



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
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September 9, 2009

Dear Member of the General Court:

You may have heard rumors or received literature claiming that the Commonwealth of Massachusetts is planning to impose mandatory vaccinations as part of our response to the H1N1 (swine) flu pandemic. These rumors are not true. *The pandemic and disaster preparation bill currently before the Legislature (Senate 2028) would not allow forced vaccinations of any kind.* Let me be clear, Senate 2028 does not authorize mandatory vaccinations.

There is a real public health threat from the flu virus known as H1N1 (swine flu) this season but our response to H1N1 has been and will be measured and careful. The Department's response to the H1N1 flu virus is based on education and communication, not coercive actions.

Since the outbreak of H1N1 in April, department personnel have been working tirelessly with health care providers and facilities, local public health officials, schools, municipalities, public safety authorities, and experts in the federal government and other states to ensure that we are prepared to respond to the resurgence in H1N1 cases, as cooler weather arrives and children return to school. The Department's current efforts are the culmination of years of preparation in programmatic, regulatory and statutory areas.

***The Department of Public Health's H1N1 response plan is based on several key components:***

**Public outreach and education** - educating public officials, health care providers, teachers, parents, and the general public about how to prevent the spread of the flu; what individuals should do if they or a loved one think they have the flu; and how health care facilities and schools should respond to the expected surge in H1N1 cases.

**Support for health care providers and local public health efforts** – ensuring that the on-the-ground responders have timely, accurate information about the spread of the disease and evolving response protocols; helping build response capacity at the local level; and getting resources like the vaccine, anti-viral medications, masks, gloves and other supplies effectively distributed around the state. To insure that our health care facilities can function adequately and safely through the fall and winter, we recently passed a regulation to require that hospitals, clinics and long term care facilities offer seasonal and H1N1 vaccines to all their employees but

any employee can decline such vaccinations. Even in health care facilities, no one is forced to be vaccinated.

**Strategic planning and statewide coordination** – tracking and monitoring the spread and virulence of H1N1 this fall to ensure that there is consistent and effective action taken across the state; and adapting public health protocols and response to a novel flu strain that may evolve over the course of the fall and winter.

Senate Bill 2028 is the product of nearly 8 years of effort to bring the Commonwealth's ability to handle a catastrophic public health emergency in line with current needs and capacities.

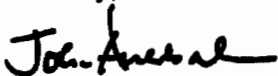
*The legislation is designed to address crises such as the aftermath of 9/11, the SARS outbreak, and Hurricane Katrina where exceptional and immediate action needs to be taken to address a major threat to public health.*

Senate Bill 2028 was developed in the post 9/11 era by a broad coalition of health care and public health organizations (such as the Massachusetts Department of Public Health, the Massachusetts Medical Society, the Massachusetts Hospital Association and health officials from numerous local cities and towns) to preserve the health and well being of Massachusetts residents when facing an overwhelming and life-threatening situation.

If the H1N1 pandemic develops as anticipated by the Department of Public Health, the Centers for Disease Control, and the World Health Organization, there would be NO NEED for a declaration of the type of public health emergency as envisioned in Senate Bill 2028.

The Department of Public Health has been functioning in a transparent manner and actively communicating about H1N1 planning, holding dozens of hours of conference calls with key stakeholders and engaging the media to keep the residents of Massachusetts informed. We are eager to offer the H1N1 vaccine to those most at risk who choose to be vaccinated when it becomes available in mid-October. ***Mandatory vaccination is not and has never been part of the plan or discussion in Massachusetts' pandemic response.*** For up-to-date, accurate information about H1N1 and the Commonwealth's response, go to our webpage at <http://www.mass.gov/dph/swineflu> or contact us at (617) 624-5200.

Sincerely,



John Auerbach  
Commissioner