



MASSACHUSETTS DEPARTMENT OF CORRECTION

SARS-COV-2 PUBLIC HEALTH COMPLIANCE AND MITIGATION STANDARDS

PREPARED INDEPENDENTLY BY THE OFFICE OF THE OMBUDSMAN

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INTRODUCTION BY THE OMBUDSMAN

As Director/Ombudsman of the Office of the Ombudsman (Office), I have developed the enclosed COVID-19 public health standards (Standards), principally based on *Centers for Disease Control and Prevention* and *Massachusetts Department of Public Health* guidance and recommendations and in consultation with UMass Chan Medical School infection prevention advisors. Based on scientific evidence, these Standards are current as of October 2021 when first published and will be shared and incorporated into Massachusetts Department of Correction (DOC) COVID-19 mitigation processes and procedures at DOC facilities across the Commonwealth of Massachusetts. Further, these Office-established Standards are to be utilized as a metric against which DOC COVID-19 mitigation efforts will be measured in our reporting to both the Massachusetts State Legislature’s *Joint Committee on the Judiciary* and *Joint Committee on Public Health*.

The Office will continue to monitor and update these established Standards as the evolving COVID-19 pandemic requires. Accordingly, these Standards are subject to change, and new, updated versions of this document will be issued as necessary. Additional Standards shall be added as essential information develops.

This document includes a section entitled “Resources” that provides a collection of relevant third-party documentation. When revisions are made to these Standards, a section entitled “Revisions” will be added to the end of the document that will track updates from the last version.

OFFICE OF THE OMBUDSMAN

Overview

The Office of the Ombudsman (Office), led by Lauren M. “Laurie” Andersen, MM, BSN, RN, CEN, CCRN, as director (Ombudsman), independently monitors and reports on the Massachusetts Department of Correction’s (DOC) compliance with the set of Office-established public health standards related to SARS-CoV-2 (COVID-19) pandemic health precautions developed below. The Office established this authoritative set of public health standards (Standards) herein using recommended best practices and guidance from public health experts and federal and state agencies, including the *Centers for Disease Control and Prevention* and the *Massachusetts Department of Public Health*. These Standards were created following an extensive review of DOC policies and procedures.

The Office shall utilize these Standards as metrics/benchmarks upon which to evaluate the DOC’s responsive actions (e.g., COVID-19 infection mitigation measures), and, where observed, inactions, together with the resultant impact on vulnerable populations under the DOC’s purview, including DOC staff, inmates, and their families.

Responsibilities

The Office was established pursuant to Chapter 227 of the Acts of 2020. As the independent ombudsman, the director of the Office reports directly to the Commonwealth of Massachusetts’ elected officials seated on both the *Joint Committee on the Judiciary* and the *Joint Committee on Public Health* (Joint

Committees). Although this Office intends to work collaboratively with the DOC, the Office's performance, oversight, and accountability shall remain independent from the DOC.

The Office shall remain impartial and independent in structure, function, and appearance – ultimately tasked with the responsibility of protecting the health and safety of DOC staff, inmates, and their families. The Office works independently to investigate and monitor the DOC for compliance with public health standards and concerns with DOC practices as they relate to the management of COVID-19.

The Office shall also serve as a confidential resource, assisting DOC staff, inmates, and their families with services and related complaints and issues which deal with the DOC's management of COVID-19 in correctional settings.

In particular, the Office shall:

- Apply person-centered practices when interacting with DOC staff, inmates, and their families as needed;
- Investigate complaints and respond to inquiries;
- Monitor evolving public health standards and impacts on the Standards developed by the Office;
- Conduct audits and DOC site reviews; and
- Provide bi-weekly reports and, in addition, recommendations, if requested to the Joint Committees.

APPLICABILITY OF STANDARDS

These Standards shall be used to guide and evaluate the DOC's performance related to COVID-19 mitigation efforts. Compliance with these Standards will be reviewed bi-weekly in the Ombudsman's report to the Joint Committees.

EXPERTS CONSULTED

In addition to an extensive review of federal and state-based COVID-19 guidance and recommendations, the Office consulted with our infection prevention advisor, Maureen Spencer, M.Ed., BSN, RN, CIC, FAPIC, from the UMass Chan Medical School.

