



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street, Boston, MA 02108-4619

MAURA T. HEALEY  
Governor

KIMBERLEY DRISCOLL  
Lieutenant Governor

KATHLEEN E. WALSH  
Secretary

ROBERT GOLDSTEIN, MD, PhD  
Commissioner

Tel: 617-624-6000  
[www.mass.gov/dph](http://www.mass.gov/dph)

### NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, § 2, that the Department of Public Health will hold a public hearing and public comment period on proposed amendments to 105 CMR 210.000: *The administration of prescription medications in public and private schools*. The proposed amendments update the regulation to bring it into alignment with current health care practice, clarify provisions of the regulation, and improve efficiency.

The public hearing will be held on **Thursday, February 13, 2025, at 2:00 p.m.** This hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: 800-593-7185  
Participant Passcode: 1862535

A copy of the proposed amendments to 105 CMR 210.000 may be viewed on the Department's website at [www.mass.gov/dph/proposed-regulations](http://www.mass.gov/dph/proposed-regulations) or requested from the Office of the General Counsel by calling 617-624-5220.

The Department encourages all interested parties, including those who testify at the public hearing, to submit written testimony electronically to [Reg.Testimony@mass.gov](mailto:Reg.Testimony@mass.gov). Please submit electronic testimony as an attached Word document and type "105 CMR 210.000 – Administration of Medications in Schools" in the subject line of the email. All submitted testimony must include the sender's full name and address. The Department will post all electronic testimony that complies with these instructions on its website. Parties who are unable to submit electronic testimony should mail submissions to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108.

**All comments must be submitted by 5:00 p.m. on Thursday, February 13, 2025.** All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact Karen Flanagan at least 5 days before the hearing at Tel # 781-307-1166 (Call 711 for Mass Relay), email [Karen.flanagan@mass.gov](mailto:Karen.flanagan@mass.gov).



## Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

**Agency: Department of Public Health**

**CMR No.: 105 CMR 210.000: THE ADMINISTRATION OF PRESCRIPTION MEDICATIONS IN PUBLIC AND PRIVATE SCHOOLS**

**Estimate of the Number of Small Businesses Impacted by the Regulation:** Non-public schools in the Commonwealth. Non-public schools are generally small non-profit organizations that could be considered small businesses. While there is no comprehensive list or directory of non-public schools in Massachusetts, we estimate there are approximately 400 non-public schools.

**Select Yes or No and Briefly Explain**

|  |   |   |
|--|---|---|
| Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Will small businesses have to create, file, or issue additional reports?<br>Yes, non-public schools not already registered with the Department of Public Health will need to register. Once registered, schools must periodically update their registration.  |
| Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Will small businesses have to implement additional recordkeeping procedures?<br>Yes, medication storage, administration, and delegation requires recordkeeping, including medication logs and maintenance of student medical records.   |
| Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Will small businesses have to provide additional administrative oversight?<br>Yes, a school nurse manager must be assigned to oversee the program. School nurse managers are typically members of the school's administrative leadership team that have time to manage and oversee the school health program outside of direct care responsibilities. Depending on the size of the school, it may not be necessary for this position to be full time. |
| Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Will small businesses have to hire additional employees in order to comply with the proposed regulation?<br>It is possible that a school that has never registered with the Department of Public Health will need to hire additional employees to meet the school nurse manager need described above.   |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?<br>No, no other professionals are needed.   |
| Yes<br><input checked="" type="checkbox"/> | No<br><input 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?<br>Schools may need to purchase equipment to safely store medication, in compliance with the regulation. In some cases, schools choose to purchase electronic medical records for students to streamline the recordkeeping requirements associated with medication administration                    |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?<br>(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.)<br>No, regulations are required by M.G.L. c. 71, § 54B.                                 |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Do any other regulations duplicate or conflict with the proposed regulation?<br>No, there are no duplicative or conflicting regulations.  |
| Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?<br>Yes, the regulation authorizes the Department to review schools' records to ensure regulatory compliance and respond to complaints.  |

|  |   |   |
|--|---|---|
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?<br>No, education is provided by the School Health Services program's School Health Institute. |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?<br>No, the regulation is not likely to have an effect on the formation of non-public schools in Massachusetts.                 |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?<br>No, the regulation is not likely to have an effect on the formation of non-public schools in Massachusetts.             |
| Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Does the regulation provide for less stringent compliance or reporting requirements for small businesses?<br>Yes, 105 CMR 210 is less stringent than 105 CMR 700: Implementation of M.G.L. c.94C                            |
| Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?<br>Yes, 105 CMR 210 is less stringent than 105 CMR 700: Implementation of M.G.L. c.94C   |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Did the agency consolidate or simplify compliance or reporting requirements for small businesses?<br>No, compliance and reporting requirements are the same for all schools.  |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?<br>No, compliance with the regulation is required.                           |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | Are there alternative regulatory methods that would minimize the adverse impact on small businesses?<br>No, there are no alternative regulatory methods.  |