

UPDATE CORONAVIRUS (COVID-19)



Stay informed. Take precautions. Stay safe.

Dear Members,

On May 18, we updated you on the [state reopening plan impact on assisted living](#) and we are providing a follow-up here with additional information we recently confirmed. As legislation and administrative actions could be taken in coming weeks, these updates are subject to change. While there is uncertainty, we want to keep you updated on our current understanding of what guidance and policies are in place and how that is expected to change at the end of the State of Emergency.

EOEA Guidance

The March 17 [EOEA Consolidated Guidance for Assisted Living](#) was issued consistent with the State of Emergency Orders and will therefore no longer be in effect beginning June 16. EOEA plans to issue some guidance or preview of Covid-19 related guidance prior to June 15 for assisted living residences that will be effective following the end of the State of Emergency.

Liability Protection

The liability protection law that Mass-ALA strongly supported and was passed by the Legislature and signed by the Governor in April 2020, by its own language will not cover events that occur after the state of emergency is terminated on June 15. It is possible that legislative or administrative action may occur to extend this special legal protection; however, this has not yet occurred. As with all of these updates, we will let you know of any changes. The legal update at [Regulations training](#) with Joe Desmond and Scott Griggs will provide updates on the implications of this new situation for risk management.

Dining, Health Club, and Cinema Settings in the ALR

The March 17 EOEA guidance states that ALRs may follow the policies for restaurants, health clubs, and cinemas at those spaces in their ALR. Consistent with that guidance, ALRs may follow the relaxed guidelines for those settings that were effective May 29, with the exception that staff and residents of ALRS have a requirement to wear masks, both in the common areas of the building and when utilizing public transportation or transportation provided by the ALR. There is no capacity limit for indoor or outdoor gatherings. Table-seating caps and social-distancing requirements are rescinded.

Training Flexibilities

For staff that were hired under the training flexibility granted by EOEA in the

4/2/20 Executive Order during the state of emergency for staff who are providing direct care but are not yet CNAs or PCAs, EOEA has not yet provided official guidance, but they have provided an overview of the framework of how this should be managed in discussions with Mass-ALA. At a minimum, EOEA will be looking for an operational plan for how an ALR will secure the training required to qualify such staff members consistent with existing regulatory requirements. It is most likely that the expectation would be these staff meet the requirements by the end of 2021. EOEA will likely address this issue at Regulations Training. EOEA indicates that so long as an ALR provides adequate documentation, including an operational plan on how it will assure the training requirements are met, no imminent sanction or action would likely be taken by EOEA against an ALR for noncompliance with PCA training requirements. If there had been an incident involving particular staff, ALRs would be expected to have provided appropriate training with staff involved in the incident.

EOEA further indicates that each ALR should have an established record or file for each staff member that illustrates that person's training and compliance with minimum standards. For staff who do not have a CNA or HHA certificate, there was an underlying assumption by EOEA that ALRs would be tracking the training of ALR personal care service providers. EOEA indicated that ALRs will not be held to the training standard on 6/16; however, some form of a gradual phase-in process will be put in place, but EOEA is still evaluating what will be required.

Special Care Staffing

If further regulatory action is not taken by EOEA, the [4/2/20 guidance](#) that included staffing flexibilities waiving the requirement for two overnight staff in each special care residence will end June 15. Mass-ALA has requested that this staffing flexibility be extended.

Next Steps

As the state considers further adjustments to the current guidance, we will continue to advocate for assisted living and will keep you updated. Don't miss the Annual Regulations Training, as it will take place soon after much of these policy changes and uncertainties have been clarified, and updates will be provided by industry experts, EOEA, and the Long-Term Care Ombudsman. Register [here](#).

Please see Mass-ALA's prior update on the Impact of the Reopening Plan on Assisted Living, for more information, click [here](#).

If you have any questions, please contact us at Mass-ALA@mass-ala.org

**The information provided in this COVID 19 update is solely for general informational purposes to assist in understanding the evolving guidance regarding the current COVID 19 public health threat. It is not intended to be a primary public health or medical resource but is provided as a clearinghouse for or compilation of various guidance issued by official and related sources.*