



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. 2021-9
Issued September 20, 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:

To increase access to COVID-19 testing, notwithstanding G.L. c. 111D, §§ 4 and 5, entities which are contracted with the Department to provide COVID-19 testing in prescribed communities, if directed to do so by the Department, may participate in a testing program sponsored by the Commonwealth to administer CLIA-waived COVID-19 tests to persons who present for testing as part of that testing program without applying for or receiving state clinical laboratory licensure, provided that any such setting must:

- possess a federal Clinical Laboratory Improvement Amendments (CLIA) Certificate of Waiver;
- comply with G.L. c. 111D, § 6, 105 CMR 300; and
- comply with the direction of the Department.

All applicable statutes, regulations, and guidance not inconsistent with this Order remain in effect. This Order shall remain in effect until rescinded by me or the public health emergency is terminated by the Governor, whichever shall happen first.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 R. Cooke

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Acting Commissioner, Massachusetts Department of Public Health

September 20, 2021