

**SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT'S RESPONSE  
& LIST OF CHANGES MADE TO THE FINAL RULE**

**10-144 CMR, Ch. 264, Immunization Requirements for Healthcare Workers**

The Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC) proposed a routine technical rule change to amend 10-144 CMR, Ch. 264, Immunization Requirements for Healthcare Workers, a rule administered by the Maine CDC. Notice of rulemaking was published on July 19, 2023. A public hearing was held on August 7, 2023 at 109 Capital Street State office building. Written comments were accepted through August 17, 2023.

ID	Name	Affiliation	Date Received	Manner
1	Christina Sawtelle Resident Care Manager	Island Commons Assisted Living	7/19/2023	Written
2	J. Oliver		7/19/2023	Written
3	Marsha Dishler		7/20/2023	Written
4	Eliza Woodcock, on behalf of Senate Republican Caucus	Maine State Legislature	8/7/2023	Written
5	Daureen Lord		7/20/2023	Written
6	Veronica Hopkins	Woodlawn Administrator	7/20/2023	Written
7	Jill Wagurak		7/21/2023	Written
8	Anne Ambler-Cote	Pinnacle Health & Rehab at Sanford	7/21/2023	Written
9	Lucas Walsh		7/21/2023	Written
10	Anita Chadbourne	Deputy Chief of EMS/Sebago Fire EMS	7/27/2023	Written
11	Maryann Jacks, M.D. ( <i>emeritus</i> )		7/28/2023	Written
12	Whitney Dee-Lapointe		8/03/2023	Written
13	Christina Day		8/03/2023	Written
14	Dawn Offerman		8/03/2023	Written
15	Lori Lefferts	SKILLS, Inc.	8/04/2023	Written
16	Emily Ellis			Written
17	Ben Hawkins	Maine Health Care Association	8/07/2023	Oral
18	Lisa Harvey-McPherson	Northern Light Health	8/08/2023	Written
19	Julia Manzerova	Northern Light Cancer Care	8/09/2023	Written
20	Shelly Grignon		08/10/2023	Written
21	Lesley Chambers, PT, DPT, CWS	Northern Light Mayo Rehab	8/11/2023	Written
22	Emily Ellis	MSAD #17-Oxford Elementary School	8/11/2023	Written
23	Renee Eager		8/11/2023	Written
24	Paula Dobbins		8/11/2023	Written
25	Beth Johnson		8/11/2023	Written
26	Kristin Labbe	Waypoint Maine	8/11/2023	Written
27	Teresa Badejo, CRMA/DSP	Waypoint	8/11/2023	Written
28	Dana Greenleaf, RN		8/11/2023	Written
29	Ashley Brochu, OTR/L		8/11/2023	Written

30	Nelson Meaker PA-C		8/11/2023	Written
31	Wendy Emerson		8/11/2023	Written
32	Sara		8/12/2023	Written
33	Barry Prescott		8/12/2023	Written
34	Kimberly		8/12/2023	Written
35	Autumn Stan		8/13/2023	Written
36	Amanda Holton		8/13/2023	Written
37	Erin		8/13/2023	Written
38	Representative Joseph Underwood	Government	8/13/2023	Written
39	Donna Rae Castleberry		8/13/2023	Written
40	Wendy Brochu		8/15/2023	Written
41	Wyat Beaulieu		8/16/2023	Written
42	Deborah Lehoe		8/16/2023	Written
43	Tracy Grenier, Registered Medical Assistant		8/16/2023	Written
44	Nicole Hanson, RDH	James F Weigand	8/16/2023	Written
45	Cindy Reny		8/17/2023	Written
46	Kenn Quinn		8/17/2023	Written
47	Miki Skehan, MPH	Hope Association	8/17/2023	Written
48	Laura Cordes	Maine Association for Community Service Providers (MACSP)		Written

**Commenter 1** is appalled that the State mandated the COVID-19 vaccine for healthcare workers, and stated this had a negative effect on workforce in the facility where the commenter is employed and on the home environment. Commenter stated and that the health care field has not recovered from the staffing crisis caused by the rule. Commenter stated there are numerous life-threatening effects from the vaccine and, as a new drug, the vaccine should have been a choice. Commenter further stated that the COVID-19 vaccine is not actually a vaccine.