MA DOC COVID-19 MITIGATION STANDARDS

Standard 01 – Handwashing [June 2022]

Frequent handwashing is critical to mitigating COVID-19, and infections generally. Hand hygiene is one of the easiest and best ways to kill the COVID-19 virus, avoid getting sick, and prevent the spread of the COVID-19 virus to others. All DOC staff, vendors, contractors, and inmates must regularly wash hands with either soap and water or hand sanitizer.

Standard 02 – Masks [June 2022] (On hold awaiting review on June 13, 2022)

Masking for all DOC staff and inmates will be voluntary while on housing units. Masking for fully vaccinated DOC staff in contained spaces with other fully vaccinated staff will also be voluntary. However:

- Masks can be worn in all areas if an individual wants to wear a mask.
- Masks shall continue to be required for inmates and DOC staff in inside areas where inmates/staff interact with others from different housing units, including during programming and classes; in medication lines; while at work, at the gym; and in shared eating areas; during visitation; and in health services/infirmaries.
- All visitors (including vendors) to a DOC correctional facility must continue to wear masks while at the facility.
- Masks are not required when outdoors.

Quality masks need to be available for DOC staff and inmates to wear. Voluntary masking is allowed.

Standard 03 – Social Distancing [June 2022]

Standard 03 – Social Distancing has been omitted. A new recommendation, **Recommendation 01 – Physical Distancing**, has been inserted below on page 4 of these Standards.

Standard 04 – Regular Cleaning [June 2022]

Regular environmental cleaning decreases the opportunity for the COVID-19 virus to remain on hard surfaces and prevents transmission of the virus between individuals.

- Cleaning of high-touch areas needs to be done regularly.
- DOC facilities must purchase and provide appropriate Environmental Protection Agency (EPA)-registered disinfectants for cleaning and disinfecting environmental surfaces and equipment.
- DOC facilities must ensure the product (chemical) used for cleaning appears on the EPA-registered disinfectant [List N](#) for COVID-19 cleaning and is appropriately utilized as instructed by the product's manufacturer.

Standard 05 – COVID-19 Vaccination [June 2022]

COVID-19 vaccination is an important tool to prevent severe COVID-19 infection. DOC must ensure that COVID-19 vaccines and boosters are available and offered to all inmates and staff as needed. It is recommended that vaccines are kept up to date for inmates and DOC staff. COVID-19 vaccines are one essential aspect of our mission to properly protect DOC staff, inmates, their families, and visitors from the spread of COVID-19.

Standard 06 – Screening [June 2022]

Self-assessment and self-declaration of COVID-19 symptoms is required upon entry to all DOC facilities. **All individuals, including DOC staff, vendors, and visitors, will conduct self-screening upon entry to any DOC facility.** Individuals with any COVID-19 symptoms should not enter DOC facilities and should be tested as soon as possible. A DOC staff member with any COVID-19 symptoms should report their symptoms to their shift captain and should not work until tested and cleared to return, according to policy.

Recommendation 01 – Physical Distancing [June 2022]

Physical distancing (previously called “Social Distancing”) will no longer be a “Standard” – however, it remains a recommendation of the Office. Physical distancing can be helpful to reduce close contact with infected individuals, as well as to curb the spread of infection overall. When possible, physical distancing should be used – the Office recommends that the DOC consider options to prevent overcrowding.

RESOURCES

Centers for Disease Control and Prevention (CDC)

Handwashing

Handwashing Guidance - <https://www.cdc.gov/coronavirus/2019-ncov/global-COVID-19/handwashing.html>

Masking

Masking Guidance - <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>; <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

Environmental Cleaning

Cleaning - <https://www.cdc.gov/niosh/docs/wp-solutions/2021-121/>

General

Guidance for Correctional Facilities - <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/living-prisons-jails.html>



Massachusetts Department of Public Health

Guidance – Congregate Care/Residential Programs

Residential and Congregate Care Programs 2019 Novel Coronavirus (COVID-19) Guidance - August 4, 2021

Executive Orders

Governor Baker’s Executive Order – Executive Department Vaccine Mandate – Press Release: <https://www.mass.gov/news/baker-polito-administration-announces-COVID-19-vaccine-requirement-for-executive-department-employees>; Executive Order text - <https://www.mass.gov/doc/august-19-2021-executive-department-employee-vaccination-order/download>

