



EXECUTIVE OFFICE OF ELDER AFFAIRS
COMMONWEALTH OF MASSACHUSETTS
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Notice is hereby given pursuant to M.G.L. c. 30A that the Executive Office of Elder Affairs (EOEA) will hold a remote public hearing on Friday, January 12, 2024 at 2 p.m. and accept public comment through Friday, January 12, 2024 at 5:00 p.m. concerning the following regulatory action:

651 CMR 12.00: Certification Procedures and Standards for Assisted Living Residences.

Pursuant to its authority under G.L. c. 19A, § 6, EOEA seeks to modify existing vaccination requirements in Assisted Living Residences to reflect updated standards since the end of the state and federal public health emergencies.

EOEA is mandated and authorized under M.G.L. c. 19D to establish processes for the certification and renewal of certification for Applicants and Sponsors of Assisted Living Residences (ALRs). 651 CMR 12.00 sets forth the standards for premises which, in part or in total, constitute an ALR in the Commonwealth of Massachusetts and provides penalties for operating such premises without Certification.

The proposed regulation modifications will modify existing vaccination requirements in ALRs to reflect updated standards since the end of the state and federal COVID-19 public health emergencies.

The vaccination requirements apply to all personnel who either work at or come to an ALR and who are employed by or affiliated with the ALR, whether directly, by contract with another entity, or as an independent contractor, paid or unpaid including, but not limited to, employees, members of the medical staff, contract employees or staff, students, and volunteers, whether or not such individual(s) provide direct care.

Each ALR shall ensure that all personnel are vaccinated annually with seasonal influenza and COVID-19 vaccinations. ALRs must provide all personnel with information about the risks and benefits of the vaccines, notify all personnel of the vaccination requirements, and provide guidance to personnel regarding how to receive the vaccinations.

If an individual declines the vaccine, they shall sign a statement on a form to be provided by EOEA certifying that they are exempt from vaccination and they received information about the

risks and benefits of vaccination. An ALR shall not require exempt personnel to receive a vaccine.

An ALR shall require exempt individuals to take mitigation measures consistent with guidance from EOE. An ALR shall also require, and maintain for all personnel, proof of current vaccination, or the personnel's exemption statement. In addition, each ALR shall ensure all personnel are vaccinated against other novel pandemic or novel influenza virus(es) in accordance with guidelines issued by the Commissioner of Department of Public Health.

Public Hearing Information:

Zoom Meeting Information:

<https://zoom.us/j/94204492629?pwd=Y1FCYkNQWGZFS0I0MWJDdm8xeE1kUT09>

Call-in Only Information:

+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)

Meeting ID: 942 0449 2629

Passcode: 920997

Find your local number: <https://zoom.us/u/akBtb70T9>

Individuals who provide notice of their intent to testify will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to provide notice of their intent to testify by emailing francis.p.sullivan2@mass.gov with the subject line: "Regulation Hearing Comment--651 CMR 12.00." Written comments will be accepted through Friday, January 12, 2024 at 5:00 p.m. Please email written comments to francis.p.sullivan2@mass.gov.

Written testimony may also be submitted to the following address:

Executive Office of Elder Affairs
One Ashburton Place
Boston, MA 02108
Attention: Patrick Sullivan

A copy of the above-listed regulations may be obtained by contacting the above address or email address or by visiting: <https://www.mass.gov/info-details/the-executive-office-of-elder-affairs-elder-proposed-amendments-to-regulations>.

To request interpretive services, please submit your request at least five (5) business days prior to the public hearing.

Small Business Impact Statement
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 651 CMR 12.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 270

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? No, small businesses will not have to create, file or issue additional reports.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? There will be no additional recordkeeping procedures, but existing procedures may have to be slightly modified.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No, small businesses will have not provide additional administrative oversight.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No, no small businesses will not have to hire additional employees in order to comply with the proposed regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No, compliance does not require small businesses to hire other professionals.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No, the regulation does not require small businesses to purchase a product or make any other capital investments in order to comply.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) No, performance standards are not more appropriate than design/operational standards to accomplish the regulatory objective.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No, no other regulations duplicate or conflict with the proposed regulation.

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p>Yes, the regulatory amendments require small businesses to cooperate with audits, inspections or other regulatory enforcement activities.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>No, the regulatory amendments do not require small businesses to provide educational services to keep up to date.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>No, the regulation is not likely to impact the formation of small businesses in Massachusetts.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>No, the regulation is not likely to impact the formation of small businesses in Massachusetts.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>No, the regulatory amendments do not provide for less stringent compliance or reporting requirements for small businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>No, the regulatory amendments do not require less stringent schedules or deadlines for compliance or reporting requirements for small businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p>No, the regulatory amendments do not consolidate or simplify compliance or reporting requirements.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p>No, regulatory amendments are required.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>No, no regulatory amendments are required.</p>