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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH

On March 10, 2020, Governor Charles D. Baker declared of a State of Emergency in the Commonwealth to respond to the spread of COVID-19. On March 11, 2020, in view of the grave threat that the spread of COVID-19 presents to the public health, the Public Health Council authorized and directed me to act pursuant to G.L. c. 17, § 2A and to take all appropriate actions, incur such liabilities, and establish such rules, requirements, and procedures 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 such authorization from the Council, and with the approval of the Governor, I issue the following Order:

In order to provide care to all patients and residents in the Commonwealth, and to facilitate best practices for addressing the COVID-19 public health emergency, this order applies to all Assisted Living Residences that are certified by the Executive Office of Elder Affairs ("EOEA").

During the state of emergency due to the outbreak of COVID-19, notwithstanding the provisions in M.G.L. c. 19D, s. 11, a nurse employed by an Assisted Living Residence ("ALR") may provide skilled nursing care in accordance with valid medical orders, provided the nurse holds a valid license to provide such care. In addition, during this time period, the prohibition on retaining residents who require skilled care for more than ninety consecutive days is suspended.

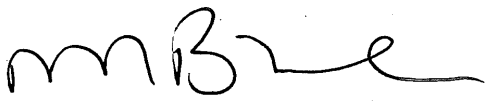
In addition, the staffing requirements in 651 CMR 12.06(5)(b) shall be suspended for the duration of the public health emergency provided that ALRs ensure they have sufficient staffing at all times to meet the needs of the residents, as set out in guidance issued by the EOEA.

Finally, to ensure sufficient staffing, the training requirements set out in 651 CMR 12.07 are waived, provided ALRs procure staff with adequate experience and provide on the job training to safely carry out their duties, as set out in guidance issued by the EOEA.

ALRs subject to this order must continue to comply with all applicable statutes, regulations, and guidance not inconsistent with this Order.

This 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

April 2, 2020