**Commenter 2** urged the Department to continue to require healthcare workers to have immunization. Commenter stated that removing the requirement sets a dangerous precedent because of the number of Mainers who are not fully vaccinated and seeking medical care is unknown, healthcare workers can potentially infect their vulnerable patients; COVID-19 can mutate and spread and it can become an issue this Fall; and staff already are required to have other specific vaccines.

**Commenter 3** is strongly opposed to this rule change and questioned the removal of this layer of protection, nothing that seniors are more likely to need health care *and* more likely to die from COVID-19. Commenter stated, ‘Senior lives are important.’

**Commenter 4** urged the Department to follow the Biden Administration’s recommendations and remove the COVID-19 vaccine from the list of required immunizations for workers in healthcare facilities at this time, reflecting current science and shift to focus on quality patient care. Commenter submitted that the vaccine requirement “drove skilled workers away” and the healthcare and emergency services systems are struggling with staffing issues, negatively impacting Mainers. Commenter wrote, “We implore you to protect the people of Maine by amending Chapter 264 to remove all COVID-19 vaccination requirements. Amending our rules to align with the federal administration will allow Maine’s nurses, paramedics, medical support staff and other needed employees to return to the work they love — and where they are desperately needed.”

**Commenter 5** wrote, “If covid vaccine remains as a require vaccine it should be imposed on all healthcare workers, homecare, hospitals, independent outpatient therapies, federal prison and state prisons, any position where someone works with another person in close space. All state agencies, and all politicians to show solidarity for the rest of us whom it is forced on in order to keep our career that we worked hard to accomplish.” Commenter reported the need to work extended shifts over the past three years and shared that while others are waiting for the mandate to be lifted before returning to wok, commenter has made the decision to leave the health care field.

**Commenter 6**, a long-term care facility administrator, is opposed to the rule change, terrified by the idea of removing the COVID-19 vaccine mandate for healthcare workers. Commenter described experiences with patients with COVID-19 as ‘heartbreaking.’ Commenter asked the Department to keep the mandate in place.  
**Response:**

**Commenter 7**, a residential care facility administrator, hopes the governor understands the impact of the vaccine mandate. Commenter stated that staffing shortages during the pandemic were made worse by the COVID-19 vaccine mandate. Commenter believes “My body my Choice.”

**Commenter 8** suggested that this rule change may help employers’ recruitment efforts.

**Commenter 9** stated, “The China Virus vaccine should have never been mandated as it is against body autonomy. The Virus was only dangerous for at risk individuals. We should all receive reparations for having to inject a foreign substance in our body that hasn’t been sufficiently tested or FDA approved.”

**Commenter 10** asked the Department to remove the vaccine requirements for COVID-19 and encourage Maine EMS to do the same. Commenter stated that several staff were lost because of the rule, exacerbating the staffing crisis, and that people would come back if they could.

**Commenter 11**, who reports having worked as both a nurse and a physician, is opposed to the proposed rule change, appalled at the idea that healthcare workers would be not be required to show proof of vaccination or documentation for an exemption for COVID-19 vaccine. Commenter reported that studies show mandated vaccines result in significantly higher vaccine rates and stated, “Vaccines have been, and continue to be an important tool in infection control.” Commenter further stated that patients need to feel safe and confident that healthcare settings are making every effort to reduce infection and disease transmission. Commenter expressed concern about the continued public health threat that is the global presence of the evolving COVID-19, questioning whether we can afford not to require COVID-19 vaccines for healthcare workers. Commenter cited infection rates, publications, and historic court cases where vaccine mandates were upheld, to support her opposition to the proposed rule change.