General Updates

Mass.gov COVID-19 Information and Updates - <https://www.mass.gov/COVID-19-updates-and-information>

Massachusetts Department of Correction

Memoranda

Memorandum - Commissioner Carol Mici to “All Staff” - COVID-19 Updates - July 23, 2021

REVISIONS

REVISION DATE: JUNE 3, 2022

Updates in the above Office-established standards and recommendations were made in consideration of the Centers for Disease Control and Prevention guidelines – see updated [Guidance for Correctional and Detention Facilities](#), dated May 3, 2022).

➤ Standard 1 – Handwashing

Standard 01 was reviewed and updated if/where applicable based on Federal and state guidance.

Prior Version: October 2021

“Frequent handwashing is critical to mitigating infection generally. It is one of the easiest and best ways to kill the COVID-19 virus, avoid getting sick, and prevent the spread of the COVID-19 virus to others. All DOC staff, vendors, contractors, and inmates must:

- Regularly wash hands for **at least** twenty (20) seconds with either: (i) soap and water, or (ii) 60% alcohol-based hand sanitizer (or another acceptable non-alcohol-based sanitizer).
- In particular, hands should be cleaned as instructed above: (i) before and after cooking or eating, (ii) after using the restroom, (iii) after being in direct contact with a symptomatic sick person, and (iv) any time your hands are dirty.”

➤ Standard 02 – Masks

Standard 02 was reviewed and updated if/where applicable based on Federal and state guidance.

Prior Version: May 2022

“Masking for all staff and inmates on housing units will be **voluntary**. Masking for vaccinated DOC staff in contained spaces (trap, inner control, outer control, offices) or areas where they do not interact with inmates will be **voluntary**. Masking is allowed in any area if the individual wants to wear a mask - voluntary masking is permitted.

Masks **shall continue to be required** for inmates and staff in inside areas where inmates/staff interact with others from different housing units. Such areas include, but are not limited to:

- Programming

- Classes
- Medication lines
- Canteen lines
- Work
- Gym (if inmates from different housing units are sharing the gym)
- Shared eating areas (mess hall)
- Visitation
- All health services and/or infirmaries

All visitors (including vendors) to a DOC facility shall continue to wear masks while at the facility.”

➤ **Standard 03 – Social Distancing**

Standard 03 – Social Distancing has been intentionally omitted and **Recommendation 01** has been entered following **Standard 6**. Social distancing has been renamed to physical distancing in **Recommendation 01 – Physical Distancing** above, and in addition, it is no longer a Standard – rather is considered a recommendation.

Prior Version: February 2022

“Standard 03 – Social Distancing [February 2022]

Appropriate social distancing between all DOC staff and inmates is recommended when possible to decrease the opportunity for the spread of the COVID-19 virus. Three (3) feet of distance between corrections officers, DOC staff, inmates, and visitors decreases the potential for the virus to spread through the air or for someone to become infected with COVID-19. Where adequate social distancing is not possible (e.g., in an elevator), masks for all parties must be worn.”

➤ **Standard 04 – Regular Cleaning**

Standard 04 was reviewed and updated if/where applicable.

Prior version language: October 2021

“Regular environmental cleaning decreases the opportunity for the COVID-19 virus to remain on hard surfaces and prevents transmission of the virus between individuals.

- Cleaning of high-touch areas needs to be done regularly.
- DOC facilities must purchase and provide appropriate Environmental Protection Agency (EPA)-registered disinfectants for cleaning and disinfecting environmental surfaces and equipment.



- DOC facilities must ensure the product (chemical) used for cleaning appears on the EPA-registered disinfectant [List N](#) for COVID-19 cleaning and is appropriately utilized as instructed by the product’s manufacturer.”

➤ **Standard 05 – COVID-19 Vaccination**

Standard 05 was reviewed and updated if/where applicable.

Prior version language: October 2021

“Governor Charlie Baker issued an executive order requiring all Executive Department employees to provide proof of COVID-19 vaccination on or before October 17, 2021. The COVID-19 vaccine is the best and most effective way that people can protect themselves, their loved ones, and their community from the COVID-19 virus. COVID-19 vaccines are one essential aspect of our mission to properly protect DOC staff, inmates, their families, and visitors from the spread of COVID-19.

