



Dear Members,

EOEA updated the assisted living regulations. These updated regulations implement the vaccine declination changes advocated for by Mass-ALA as one of its top regulatory priorities over the past year. You can read the updated regulations [here](#).

The recent changes can be found at 651 CMR 12.06 (8). Consistent with the draft regulations previously released, an ALR may not require an individual to receive a vaccine if the individual declines such vaccination. Personnel must sign a statement certifying they are exempt from vaccination and they received information about the risks and benefits of the specific type of vaccine they are declining. A specific reason is no longer required to decline receiving a vaccination. All personnel who decline must take mitigation measures consistent with guidance from EOEA. In addition, the Residence must maintain a record of an individual's vaccination or signed certification refusing the vaccination in his or her personnel files.

Other significant changes to this section of the ALR regulations include the removal of the requirement for an assessment for tuberculosis and physical checkups every two years. It is still not permissible for any individual to work in an ALR if he or she is infected with a contagious disease that can spread to others and endanger the health of the residents or other employees. To ensure compliance with these criteria, some form of screening is necessary.

Most of the regulatory changes are consistent with EOEA's redlined document of proposed regulation changes, summarized in our update on [December 21, 2023](#). A new change in the updated regulations clarifies that ALRs have the authority to create their own vaccination policies, which may go beyond that required in the regulations. However, these policies should be no less stringent than the regulations.

EOEA sent this notification and summary of the regulation change.

Good afternoon,

this notice is being sent to inform you that that the assisted living regulations (651CMR 12.00) have been amended. The updated regulations were published by the Secretary of State's office on Friday, March 29, 2024, and became effective on that day. The current version of the regulations can be found on the mass.gov website at <https://www.mass.gov/regulations/651-CMR-1200-certification-procedures-and-standards-for-assisted-living-residences>

The amended regulations include the following changes:

- A Residence cannot require personnel to receive a vaccine pursuant to 651 CMR 12.06(8)(e) or (f) if the individual declines the vaccine. See 651 CMR 12.06(8)(g)(1).
- The individual who is exempt from vaccination shall sign a statement certifying that they are exempt from vaccination, and they received information about the risks and benefits of influenza vaccination and COVID-19 vaccination. See 651 CMR 12.06(8)(g)(2).
- For individuals subject to the exemption, the Residence shall require the individual to take mitigation measures, consistent with guidance from EOEA. See 651 CMR 12.06(8)(g)(3).
- In addition, nothing in 651 CMR 12.00 *et seq.* shall be read to prohibit facilities

from establishing policies and procedures for influenza and COVID-19 vaccination of personnel that exceed the requirements set forth in 651 CMR 12.06(8). See 651 CMR 12.06(8)(j).

- The previous requirement that “[a]ll persons working in a Residence shall complete a pre-employment physical examination, including an assessment for tuberculosis, and shall submit evidence that they have completed a periodic physical examination at least every two years” previously found in 651 CMR 12.06(8)(b) has been removed.

Please send any questions to the ALRHelp@mass.gov email. Thank you for your attention to this important matter.

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