



The Commonwealth of Massachusetts
Board of Registration in Medicine
178 Albion Street, Suite 330, Wakefield, MA 01880

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www.mass.gov/massmedboard

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NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Board of Registration in Medicine (“Board”) will hold a public hearing and comment period on the recent amendments, filed on January 9, 2025, on an emergency basis, to 243 CMR 1.00: *Disciplinary Proceedings for Physicians* and 243 CMR 2.00: *Licensing and the Practice of Medicine*. These emergency amendments codify Massachusetts Shield Law protections for physicians.

The Massachusetts Shield Law was enacted to protect healthcare providers and patients from legal actions, penalties, or extradition requests related to providing reproductive or gender-affirming care that is legal in Massachusetts but restricted in other states.

The Shield Law applies to legally protected health care activity, which is defined as:

- Exercising or attempting to exercise the right to reproductive health care services or gender-affirming health care in Massachusetts; or
- Helping another to exercise or attempt to exercise the right to reproductive health care services or gender-affirming health care in Massachusetts.

After the statute was enacted, the Board issued policy guidance to provide additional clarity on the protections afforded under the law. Notwithstanding the statute or the policy guidance issued, there is still uncertainty in the provider community, which could have a chilling effect on delivery of the essential health services protected under the law. These regulations are designed to enshrine what is already in the law, and in providing this clarity and regulatory authority, the regulations are ensuring the uninterrupted continuation of reproductive health care services and gender affirming health care services for patients and providers. This is necessary for the preservation of public health. By implementing emergency regulations, the Board can address the immediate need for clear and provider-specific rules, fostering compliance and ensuring that healthcare professionals are adequately informed and protected under the law.

The public hearing will be held on February 18, 2025, at 10:00 a.m. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **888-870-1895**

Participant Passcode: **9063377**

To Testify Press: *1

A copy of the proposed amendments to 243 CMR 1.00: *Disciplinary Proceedings for Physicians* and 243 CMR 2.00: *Licensing and the Practice of Medicine* may be viewed on the Board's website at <https://www.mass.gov/lists/proposed-amendments-to-borim-regulations> or requested from the Board by calling 781-876-8200.

Speakers who testify at the public hearing are requested to provide a copy of their oral testimony. The Department encourages all interested parties to submit written testimony electronically to Reg.Testimony@mass.gov, or by mail to Vita Palazzolo Berg, General Counsel, Board of Registration in Medicine, 178 Albion Street, Wakefield, MA 01880. Please submit electronic testimony as an attached Word document and type "243 CMR 1.00 and 2.00 Shield Law Regulations" in the subject line of the email. All submitted testimony must include the sender's full name and address.

The Board will post all electronic testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on February 18, 2025.** All comments received by the Board 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 Stacy Hart at least 5 days before the hearing at Tel #857-274-1120, or email Stacy.Hart@mass.gov.



Small Business Impact Statement
243 CMR 1.00, Disciplinary Proceedings for Physicians
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 243 CMR 1.00

Estimate of the Number of Small Businesses Impacted by the Regulation: The proposed regulatory amendments are not expected to impact small businesses.

Select Yes or No and Briefly Explain

Yes	No X	Will small businesses have to create, file, or issue additional reports? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	Will small businesses have to implement additional recordkeeping procedures? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	Will small businesses have to provide additional administrative oversight? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	Will small businesses have to hire additional employees in order to comply with the proposed regulation? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	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.) <i>No. The proposed changes must be made through regulation to implement statutory protections applicable to physician licensure established by St. 2022, c. 127, An Act Expanding Protections for Reproductive and Gender Affirming Care.</i>
Yes	No X	Do any other regulations duplicate or conflict with the proposed regulation? <i>There are no other regulations that duplicate or conflict with the proposed amendments to this regulation, although complimentary changes may also be made to regulations governing disciplinary actions applicable to other types of health care providers granted statutory protections pursuant to St. 2022, c. 127, An Act Expanding Protections for Reproductive and Gender Affirming Care.</i>

Yes	No X	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses</i>
Yes	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses</i>
Yes	No X	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses</i>
Yes	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses</i>
Yes	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses</i>
Yes	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? <i>No. The proposed changes must be made through regulation to implement statutory changes to pharmacists' scope of practice.</i>
Yes	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses</i>

Small Business Impact Statement
243 CMR 2.00, Licensing and the Practice of Medicine
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 243 CMR 2.00

Estimate of the Number of Small Businesses Impacted by the Regulation: The proposed regulatory amendments are not expected to impact small businesses.

Select Yes or No and Briefly Explain

Yes	No X	Will small businesses have to create, file, or issue additional reports? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
Yes	No X	Will small businesses have to implement additional recordkeeping procedures? <i>The proposed regulatory amendments implement a statutory authorization and are not expected to impact small businesses.</i>
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Yes	No X	Do any other regulations duplicate or conflict with the proposed regulation? <i>There are no other regulations that duplicate or conflict with the proposed amendments to this regulation, although complimentary changes may also be made to regulations governing disciplinary actions applicable to other types of health care providers granted statutory protections pursuant to St. 2022, c. 127, An Act Expanding Protections for Reproductive and Gender Affirming Care.</i>

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