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To: Assisted Living Executive Directors
From: Secretary Elizabeth Chen
Subject: Assisted Living Residences – Skilled Care Guidance
Date: December 14, 2021

On December 14, 2021, the Department of Public Health issued COVID-19 Public Health Emergency [Order No. 2021-17](#) issued December 14, 2021, applicable to all Assisted Living Residences (ALRs) that are certified by the Executive Office of Elder Affairs (EOEA). Notwithstanding the guidance provided below, ALRs must continue to comply with all applicable statutes, and regulations not inconsistent with the Order.

A. Skilled Care.

In accordance with the Order, a nurse employed or contracted by an ALR may provide skilled nursing care subject to the following provisions:

1. Skilled care may only be provided to residents receiving such care under a plan of care in place as of December 15, 2021.
2. The prohibition on retaining residents who require skilled care for more than 90 consecutive days in accordance with [M.G.L c.19D, s.11](#), resumes upon the expiration of the Order.
3. The skilled care to be provided may include, but is not necessarily limited to, the application or replacement of simple non-sterile dressings, the application of eye drops, the application of ointments, the management of oxygen on a regular and continuing basis, and injections.
4. The nurse providing skilled care must hold a valid license to provide such care.
5. Any skilled care to be provided must be authorized by a physician or relevant medical professional.
6. Skilled care may only be provided if the setting is medically appropriate for such care and the proper equipment, medication, and supplies are readily available.
7. The Resident must be evaluated by the nurse before any skilled care may be provided.
8. Prior to the provision of skilled care, the ALR must obtain the consent of the Resident, the Resident Representative, or Legal Representative.
9. Any charges that may result from the provision of skilled care must be disclosed and accepted by the Resident, the Resident Representative, or Legal Representative.

B. Administrative Requirements.

1. An ALR providing skilled care under the authority of the Order must notify EOEa that it is continuing to provide skilled care to Residents and submit reports on the skilled care provided as required by the Secretary of EOEa. ALR compliance with [such reporting requirements](#) is required as a condition for the provision of skilled care.
2. Documentation concerning medical orders for skilled care, Resident consent, Resident evaluations, notice of charges, and the skilled care provided must be included in the Resident's record.
3. Any ALR providing skilled care must create a transition plan for Residents receiving skilled care to be implemented at the expiration of the Order. This plan must be signed by the Resident, the Resident Representative, or Legal Representative, and submitted to EOEa by January 15, 2022.

C. This guidance shall remain in effect until the expiration of the Order, or the public health emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.



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