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Massachusetts Department of Public Health

Final Regulatory Amendment Presentation **105 CMR 700.000** **Implementation of M.G.L. c. 94C**

Public Health Council
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Summary of Regulation

105 CMR 700.000, *Implementation of M.G.L. c. 94C*:

- Sets forth consistent standards for the safety, security and storage of controlled substances;
- Outlines Drug Control Program (DCP) requirements for practitioners and facilities to receive a Massachusetts Controlled Substances Registration (MCSR); and
- Manages oversight of the Massachusetts Prescription Awareness Tool (MassPAT) through the Prescription Monitoring Program (PMP).

Summary of Amendments

The proposed amendments to this regulation implement provisions of Chapter 208 of the Acts of 2018 (the CARE Act), which:

- Authorize first responders or state or municipal emergency preparedness agencies to convey or exchange excess naloxone with another such agency prior to expiration. (Section 32)
- Require a warrant for most law enforcement personnel prior to receiving PMP data in connection with a bona fide specific controlled substance investigation. (sections 42-44)
- Authorize PMP data use agreements with prescribers and healthcare facilities to facilitate Electronic Medical Record (EMR) integration. (section 45 and 46)
 - To allow prescriber access to PMP data directly through EMRs to include patient-specific PMP data as a clinical note in a patient's EMR.
 - To allow healthcare facilities to perform PMP data compilation, analysis or visualization for patient diagnostic, treatment or care coordination purposes.
- Require prescribers to utilize the PMP every time a benzodiazepine is prescribed, rather than only the first time. (section 41)

Summary of Comments

The proposed amendments garnered only supportive comments, requiring no further amendment:

- Two commenters expressed strong support for proposed amendments to implement:
 - a warrant requirement for most law enforcement personnel prior to receiving PMP data;
 - a requirement to utilize the PMP every time a benzodiazepine is prescribed; and
 - PMP data use agreements with prescribers and healthcare facilities to facilitate Electronic Medical Record (EMR) integration.
- One commenter requested further guidance about EHR integration with the PMP.
 - The Drug Control Program will issue guidance to clarify specific authorizations and limitations, including data use agreement requirements.

Next Steps

- We request approval of the proposed amendments.
- Following approval, we will seek promulgation from the Secretary of the Commonwealth, after a notice period, and provide sub-regulatory guidance as needed.



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Thank you for the opportunity to present this information today.

For more information regarding Drug Control, including the Prescription Monitoring Program, please find the relevant statutory language and the full current regulation here:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C>

<https://www.mass.gov/regulations/105-CMR-70000-implementation-of-mgl-c94c>

Please direct any questions to:

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