**Commenter 12** supports the proposed changes to remove the COVID-19 vaccine from the immunization requirements for healthcare workers, stating, “The fact that it is not preventing transmission should be all the evidence you need to remove it.” Commenter asked that the Department expedite the process, stating that communities are underserved and that there are several healthcare facilities that desperately require speech and language services provided by the commenter.

**Commenter 13** reported that there staffing shortage across all disciplines, that new hires are not happening because candidates do not have the COVID-19 vaccine. Commenter stated, “The research has made it clear that being vaccinated does not stop transmission and with the bulk of the population having had Covid and or the vaccine it is time to overturn this mandate.” Commenter asked the Department to advocate for hospitals, nursing homes, and assisted living facilities to gain much needed staff to take care of our sick and disabled.

**Commenter 14** is very displeased about the current “injunction against non-vaccinated person’s working in the Healthcare System in Maine.” Commenter reported being dismissed from two potential employment positions due to the lack of COVID-19 vaccination. Commenter stated that this is “an egregious policy that is keeping Mainer’s unemployed” and it’s hurting Maine.

**Commenter 15**, writing on behalf of SKILLS, Inc., strongly supports this rule change and “applauds the department for looking at ways to better serve the broad range of needs of individuals with intellectual and developmental disabilities and autism by considering removal of the COVID-19 vaccination requirement for healthcare workers.” Commenter stated that the workforce has been negatively impacted since the vaccine was mandated and suggests that by removing this requirement, there will be more eligible applicants.

**Commenter 16** submitted, “Please remove the Covid-19 requirement for SO MANY REASONS including medical freedom, adverse affects, dangerous president, personal choice, health care worker shortage, etc.”

**Commenter 17**, on behalf of Maine Health Care Association members, provided comments in support of this rule change and the removal of the COVID-19 vaccine mandate at this time because of the increased population immunity, improved treatments and lowered infection and death rates and other scientific evidence. Commenter is grateful to caregivers for the response to the pandemic, noting the State’s “robust culture of patient safety and quality care” and recognizing long term care facilities for “leading categories of states for both staff and resident initial vaccination rates.” Commenter reports the association will continue to emphasize the safety and effectiveness of vaccines.

**Commenter 18**, on behalf of Northern Light Health and its member organization, provided comments in support of the proposed rule change to remove COVID-19 from the list of disease for which vaccination is required for designated healthcare facility employees, noting that Northern Light supported the addition of the COVID-19 vaccine as “a key component of a statewide and national effort to mitigate the spread of COVID-19 during the national pandemic.” Commenter wrote, “We agree with the data driven approach to determine that it is now safe to transition to a voluntary approach to COVID-19 vaccination for health care workers. We also support alignment with federal and state regulations in general and this change accomplishes alignment moving forward. We look forward to working with the Department of Health and Human Services and our health care colleagues to implement the Power of Care campaign to voluntarily vaccinate health care workers, our patients and the general public.” Commenter further expressed support for aligning state and federal regulations.

**Commenter 19** agrees with the proposed rule change. Commenter wrote, “The requirement for healthcare workers to be vaccinated for Covid-19 as a condition of employment must be repealed for the following reasons:

- 1) The vaccine does not prevent Covid transmission, therefore the argument ‘protect patients’ is not valid.
- 2) The vaccine is still new and novel, and its long-term effects are still being studied. It is profoundly unethical to mandate such a product.
- 3) Vaccine mandates have devastated our healthcare systems, and any (perceived) benefit of healthcare workers' vaccination is heavily outweighed by the hardships associated with understaffing.”

**Commenter 20** wrote in support of the proposed rule change, “Requiring individuals like myself to go against their religious beliefs is discriminatory and unlawful.”