Vaccination is proven to decrease the likelihood of severe illness and death if one develops COVID-19.

Presently, there are three (3) COVID-19 vaccinations available to the public – [Pfizer-BioNTech COVID-19 Vaccine](#) (mRNA vaccine), [Moderna COVID-19 mRNA Vaccine](#) (mRNA vaccine), and [Johnson & Johnson’s Janssen COVID-19 Vaccine](#) (Viral Vector vaccine). Access to a COVID-19 vaccine should be available upon request. “

➤ **Standard 06 – Screening**

Standard 04 was reviewed and updated if/where applicable.

Prior version language: October 2021

“Screening at all access points at each DOC facility is essential to preventing COVID-19 symptomatic individuals from entering the facility. Screening has been shown to limit unnecessary COVID-19 exposure.

- All individuals, including DOC staff, vendors, and visitors, will conduct self-screening upon entry to any DOC correctional facility.
- Screening will include temperature monitoring. Touch-free thermometers are available for each person to take their own temperature.
- Self-screening will be documented on a form and given to the entrance desk staff at each DOC facility and will review identified signs and symptoms of COVID-19, including any of the following:
 - a. Fever;

- b. Chills;
- c. Cough;
- d. Fatigue;
- e. Shortness of breath;
- f. Sore throat;
- g. New loss of taste or smell;
- h. Headache;
- i. Muscle or body aches;
- j. Congestion or runny nose;
- k. Nausea or vomiting; or
- l. Diarrhea.

- In addition to noting any of the above symptoms, the individual's temperature should be documented on the form before it is handed in.
- Any person with a temperature over 99.9 degrees Fahrenheit or any acknowledgment of the stated symptoms of COVID-19 above should not be allowed to enter the DOC facility.
- The Office encourages all personnel to self-monitor for COVID-19 signs and symptoms twice a day. The Office expects all DOC staff to not report to work if ill or symptomatic.

➤ **Recommendation 01 – Physical Distancing**

Added a new “Recommendation 01 – Physical Distancing”. Takes the place of “Standard 03 – Social Distancing” which has been omitted.

REVISION DATE: MAY 2, 2022

➤ **Standard 2 – Masking**

Updated Standard 2 to reflect change in masking requirement for inmates and DOC staff inside of DOC facilities.

Prior version language: October 2021

“Wearing a suitable mask as directed is essential to mitigating the spread of COVID-19. When someone wears a mask, they protect both themselves and others from COVID-19. . Suitable masks that cover both the nose and mouth must be worn at all times while indoors in all DOC facilities, in public spaces, or when congregating with other people. However:

- Masks can be removed to eat or drink but need to be in place over the nose and mouth whenever not eating;
- Masks can be removed when alone in a contained office space; and
- Masks are not required when outdoors.”

➤ **Standard 03 – Social Distancing**

Updated Standard 03 to reflect change in social distancing from six feet to three feet. For all inmates and staff in group settings (e.g., programming or classroom settings) social distancing of approximately three feet should be followed. This reduction in distance will allow more inmates to participate in essential programming and classes that have been difficult to attend due to the six-foot social distancing standard.

A new three-foot social distancing guideline is based on:

- Low COVID-19 numbers in staff and inmates;
- All staff and inmates will continue to wear masks properly while indoors;
- Hand sanitizer needs to be available and used for hand hygiene, as needed;
- COVID-19 infection rates remain below 5% in the applicable DOC facility;
- and
- Ongoing testing for staff and inmates as established.

This change to the social distancing standard will remain in place as long as the COVID-19 rates for the DOC staff and inmates, as well as the state, remain stable or improved.

Prior version language: October 2021

“Appropriate social distancing between all DOC staff and inmates is recommended when possible to decrease the opportunity for the spread of the COVID-19 virus. Six (6) feet of distance between corrections officers, DOC staff, inmates, and visitors decreases the potential for the virus to spread through the air or for someone to become infected with COVID-19. Where adequate social distancing is not possible (e.g., in an elevator), masks for all parties must be worn.”