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REVISED ORDER OF THE COMMISSIONER OF PUBLIC HEALTH REGARDING THE REQUIREMENT FOR CERTAIN STAFF TO BE VACCINATED AGAINST INFLUENZA VIRUS

On March 10, 2020, Governor Charles D. Baker declared a State of Emergency in the Commonwealth to respond to the spread of COVID-19. The Public Health Council has approved and authorized me 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, consistent with the Governor's declaration.

As of December 18, 2020, the Department reported 302,933 confirmed cases of COVID-19 and 11,358 deaths among confirmed cases in the Commonwealth. As of that date, the Department reported 29,329 confirmed or probable cases of COVID-19 among residents and staff of long-term care facilities in the Commonwealth, and 7,105 deaths among those confirmed and probable cases. Influenza and COVID-19 present increased risk of severe illness, complications, and death to older adults and particularly those with chronic conditions. Immunization is the most effective method for preventing infection from influenza and possible hospitalization or death. Further, responding to and treating outbreaks of seasonal influenza utilizes many of the same priority resources necessary to respond to cases of COVID-19, including staff, hospital beds and personal protective equipment.

Vaccinations have begun at the public health hospitals, and long-term care facilities, including the Soldiers Homes, are scheduled to receive the COVID-19 vaccination in the first wave of vaccinations, and the Centers for Disease Control and Prevention (CDC) has recommended that individuals avoid receiving other vaccines for 14 days before and after the COVID-19 vaccine is administered.

Accordingly, The Order of the Commissioner of Public Health Regarding the Requirement for Certain Staff to be Vaccinated Against Influenza Virus, dated November 5, 2020, is hereby rescinded, and pursuant to the authority granted by G.L. c. 17, §2A and with the approval of the Governor and the Public Health Council I issue the following Revised Order:

1. State Hospitals

Department of Public Health Public Health Hospitals and Department of Mental Health Public Hospitals must ensure that all staff are vaccinated against influenza virus by February 28, 2021, unless such administration is medically contraindicated, which means administration of influenza vaccine is likely to be detrimental to the individual's health, or vaccination is against the individual's religious beliefs. Staff may not otherwise decline the vaccine.

For purposes of this Revised Order, staff means all persons regularly reporting, whether part-time or full-time, paid or unpaid, working, interning, or volunteering at the physical facility or site, who have the potential for exposure to patients or residents or to infectious materials, including body substances, contaminated medical supplies and equipment, contaminated environmental surfaces, or contaminated air.

Staff does not include persons who work entirely remotely or off-site and staff on leave, such as family medical leave.

Agency staff who fail to comply with the vaccine requirement shall be subject to discipline, up to and including, termination. Other staff shall not be permitted to work at the facility.

All facilities subject to this Revised Order must maintain documentation of vaccination of staff.

2. Chelsea and Holyoke Soldiers Home

The Chelsea and Holyoke Soldiers Home must ensure that all staff are vaccinated against influenza virus by February 28, 2021, unless such administration is medically contraindicated, which means administration of influenza vaccine is likely to be detrimental to the individual's health, or vaccination is against the individual's religious beliefs. Staff may not otherwise decline the vaccine.

For purposes of this Revised Order, staff means all persons regularly reporting, whether part-time or full-time, paid or unpaid, working, interning, or volunteering at the physical facility or site, who have the potential for exposure to patients or residents or to infectious materials, including body substances, contaminated medical supplies and equipment, contaminated environmental surfaces, or contaminated air.

Staff does not include persons who work entirely remotely or off-site and staff on leave, such as family medical leave.

Agency staff who fail to comply with the vaccine requirement shall be subject to discipline, up to and including, termination. Other staff shall not be permitted to work at the facility.

All facilities subject to this Revised Order must maintain documentation of vaccination of staff.

3. State-operated Congregate Care Facilities

All Congregate Care Facilities operated by an agency within the Executive Office of Health and Human Services must ensure that all staff are vaccinated against influenza virus by February 28, 2021. The facility must ensure that all staff are vaccinated against influenza virus unless such administration is medically contraindicated, which means administration of influenza vaccine is likely to be detrimental to the individual's health, or vaccination is against the individual's religious beliefs. Staff may not otherwise decline the vaccine.

For purposes of this Revised Order, staff means all persons regularly reporting, whether part-time or full-time, paid or unpaid, working, interning, or volunteering at the physical facility or site, who have the potential for exposure to patients or residents or to infectious materials, including body substances, contaminated medical supplies and equipment, contaminated environmental surfaces, or contaminated air.

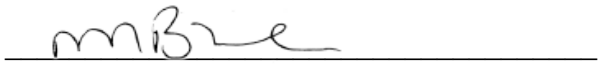
Staff does not include persons who work entirely remotely or off-site and staff on leave, such as family medical leave.

Agency staff who fail to comply with the vaccine requirement shall be subject to discipline, up to and including, termination. Other staff shall not be permitted to work at the facility.

All facilities subject to this Revised Order must maintain documentation of vaccination of staff.

This Revised Order shall remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.



Monica Bharel, MD MPH
Commissioner, Massachusetts Department of Public Health

December 22, 2020