 2021 and in accordance with valid medical orders as long as the nurse holds a valid license to provide such care. In addition, the prohibition on retaining residents who require skilled nursing care for more than ninety consecutive days is suspended for any resident receiving skilled nursing care under a plan of care in place as of December 15, 2021. The prohibition on admitting Residents who require skilled nursing care for more than ninety days remains in effect.

ALRs subject to this Order must continue to comply with all applicable statutes, regulations, and the provision of skilled nursing care is conditional on compliance with any guidance issued by the Secretary of EOEA or the Commissioner of Public Health not inconsistent with this Order.

This Order shall remain in effect until 12:01 am on February 1, 2022, or until rescinded by me, or the public health emergency is terminated by the Governor, whichever shall happen first.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Margret R. Cooke". The signature is written in black ink and is positioned above a horizontal line.

Margret R. Cooke
Acting Commissioner
Massachusetts Department of Public Health
December 14, 2021