**Commenter 21** supports the decision to omit the COVID-19 vaccine from the required immunizations for healthcare workers and asked the Department to follow federal recommendations, stating that we need to stabilize our healthcare system again. Commenter reported being understaffed still as a result of the vaccine mandate and that funds for paying for traveling providers have been diminished.

**Commenter 22** wrote, “For many reasons, please remove Covid-19 from the list of immunization requirements for health care workers.”

**Commenter 23** Commenter advocated for healthcare workers and commented in support of the rule change to stop the vaccine mandate.

**Commenter 24** wrote, “IT is beyond time to lift all requirements for this mandated validation. The Healthcare industry is overworked, understaffed, and patient care has suffered.”

**Commenter 25** suggested that the vaccine mandate only lines the pocket of Big Pharma. Commenter wrote that our healthcare workforce suffered because of understaffing and overworked staff and asked that our healthcare workers be left alone.

**Commenter 26** reported suffering from “unpleasant health issues” after having to have the vaccine to keep employment and refuses to get anymore boosters. Commenter stated they are understaffed because of the vaccine requirement, though reports having been told that “office staff aren’t subject to the same requirements.” Commenter demanded the vaccine requirement be removed.

**Commenter 27** does not support vaccine mandates.

**Commenter 28** wrote, “It is time for Maine to acknowledge the science of the COVID vaccines and follow the lead of other institutions + states and finally drop the vaccine mandate. This is essential to improve access to care for all Mainers and get Maine nurses back in the hospitals where they are so desperately needed!”

**Commenter 29** reported being unable to find employment since 2020 even with a Master’s degree because of the Covid vaccine mandate.

**Commenter 30** believes it a “purely political change to allow staffing of facilities mostly in rural heavily republican counties where a large number of generally poorly informed health care professionals refuse covid vaccinations.” Commenter stated that patients exposed to unvaccinated healthcare professionals and those prescribed “worthless potentially harmful drugs that have no efficacy” are at risk. Commenter wrote, “I think all facilities should be required to post a notice that non covid vaccinated health care providers may be providing care to patients so they can make their decision to be cared for in that facility or not. I personally do not want care from individuals who are not covid vaccinated.”

**Commenter 31** asked for the COVID-19 vaccine requirement to be removed, stating that it is not necessary and that it is the cause of healthcare workforce shortages and delayed medical care.

**Commenter 32** asserted that vaccines should be a personal choice, never a requirement.

**Commenter 33** asserted that the COVID-19 vaccine should not have been mandated for anyone and that this requirement should be removed immediately.

**Commenter 35** asked for the COVID-19 vaccination requirement be removed for all healthcare workers to return to work without the mandate, stating that the disease is no longer a dangerous threat to the general population and that the vaccination is unnecessary.

**Commenter 36** supports the proposed change to remove the COVID-19 vaccine mandate.

**Commenter 37** supports the proposed change to remove the COVID-19 vaccine mandate. Additionally, Commenter believes it is important to allow for religious exemptions to all vaccination requirements.

**Commenter 38** asked the Department to remove any rule referencing ‘Covid-19.’

**Commenter 39** wrote, “Please support removing the Covid vaccine from the list of required vaccines. There is still much research that must be done to prove both the safety and efficacy of this vaccine. I was a vaccinator and have personally given over 2000 Covid vaccines, but that was during the pandemic and emergency measures. Now that the pandemic is over, it is imperative that ordinary conscientious care be taken to be sure that it will do no harm.”

**Commenter 40** supports the proposed rule change and getting healthcare workers back in the field. Commenter questions the safety and effectiveness of the COVID-19 vaccine and validity of the mandate. Commenter believes in “our tried and true vaccines” and that this vaccine should have been optional. Commenter further states that the COVID-19 vaccine should never have been called a vaccine.

