



Maine Medical Association

Maine CDC Rules-Emergency mandating COVID-19 Vaccines for Health Care Workers

Effective August 12,2021

The rule amends DHHS-CDC rules under [10-144, Chapter 264](#) with the authority granted by law in [22 MRS § 802\(1\)\(D\)](#) & [22 MRS §802](#) and requires employees of Designated Health Care Facilities, Dental Health Practices, and EMS Organizations to become immunized with a final dose of a COVID-19 vaccine by September 17, 2021.

While the revised rule and immunization requirements includes ambulatory surgical centers defined under [22 MRS §1812-E](#) it does not include independent/private physician offices.

22 MRS § 802(1)(D)

Allows DHHS to “Establish procedures for the control, detection, prevention and treatment of communicable, environmental and occupational diseases, including public immunization and contact notification programs.”

Designated health care facility is defined under **22 MRS §802** to mean “a licensed nursing facility, residential care facility, intermediate care facility for persons with intellectual disabilities, multi-level health care facility, hospital or home health agency.”

The new rule further defines **Designated Healthcare Facility** to mean “a licensed nursing facility, residential care facility, Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), multi-level healthcare facility, hospital, or home health agency subject to licensure by the State of Maine, Department of Health and Human Services Division of Licensing and Certification.”

The [Division of Licensing and Certification website](#) states it “provides regulatory oversight of medical and long-term care facilities in Maine.

[Medical facilities](#) include:

- Hospitals
- Nursing Homes
- Home health agencies
- Home health care services
- End stage renal disease facilities
- Intermediate care facility for individuals with intellectual disabilities
- Ambulatory surgical centers – licensure required under [22 MRS §1812\(E \)\(2\)](#)
- Hospices
- Rural health clinics
- Portable x-ray suppliers

- Outpatient physical therapy/speech pathology
- Federally qualified health centers
- Placement agencies
- Temporary nursing agencies

The new rule adds a definition of dental practices. **Dental Health Practice** means, for the purpose of this rule, any practice where dentists (whose scope of practice is defined in [32 MRS §18371](#)) and dental hygienists (defined in [32 MRS §18374](#)) provide oral health care to patients in the State of Maine.

Emergency Medical Services (EMS) Organization under the new rule “means an EMS ground ambulance service, non-transporting EMS service, air ambulance service, EMS training center, and/or emergency medical dispatch center, as defined in the Maine Emergency Services System Rules at [16-163 CMR Chapter 2.](#)”

The new rule defines **Employee** to mean “any person who performs any service for wages or other remuneration for a Designated Healthcare Facility, EMS Organization or Dental Health Practice. For purposes of this rule, independent contractors for any of the listed facilities in this definition are considered employees.”

Only medical exemptions under [22 MRS § 802 \(4-B\)](#) effective 9/1/2021 are allowed.

The emergency routine technical rule remains in effect for up to ninety (90) days pursuant to [5 MRS § 8054\(3\)](#) which means the standard routine technical rulemaking process will need to take place after 90 days. The Department indicated they will pursue that process within the emergency rule notice.

Emergency period. Any emergency rule shall be effective only for 90 days, or any lesser period of time specified in an enabling statute or in the emergency rule. After the expiration of the emergency period, such rule shall not thereafter be adopted except in the manner provided by section 8052.

Questions and comments can be directed to:

Dan Morin
Director of Communications & Government Affairs, Maine Medical Association
dmorin@mainemed.com
(207) 838-8613