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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH TO WAIVE STAFFING RATIOS IN OUT-OF-HOSPITAL DIALYSIS UNITS

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 April 27, 2020, 56,462 cases of COVID-19 were reported by the Department of Public Health, with all counties in the Commonwealth impacted. All indications are that the number of cases continues to grow, and there is increased need for health care personnel throughout the Commonwealth.

Accordingly, having received that authorization from the Council, and with the approval of the Governor, I issue the following Order:

General Law chapter 111, §53, and 105 CMR 145.150 are hereby suspended in part, to remove the requirement that out-of-hospital dialysis units must have at least one direct patient care staff member to every three patients undergoing dialysis. The Department expects out-of-hospital dialysis units to make every reasonable effort to meet the 1:3 ratio, and in any event, all dialysis units must ensure that they have sufficient direct care staff, who are trained in dialysis care, available to meet the needs of the patients undergoing dialysis. All other staffing requirements remain in effect.

All applicable statute, regulations and guidance not inconsistent with this Order remain in effect.

The Department of Public Health may issue further guidance as necessary.

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shall take effect immediately and remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.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

April 28, 2020