

**Commonwealth of Massachusetts  
Executive Office of Health and Human Services**

**NOTICE OF PROPOSED AMENDMENT OF REGULATIONS**

Under the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the Executive Office of Health and Human Services (EOHHS) proposes to amend the following regulation.

**101 CMR 23.00: COVID-19 and Influenza Vaccinations for Staff at Certain Agency Facilities**

Updates to 101 CMR 23.00 align COVID-19 and influenza vaccination requirements for state employees, with requirements for Department of Public Health-licensed 24/7 facilities. This update is also reflected in the new proposed title of the regulation. Amendments also remove the Soldiers Homes from the regulation, as the Soldiers Homes will be subject to Department of Public Health's Long Term Care regulations.

It is anticipated that these amendments will not go into effect before March 2024. There is no fiscal impact on cities and towns.

To submit data, views, or arguments concerning the proposed amendments, please email them to [ehs-regulations@mass.gov](mailto:ehs-regulations@mass.gov) as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All comments must contain the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit comments by email should mail comments to EOHHS, c/o D. Briggs, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. Comments will be accepted through 5:00 p.m. on Friday, December 15, 2023. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

All persons desiring to review the current draft of the proposed regulation may go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-notices](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-notices) or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, Massachusetts 02171.

EOHHS may adopt a revised version of the proposed regulation taking into account relevant comments and any other practical alternatives that come to EOHHS's attention.

November 24, 2023

## Small Business Impact Statement

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

**CMR No: 101 CMR 23.00**

**Estimate of the Number of Small Businesses Impacted by the Regulation: None**

**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 business 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? No, small businesses will not have to implement additional recordkeeping procedures.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No, small businesses will not have to 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, 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 with the regulation 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, this regulation does not require small businesses to purchase a produce or make other capital investments 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, this update is necessary to align EHS' vaccine mandate regulation for state operated 24/7 facilities with DPH's vaccine mandate regulations for DPH licensed facilities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations conflict with the proposed regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? The regulation does not require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No, no educational services are required to keep up to date with regulatory requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No, this regulation is not likely to deter the formation of small businesses in Massachusetts.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No, this regulation is not likely to encourage the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No, this regulation does not provide for less stringent compliance requirements for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No, this regulation does not establish less stringent schedules or deadlines for compliance for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No, the agency did not consolidate or simplify compliance or reporting requirements for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No, this update is necessary to align EHS' vaccine mandate regulation for state operated 24/7 facilities with DPH's vaccine mandate regulations for DPH licensed facilities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No, it would not be practicable for the regulation to distinguish small businesses from other businesses.