



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street, Boston, MA 02108-4619

MAURAT T. HEALEY  
Governor

KIMBERLEY DRISCOLL  
Lieutenant Governor

KATHLEEN E. WALSH  
Secretary

ROBERT GOLDSTEIN, MD, PhD  
Commissioner

Tel: 617-624-6000  
[www.mass.gov/dph](http://www.mass.gov/dph)

### NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health (the Department) will hold a public hearing and comment period on the proposed rescission of 105 CMR 159.000 *Vaccinations for Certain Staff Providing Home Care Services in Massachusetts*, filed on September 15, 2023.

The regulation addresses COVID-19 vaccinations for certain staff providing homecare services in Massachusetts. The Department is proposing rescinding the regulation.

The public hearing will be held on **October 16, 2023, at 2pm**. The hearing will be conducted on a **moderated conference call**. The login information for the moderated conference call is:

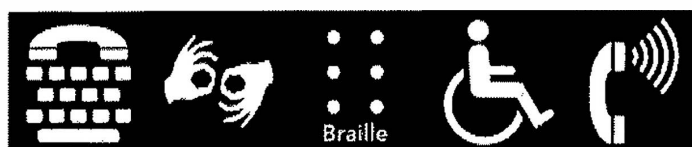
Dial in: 888-469-3059  
Participant code: 3650454

A copy of the proposed rescission of 105 CMR 159.000 may be viewed on the Department's website at <http://mass.gov/dph/proposed-regulations> or requested from the Office of the General Counsel by calling 617-624-5220.

The Department encourages all interested parties, including those who testify at the public hearing, to submit written testimony electronically to [Reg.Testimony@mass.gov](mailto:Reg.Testimony@mass.gov). Please submit electronic testimony as an attached Word document and type 105 CMR 159.000, *Vaccinations for Certain Staff Providing Home Care Services in Massachusetts - Rescission* in the subject line of the email. All submitted testimony must include the sender's full name and address. The Department will post all electronic testimony that complies with these instructions on its website. Parties who are unable to submit electronic testimony should mail submissions to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108.

**All comments must be submitted by 5:00 p.m. on October 16, 2023, the date of the public hearing.** All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing or are a person with a disability who requires accommodation, please contact Alex Gomez at least 5 days before the hearing at Tel # 617-624-5928, Fax # 617-624-5075, email [Alex.Gomez@mass.gov](mailto:Alex.Gomez@mass.gov), or TTY # 617-624-6001.



DPH 105 CMR 159.00: COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts

<b>Small Business Impact Statement</b> <i>(As required by M.G.L. c. 30A §§ 2, 3 &amp; 5)</i>		
<b>CMR No: 105 CMR 159.000</b>		
<b>Estimate of the Number of Small Businesses Impacted by the Regulation: approximately 200 providers</b>		
<b>Select Yes or No and Briefly Explain</b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports?  <i>No, rescission of this regulation will not cause small business to have to create, file, or issue additional reports.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures?  <i>No, rescission of this regulation will not cause small business to have to implement additional recordkeeping procedures.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight?  <i>No, rescission of this regulation will not cause small business to have to provide additional administrative oversight.</i>
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?  <i>No, rescission of this regulation will not cause small business to have to hire additional employees.</i>
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.)?  <i>No, rescission of this regulation will not cause small business to have to hire other professionals.</i>
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?  <i>No, rescission of this regulation will not cause small business to have to make purchases or other capital investments.</i>
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.)  <i>No, as this regulation is being rescinded.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation?  <i>No, as this regulation is being rescinded.</i>
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?  <i>No, rescission of this regulation will not cause small business to have to cooperate with audits, inspections, or other enforcement activities.</i>

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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?  <i>No, rescission of this regulation will not cause small business to have to provide educational services.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?  <i>No, rescission of this regulation is unlikely to deter the formation of small business.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?  <i>No, rescission of this regulation is unlikely to encourage the formation of small business.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses?  <i>N/A, this regulation is being rescinded.</i>
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?  <i>N/A, this regulation is being rescinded.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses?  <i>N/A, this regulation is being rescinded.</i>
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?  <i>N/A, this regulation is being rescinded.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?  <i>N/A, this regulation is being rescinded.</i>