**Commenter 41** wrote, “Bodily autonomy is a fundamental human right, if our Healthcare workers are expected to listen to patients about their body, how can we in good conscience force people to take untested and emergency authorized medication that includes side effects? Is everyone in the state of Maine supposed to just take their chances with the side effects? Will we continue to have understaffed nursing homes so we can virtue signal about how healthy and progressive we are while taking untested medication?”

**Commenter 42** is in favor of getting rid of the COVID-19 vaccine mandate. Commenter wrote that society was led to believe, wrongfully, that the COVID-19 vaccine would stop the disease spread; but, it did not and the vaccinated still got sick. Commenter wrote that many quality healthcare providers lost their careers and many were forced into getting the vaccine. Commenter asked the Department, “at this time to please stop the insanity, have a little more trust and faith in health care providers, even the unvaccinated, and get rid of the Covid vaccination mandate once and for all.

**Commenter 43** supports removing the vaccine mandate. “The Healthcare industry still has not recovered. It was a mistake the [sic], and makes zero sense now.

**Commenter 44** wrote, “My father died from his Pfizer vaccination. Please allow people to choose!”

**Commenter 45** asked that the COVID-19 vaccine requirement for healthcare workers be removed.

**Commenter 46** urged the Department to “[d]o the right thing” and remove the COVID-19 vaccine requirement. Commenter wrote that the vaccine requirement has worsened the healthcare worker shortage crisis and has hurt individuals and families in the State.

**Commenter 47** strongly encourages the Department to remove the COVID-19 vaccine requirement, stating that the State has seen a rapid decline in positive COVID-19 cases, and hospitalizations and deaths are well below those linked to influenza. Commenter disclosed that several staff have been lost because of the mandate and that standards have been lowered to help recruitment. Commenter noted that the vaccine status of the general public is not checked before engaging in community integration services required by the State. Commenter wrote, “Please remove this mandate so we can ensure we have enough staff to ensure the safety of the individuals we support and so that we’re not having to spend hundreds of thousands of dollars to train “warm bodies”(that often end up terminated) because the mandate is holding qualified staff back from applying.”

**Commenter 48**, on behalf of the Maine Association for Community Service Providers (MACSP), supports the removal of the COVID-19 vaccine requirement for designated healthcare facility employees, commending the Department for considering the clinical and epidemiological data following the end of the federal Public Health Emergency. Commenter noted Maine’s high vaccination rate that has increased immunity, and that infection rate is lowered. Commenter wrote, “To protect the health and safety of the thousands of Mainers whom we serve and employ, our members remain committed to following the remaining immunization rule requirements along with best practice for infection prevention and control.”

**Response:**

The Department makes no further changes to the proposed rule based on comments. The adopted rule is consistent with the proposed rule change which was limited to removing COVID-19 from the list of diseases for which certain healthcare workers must be immunized.

The decision to remove COVID-19 from Chapter 264, Maine's rule governing immunization requirements for healthcare workers, was made based on available clinical and epidemiological data about COVID-19, increased population immunity resulting from vaccination and prior infections, decreasing disease severity, improved treatments, and declining infection and death rates.

While COVID-19 vaccination remains an important tool to protect public health, the statewide vaccination requirement for designated healthcare facilities achieved the intended benefits of saving lives, protecting health care capacity, and limiting the spread of the virus in Maine during the height of the pandemic. Of note, nothing in this rule prohibits designated healthcare facilities from imposing additional vaccination requirements on employees beyond those set forth in this rule, including for COVID-19.

The Department thanks the public for these comments.

**Commenter 34** believes that the influenza vaccine was mandated when the COVID-19 vaccine was made a requirement and suggested that it should be removed also.

**Response:** A change to remove influenza from the list of diseases for which certain healthcare workers must be immunized is outside the intent and scope of this rulemaking. No change was made to the rule, based on this comment. The Department added the influenza vaccine to the rule on April 14, 2021. Pursuant to 5 M.R.S. § 8055, Commenter may petition the Department to undertake a separate rulemaking.