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NOTICE: COVID-19 Vaccine Requirement for Consumer Directed Care (CDC) workers

January 2022

Dear CDC Consumer,

As a participant in the self-directed Consumer Directed Care (CDC) program, you are the employer of the home care worker providing care. On September 1, 2021, the Baker-Polito Administration announced a vaccine requirement for all staff at rest homes, assisted living residences (ALRs), hospice programs, and for home care workers providing in-home, direct care services under a state contract or state program as part of a continued effort to protect older adults and more vulnerable populations against COVID-19. On September 8, 2021, the Massachusetts Department of Public Health promulgated 105 CMR 159.000, [COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts](#), a new regulation that requires certain home care workers to receive the COVID-19 vaccine.

All home care workers employed in the Consumer Directed Care Program funded by the Executive Office of Elder Affairs Home Care program were required to complete the full regimen of COVID-19 vaccine doses by October 31, 2021. In addition, all eligible CDC workers must receive an additional dose or booster vaccination by February 28, 2022.

Pursuant to an Order of the Commissioner of Massachusetts Department of Public Health ([DPH Order 2022-01](#)), issued on January 6, 2022, all eligible CDC workers must also receive a COVID-19 additional dose or booster vaccination by February 28, 2022 or as soon as possible after becoming eligible, and no later than three weeks from the date eligible.

Eligible CDC workers are those who completed their primary COVID-19 vaccination series:

- at least five (5) months prior to the additional dose or booster vaccination if they received Pfizer or Moderna, or
- at least two (2) months prior for Johnson & Johnson/Janssen, or
- at such other time period as recommended by the Centers for Disease Control.

Please continue reading on reverse side →



CDC workers who become eligible to receive a COVID-19 additional dose or booster vaccination on or after February 28, 2022, must receive the additional dose or booster vaccination as soon as possible after becoming eligible and no later than three weeks after they become eligible. All new CDC workers must receive the additional dose or booster vaccination as soon as possible after becoming eligible and no later than three weeks after their hire date. This requirement does not apply to CDC workers who qualify for a limited exemption.

CDC workers may be exempt from the full required regimen of vaccine doses and the additional dose or booster vaccination if the following applies:

1. The vaccine is medically contraindicated, meaning that administration of a COVID-19 vaccine to that individual would likely be detrimental to the individual's health, and the individual can provide documentation demonstrating their need for this exemption, and the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the employer, to avoid risk of contracting/transmitting COVID-19 on the job; or
2. The individual objects to vaccination on the basis of a sincerely held religious belief and the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the employer, to avoid risk of contracting/transmitting COVID-19 on the job.

Any CDC worker who qualifies for an exemption based on medical contraindication or a sincerely held religious belief is exempt from the requirement to receive a COVID-19 additional dose or booster vaccination.

Please continue reading to learn more information about the vaccine requirement and what this means for your services provided by home care workers through the Consumer Directed Care program.

When is the deadline for my home care worker to get a COVID-19 vaccine and booster?

All home care workers are required to complete the full regimen of COVID-19 vaccine doses, or document that they qualify for an exemption by October 31, 2021. For example, completing the full regimen of COVID-19 vaccine doses means:

- Two doses of the Pfizer-BioNTech COVID-19 vaccine; or
- Two doses of the Moderna COVID-19 vaccine; or
- One dose of the Johnson & Johnson Janssen COVID-19 vaccine.

All eligible CDC workers who are required to complete the full required regimen of COVID-19 vaccine doses must receive a booster by February 28, 2022, or as soon as possible after becoming eligible, and no later than three weeks after they become eligible.

Does the vaccine requirement change my rights as a CDC Consumer-employer?

No, this vaccine requirement does not change your rights and responsibilities as the employer of your home care worker(s). **As a CDC Consumer-employer, it is your choice whether to hire, terminate, or decline services from a worker based on their individual vaccination status.**

Please see the regulation, 105 CMR 159.000, [COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts](#), and [DPH Order 2022-01](#), and/or speak with your Case Manager at your Aging Services Access Point (ASAP) agency for more information about your responsibilities as a CDC Consumer-employer.

Can I ask my worker about their vaccination status?

Yes. In order to make the best decisions about your safety and personal care, as the Consumer-employer, you may ask your home care worker(s) to verify if they have been vaccinated and/or whether have a qualifying exemption. For information regarding the COVID-19 vaccine requirement, please go to: [COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts](#) or speak with your Case Manager at your Aging Services Access Point (ASAP).

Should I ask my home care worker for a copy of their COVID-19 vaccine card or medical information?

You may ask to *look at* your worker(s)' COVID-19 vaccine card or an applicable doctor's letter explaining why they cannot receive a vaccine. It is strongly recommended that Consumer-employers do NOT keep copies of this information on file, but if a Consumer-employer chooses to do so, the Consumer-employer should ensure that any such documents are maintained in compliance with any applicable state and federal laws.

What should I do if my worker refuses to get a vaccine or booster?

COVID-19 vaccination is the most effective method for preventing infection and serious illness from the virus. As the Consumer-employer of your home care worker(s), it is your decision whether to hire, schedule, or terminate someone who has not received a vaccine or booster. Under federal employment law, you have a legal right to require your employee(s) receive the full regimen of a COVID-19 vaccine.

Consumer-employers are responsible for monitoring their employees' vaccination statuses.