



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

MASSACHUSETTS MEDICAL SOCIETY COMMENTS
MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH
RE: 105 CMR 130, *Hospital Licensure – Vaccination Requirements*
AUGUST 1, 2023

The Massachusetts Medical Society appreciates this opportunity to provide comment regarding the proposed amendments to standardize COVID-19 and influenza vaccination requirements across all licensed health care facility settings, and Emergency Medical Service (EMS) providers. The MMS is a professional association of over 25,000 physicians, residents, and medical students across all clinical disciplines, organizations, and practice settings. The Medical Society is committed to advocating on behalf of patients, to provide timely access to high quality, safe health care, and on behalf of physicians, to help them provide the best care possible. We have long supported policy measures that strengthen public health and believe vaccines are a critical public health tool that provide a safe and effective means to protect society from infectious and potentially deadly diseases.

The COVID-19 pandemic has necessitated review and updating of public health policies related to vaccines, which has highlighted the issue of vaccine hesitancy and skepticism. We believe that unvaccinated health care workers place themselves and their patients at increased risk of illness. In the context of a highly transmissible disease that poses significant medical risk for underserved and/or vulnerable patients or colleagues, or threatens the availability of the health care workforce – particularly a disease that has potential to become epidemic or pandemic, and for which there is an available, safe, and effective vaccine – physicians and health care workers who have direct patient care responsibilities have an ethical obligation to accept immunization unless there is a documented medical contraindication. In scenarios in which there is a documented medical contraindication to immunization, consistent with the intent of these proposed changes, physicians and health care workers should take appropriate protective measures.

Despite our view that physicians and health care workers have an ethical obligation to be vaccinated, and while the MMS supports efforts by the Massachusetts Department of Public

Health (DPH) and other health care organizations and institutions to maximize immunization rates for all direct patient contact health care personnel, we encourage – consistent with our long-standing policy – a voluntary framework for vaccination. However, if a voluntary program for vaccination proves unsuccessful at maximizing immunization rates, then the MMS would support regulations imposing a mandatory immunization program for the COVID-19 vaccine.

Within the context of a mandatory immunization program, the Medical Society opposes nonmedical vaccine exemptions for all settings in which vaccines are required in Massachusetts. As such, should the Department move forward with standardizing COVID-19 and influenza vaccination requirements across all licensed health care facility settings, the Medical Society believes the only appropriate exemption should be a medical exemption. Otherwise, a mandate that allows health care workers to opt-out for any reason is not a true mandate and cannot realize the full efficacy of such a policy. Substantial evidence shows that vaccination mandates (before the COVID-19 epidemic) have been effective, with states that have eliminated personal-belief or religious exemptions (while maintaining medical exemptions) for school-entry vaccine requirements have lower exemption rates and higher vaccination rates. While less evidence is available concerning adults, there are increasing reports that COVID-19 vaccination mandates for health-care workers, emergency first responders, federal workers, school staff, university students and staff, and other groups have garnered high levels of compliance.¹ While we appreciate and understand the legitimate concerns regarding the potential impact of a COVID-19 vaccine mandate on the workforce given the significant shortages and current challenges, we must prioritize the health and safety of our patients and our health care providers.

Lastly, we agree with the requirement that staff in long-term care and hospice facilities who decline vaccination or otherwise qualify for an exemption *must* take mitigation measures to prevent viral infection and transmission. We would strongly encourage that this policy be applied consistently across all facilities such that anyone who is exempt from receiving a COVID-19 vaccination is required to take mitigation measures. The regulations as currently proposed are permissive, allowing employers to require individuals who decline vaccination to take mitigation measures – we believe this should be mandatory. Lastly, we believe it prudent and encourage the

¹ Mello MM, Opel DJ, Benjamin RM, Callaghan T, DiResta R, Elharake JA, Flowers LC, Galvani AP, Salmon DA, Schwartz JL, Brewer NT, Bутtenheim AM, Carpiano RM, Clinton C, Hotez PJ, Lakshmanan R, Maldonado YA, Omer SB, Sharfstein JM, Caplan A. Effectiveness of vaccination mandates in improving uptake of COVID-19 vaccines in the USA. *Lancet*. 2022 Aug 13;400(10351):535-538. doi: 10.1016/S0140-6736(22)00875-3. Epub 2022 Jul 8. PMID: 35817078; PMCID: PMC9270060.

Department to outline in the regulations that wearing a mask is a required mitigation strategy. Moreover, we encourage the Department to further articulate examples of evidence-based mitigation strategies, which we recognize may evolve.

The Massachusetts Medical Society is grateful to the Department of Public Health for taking steps to protect the health and safety of the Commonwealth by advocating for health care worker vaccination against flu and COVID-19. Thank you for your consideration of these comments. For any questions, please contact Leda Anderson, Director of Advocacy & Government Relations, at landerson@mms.org.