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# Massachusetts Department of Public Health

## Draft Proposed Revisions to **105 CMR 140.000** Licensure of Clinics

**Public Health Council**  
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# Summary of Regulation

105 CMR 140.000, *Licensure of Clinics*:

- Sets forth standards for the licensure, maintenance and operation of clinics; and
- Provides a legal structure that promotes industry standardization, promotes higher quality of care, and stronger consumer protection for individuals receiving care at clinics.

# Overview of Previous Revisions to Regulation

As a reminder, the Department presented to the Public Health Council proposed initial revisions to 105 CMR 140.000, *Licensure of Clinics*. Specific initial revisions included:

- Improvements in readability by updating language;
- Updating definitions where necessary;
- Aligning reporting of serious complaints and incidents with other state and federal requirements; and
- Incorporating birth center provisions from the proposed rescission of birth center regulations (105 CMR 142.000).

# Regulation Changes: Post-Comment Revisions

As a result of comments received during the first public comment period, DPH recommends further revisions to 105 CMR 140.000, which will achieve the following:

- Clarify the definition of “surgical service”;
- Update the definition of “urgent care”; and
- Allow for verbal or written notice to patients seven days after a serious reportable event

# Overview of Proposed Additional Revisions to Regulation

To encourage better integration of mental health and substance use disorder treatment in the clinic setting, DPH has made additional revisions to the regulation that:

- Reduce the administrative burden associated with licensure when a provider wants to provide substance use treatment and mental health treatment within the same setting;
- Emphasize the potential for co-occurring mental health and substance use disorder by requiring substance use disorder screenings for all patients treated in a mental health clinic;
- Allow for longitudinal patient assessments and treatment planning so that treatment can begin prior to completion of a full evaluation; and
- Provide flexibility with regard to mental health clinic staffing.

# Regulation Changes: Mental Health Services

## CURRENT REGULATION:

- Requires a BSAS provider seeking to provide mental health services to obtain clinic licensure and meet all clinic licensure requirements.

## SUMMARY OF PROPOSED REVISION:

- Clarify for providers that only separate, identifiable mental health programs within a BSAS facility require clinic licensure.
- Create a streamlined process for BSAS providers to add a separate, identifiable mental health service.

*This revision streamlines the licensure process by removing duplicative requirements for providers seeking to provide mental health and substance use treatment services.*

# Regulation Changes: Mental Health Services, cont'd

## CURRENT REGULATION:

- The current regulation does not require substance use disorder screenings for patients at a mental health clinic.

## SUMMARY OF PROPOSED REVISION:

- Requires a substance use disorder screening for patients treated by a mental health clinic.

*This revision emphasizes the potential for co-occurring substance use disorders in mental health patients and the importance of substance use disorder screening.*

# Regulation Changes: Mental Health Services, cont'd

## CURRENT REGULATION:

- Requires a full patient evaluation to be completed before treatment can begin.

## SUMMARY OF PROPOSED REVISION:

- Allows patient treatment to begin prior to concluding an evaluation; and
- Updates terminology of evaluation and diagnostic criteria to reflect current practices.

*This revision facilitates and encourages patient treatment as soon as possible.*



# Regulation Changes: Mental Health Services, cont'd

## CURRENT REGULATION:

- In addition to the requirement a physician be responsible for all policies and supervision for medical services, a psychiatrist or other physician must complete physical evaluations, patient referrals, and provide case consultation.

## SUMMARY OF PROPOSED REVISION:

- Provides flexibility by allowing a licensed mental health professional to be responsible for the policies and procedures for the services provided at the mental health clinic.

*These revisions will provide greater flexibility with regard to mental health clinic staffing.*

# Next Steps

- Following this initial presentation, staff will hold a public comment period, including a public hearing.
- Staff will review public comments and request approval of the proposed amendments at a subsequent meeting of the Public Health Council.



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Thank you for the opportunity to present this information today.  
For more information regarding clinic licensure, please find the relevant statutory language and the full current regulation here:

<https://www.mass.gov/doc/105-cmr-140-licensure-of-clinics/download>  
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111>

Please direct any questions to:

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