

**STATE OF CONNECTICUT**

**BY HIS EXCELLENCY**

**NED LAMONT**

**EXECUTIVE ORDER NO. 14B**

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC –  
LONG-TERM CARE FACILITY STAFF VACCINATION**

**WHEREAS**, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut in response to the coronavirus disease 2019 (COVID-19) outbreak caused by the SARS-Cov-2 virus in the United States and Connecticut; and

**WHEREAS**, on several occasions since March 10, 2020, acting within my authority pursuant to Sections 19a-131 and 28-9 of the Connecticut General Statutes as well as Special Acts 21-2, 21-4, and 21-5 of the General Assembly, and in response to the continued need to respond adequately to the COVID-19 pandemic, I renewed the declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies; and

**WHEREAS**, pursuant to such declarations, I have issued executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic; and

**WHEREAS**, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, COVID-19 presents increased risk of severe illness, complications, and death to older adults and particularly those with chronic conditions and an increase in infections of nursing home staff will lead to an increase in resident infections; and

**WHEREAS**, COVID-19 deaths among nursing home residents and staff members accounted for nearly one-third of the nation's pandemic fatalities; and

**WHEREAS**, the omicron variant of COVID-19 is highly contagious and spreads more easily and quickly than other COVID-19 variants; and

**WHEREAS**, the highly transmissible omicron variant has caused COVID-19 infections to rapidly increase within the United States and Connecticut; and

**WHEREAS**, vaccination is the most effective means of preventing infection, hospitalization, and death from COVID-19 and of limiting transmission and outbreaks of the disease, and is therefore a critical tool to respond to and slow the ongoing pandemic; and

**WHEREAS**, while currently available vaccines continue to protect against severe illness, hospitalizations, and deaths resulting from infection with the omicron variant, public health experts are seeing waning protection over time especially in people 65 years and older, and in response have recommended that vaccinated individuals receive a booster dose; and

**WHEREAS**, while Connecticut has made significant progress in administering vaccines, with more than 88% of all Connecticut residents and 95% of people 12 and older having received at least one COVID-19 vaccine dose, only about 41% have received a booster dose; and

**WHEREAS**, as of December 26, 2021, 82% of nursing home residents who are eligible for a booster vaccine have received a booster vaccine, while only 31% of eligible staff in nursing homes have received a booster vaccine; and

**WHEREAS**, according to the CDC, data from clinical trials shows that a booster shot increases the immune response in trial participants who finished a Pfizer-BioNTech or Moderna primary series 6 months earlier or who received a J&J/Janssen single-dose vaccine 2 months earlier and with an increased immune response, people should have improved protection against getting infected with COVID-19; and

**WHEREAS**, as of this week, of the 1,676 patients currently hospitalized with laboratory-confirmed COVID-19, 1,128 (67.3%) are not fully vaccinated; and

**WHEREAS**, infection rates and hospitalizations are increasing amongst individuals who are fully vaccinated, but have not received a booster vaccine as recommended by the CDC and FDA; and

**WHEREAS**, federal and state health officials have pressed nursing home workers to get their booster shots amid a spike in COVID-19 cases among staffers and a concerning lag in booster vaccination for residents and staff; and

**WHEREAS**, vaccines are widely available in Connecticut; and

**WHEREAS**, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures;

**NOW, THEREFORE, I, NED LAMONT**, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Repeal of Executive Order No. 13F.** Executive Order No. 13F is repealed and superseded in its entirety by this order.
2. **Definitions.** For purposes of this order, the definitions in Section 19a-491c of the Connecticut General Statutes are modified as follows:

- a. “Long-term care facility” means any facility, agency or provider that is a nursing home, as defined in Section 19a-521, a residential care home, as defined in Section 19a-521, an assisted living services agency, as defined in Section 19a-490, an intermediate care facility for individuals with intellectual disabilities, as defined in 42 USC 1396d(d), managed residential community as defined in Section 19a-693a, or a chronic disease hospital, as defined in Section 19a-550; and
  - b. “Covered LTC worker” shall include employees, consultants, contractors including persons who provide services to the long-term care facility under a contract entered into by the facility, volunteers, caregivers who provide care and services to residents on behalf of the facility, and students in the facility’s nurse aide training programs or from affiliated academic institutions. Covered LTC worker does not include visitors of a patient or resident.
  - c. “Fully vaccinated” means at least 14 days have elapsed since a person has received the final dose of a vaccine approved for use against COVID-19 by the U.S. Food and Drug Administration (FDA), or as otherwise defined by the Centers for Disease Control (CDC).
  - d. “COVID-19 vaccine booster” means an FDA approved or authorized dose of a COVID-19 vaccine for individuals who are fully vaccinated.
  - e. “Vaccination status” means whether the individual is fully vaccinated and has received a COVID-19 vaccine booster after the time interval authorized or approved by the FDA.
3. **Long-term Care Facility Vaccination Requirements.** Section 19a-491c of the Connecticut General Statutes is modified by adding the following requirements:
- a. By September 27, 2021, long-term care facilities shall:
    - i. prior to extending an offer of employment to, or entering into a contract or other arrangements with a covered LTC worker, require that any such individual is (1) fully vaccinated against COVID-19, (2) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine, or (3) exempt from this requirement because a physician, physician’s assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine or booster is likely to be

detrimental to the health of the covered LTC worker or the covered LTC worker objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered LTC worker is able to perform his or her essential job functions with a reasonable accommodation that is not an undue burden on the long-term care facility, provided that any covered LTC worker claiming such exemption shall apply for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption shall be considered on an individualized, case by case basis. Covered LTC workers who have applied for an exemption shall provide appropriate supporting documentation upon request; and

- ii. not employ or maintain a contract or other arrangements with a covered LTC worker for the provision of services unless such individual (1) is fully vaccinated against COVID-19, (2) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, or (3) exempt from this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the health of the covered LTC worker or the covered LTC worker objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered LTC worker is able to perform his or her essential job functions with a reasonable accommodation that is not an undue burden on the long-term care facility, provided that any covered LTC worker claiming such exemption shall apply for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption shall be considered on an individualized, case by case basis. Covered LTC workers who have applied for an exemption shall provide appropriate supporting documentation upon request; and

b. By February 11, 2022, long-term care facilities shall:

- i. prior to extending an offer of employment to, or entering into a contract or other arrangements with a covered LTC worker, require that any such individual is (1) fully vaccinated against COVID-19 and, if eligible under FDA or CDC guidance, has received a COVID-19 vaccine booster, (2) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose

vaccine, such as Johnson & Johnson's Janssen vaccine, or (3) exempt from this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine or booster is likely to be detrimental to the health of the covered LTC worker or the covered LTC worker objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered LTC worker is able to perform his or her essential job functions with a reasonable accommodation that is not an undue burden on the long-term care facility, provided that any covered LTC worker claiming such exemption shall apply for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption shall be considered on an individualized, case by case basis. Covered LTC workers who have applied for an exemption shall provide appropriate supporting documentation upon request; and

- ii. not employ or maintain a contract or other arrangements with a covered LTC worker for the provision of services unless such individual (1) is fully vaccinated against COVID-19 and, if eligible under CDC/FDA guidance, has received a COVID-19 vaccine booster, (2) or has received an exemption from receiving a COVID-19 vaccination in accord with the requirements of section 3.a.(ii)(3).
  - c. authenticate the vaccination status of covered LTC workers, maintain documentation of vaccination status or exemption of such individuals and report compliance with this order, in a form and manner and at such times as directed by the Department of Public Health in any order or written guidance which may be imposed without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes.
4. **Failure to Receive Second Dose.** Long-term care facilities shall not employ or maintain a contract or other arrangements with a covered LTC worker (i) who has received the first dose of a two-dose series vaccination but fails to receive the second dose on the appropriate date or at the scheduled appointment without good cause or (ii) who is fully vaccinated but fails to receive a COVID-19 booster within five (5) days from when the individual is eligible under FDA or CDC guidance.
5. **Civil Penalties for Failure to Comply With this Order.** A long-term care facility that fails to comply with this order shall be subject to a civil penalty of up to twenty-thousand dollars per day. Any long-term care facility subject to such penalty may use the procedure and process provided in Section 19a-525 of the General Statutes. Failure to comply with this order may also constitute

an imminent danger to the health, safety, or welfare of any patient pursuant to Section 19a-534 of the Connecticut General Statutes.

This order shall take effect immediately and remain in effect through February 15, 2022.

Dated at Hartford, Connecticut, this 6<sup>th</sup> day of January, 2022.



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Ned Lamont  
Governor

By His Excellency's Command



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Denise W. Merrill  
Secretary of the State

