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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH

COVID-19 Public Health Emergency Order No. 2021-05
Issued January 14, 2022

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 preserve the health care system's ability to respond to COVID-19 and to ensure that there is health care capacity, the following are effective immediately:

1. Expedited Credentialing Procedures for Licensed Independent Practitioners

All hospitals and facilities licensed or operated by the Department of Public Health (each a "DPH Regulated Hospital or Facility") are directed immediately to implement expedited credentialing procedures pursuant to the hospital's or facility's emergency management plan in order to process applications from licensed independent practitioners seeking to practice at the DPH Regulated Hospital or Facility during the period of the public health emergency. Such expedited credentialing and procedures shall comply with the applicable standards issued by the Centers for Medicare and Medicaid Services, as applicable, and guidelines issued by the Department of Public Health to implement the terms of this order.

2. Expedited Transfers of Licensed Clinical Staff Among Facilities

All licensed and certified clinical staff, and licensed independent practitioners, who are employed by or work at any DPH Regulated Hospital or Facility are hereby authorized to work at any other DPH Regulated Facility.

All DPH Regulated Hospitals and Facilities are directed to accommodate the expedited exchange of licensed and certified clinical staff between the licensed staff member's regular place of employment ("sending facility") and any facility to which the licensed or certified staff member is transferred ("receiving facility") consistent with guidance issued by the Department of Public Health.

A sending facility will be required to confirm to the receiving facility that the personnel records maintained by the sending facility for any licensed or certified staff member transferred to the receiving facility include evidence of (1) any required license, certification or registration; (2) evidence that the licensed or certified staff member has been vaccinated with the seasonal influenza vaccine or has made an individual declination; and (3) completion by the sending facility of any required Criminal Offender Record Information check. A receiving facility is not responsible for collecting such information from a licensed staff member temporarily transferred to the facility under this order.

The Department shall issue guidance to implement this Order. Providers subject to this order must continue to comply with all applicable statutes, regulations and guidance not inconsistent with this Order.

This Order is effective immediately and shall remain in effect until the Public Health Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.



Margret R. Cooke
Acting Commissioner
Massachusetts Department of Public Health
January 14, 2022