



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Mental Health
25 Staniford Street
Boston, Massachusetts 02114-2575

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

JOAN MIKULA
Commissioner

(617) 626-8000
www.mass.gov/dmh

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Department of Mental Health is issuing an emergency regulation pursuant to M.G.L. c. 19, s. 19. The emergency regulation is an amendment to 104 CMR 27.13, pertaining to routine facility search procedures. DMH is enhancing its facility search protocols to include the use of passive canine drug detection, due to an increase of incidents concerning dangerous contraband being discovered in its facilities, particularly drugs. Due to the urgent nature of the issue, an emergency regulation is required. This regulation also notifies licensed facilities that they may also establish such search policies, if the need is indicated.

A public hearing will be held for the purpose of receiving written and oral testimony on this emergency regulation.

TIME AND PLACE OF PUBLIC HEARING:

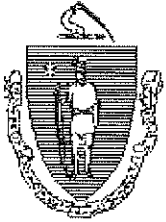
September 12, 2019 at 2:00 – 4:00 pm
Department of Mental Health
Boston Room
25 Staniford Street
Boston, MA 02114

METHOD OF COMMENT: Written comments may be mailed to the Office of the General Counsel, Department of Mental Health, 25 Staniford Street, Boston, MA 02114; or submitted to e-mail address: DMH-regulations@state.ma.us **NO LATER THAN SEPTEMBER 12, 2019.** Written and email comments should contain sender's name, address and organization/affiliation. The Comment Period ends at 5:00 P.M. on September 12, 2019.

ACCOMMODATION: If you plan to attend the public hearing and wish to request the accommodation of a sign language or other interpreter, contact DMH Legal at least 14 days in advance of the hearing date at (617) 626-8236.

INFORMATION: Copies of the proposed regulations may be obtained from the Department of Mental Health Legal Office, 25 Staniford Street, Boston, MA 02114, and may also be found on the Department's Internet site at <http://www.mass.gov/eohhs/gov/laws-regs/dmh>.

By Order of the Department of Mental Health
Joan Mikula, Commissioner
July 15, 2019



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Amended Small Business Impact Statement <i>(As required by M.G.L. c. 30A §§ 2, 3 & 5)</i>		
CMR No: 104 CMR 27.00		
Estimate of the Number of Small Businesses Impacted by the Regulation: None		
Select Yes or No and Briefly Explain		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) Regulatory authority is necessary to authorize the use of canine detection in facility search protocols.
Yes	No	Do any other regulations duplicate or conflict with the proposed regulation?

<input type="checkbox"/>	X	
Yes <input type="checkbox"/>	No X	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?
Yes <input type="checkbox"/>	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
Yes <input type="checkbox"/>	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No X	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
Yes <input type="checkbox"/>	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?