



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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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 Pharmacy (“BORG”) within the Department of Public Health will hold a public hearing on emergency amendments to the following regulations: 247 CMR 3.00: Pharmacist Licensure Requirements; 247 CMR 6.00: Licensure of Pharmacies; 247 CMR 8.00: Pharmacy Interns and Technicians; and 247 CMR 10.00: Disciplinary Proceedings.

247 CMR 3.00 sets forth the Board’s requirements for licensure of pharmacists.

247 CMR 6.00 sets forth the Board’s requirements for licensure of pharmacies.

247 CMR 8.00 sets forth the Board’s eligibility requirements and procedures to obtain licensure as a pharmacy intern, a pharmacy technician or a pharmacy technician trainee. It also sets forth the scope of practice for each of these licensure types.

247 CMR 10.00 outlines the procedures used by the Board in order to handle complaints received against BORG registrants and licensees the grounds for discipline and the actions that may be taken to resolve complaints in accordance with M.G.L. c. 30A.

These proposed emergency amendments implement and codify into regulation the provisions of M.G.L. c. 112, § 77, as amended by St. 2022, c. 127, [*An Act Expanding Protections for Reproductive and Gender Affirming Care*](#). The proposed emergency amendments protect pharmacists, pharmacies, pharmacy interns, pharmacy technicians, and pharmacy technician trainees from disqualification from licensure, and from BORG discipline, on the basis of providing, or assisting in providing, reproductive health care services and gender affirming health care services if the services provided would be lawful and consistent with good professional practice if they occurred entirely within Massachusetts.

The public hearing will be held at **11:00 a.m. on Friday, February 14, 2025**. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **800-475-0372**
Participant Passcode: **3099712**

A copy of the proposed amendments to 247 CMR 3.00, 247 CMR 6.00, 247 CMR 8.00; and 247 CMR 10.00 may be viewed on the Department's website at <http://mass.gov/dph/proposed-regulations> or requested from the Office of the General Counsel by calling 617-624-5220.

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 testimony electronically to the following address: Reg.Testimony@mass.gov, or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. All submissions must include the sender's full name and address. When electronically submitting comments, type "BORP Regulations" in the subject line and attach a Word document with your comments or type your comments in the body of your email.

The Department will post all testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on Friday, February 14, 2025.** All comments received by the Department may be released in response to a request for public records.

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

CMR No.: 247 CMR 3.00, 6.00, 8.00 & 10.00

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 pharmacist 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>