



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 Department of Public Health (the Department) will hold a public hearing and comment period on the proposed amendments to Department of Public Health Regulation 105 CMR 168.000, *Licensure of Alcohol and Drug Counselors*. The proposed amendment was filed on March 27, 2026.

105 CMR 168.000 governs the licensure of alcohol and drug counselors by the Department, which includes licensed alcohol and drug counselor I (LADC I), licensed alcohol and drug counselor II (LADC II), and licensed alcohol and drug counselor assistant (LADC Assistant). This will be the first amendment to the regulation since its promulgation in 2004. In addition to updating the regulation to align with industry standards and best practices, the regulation is updated in accordance with changes made to M.G.L. c. 111J pursuant to Chapter 285 of the Acts of 2024.

Among other things, the purposes of the amendments are to:

- Modernize regulatory language to align with current industry standards, best practices, and where applicable, with 105 CMR 164.000 *Licensure of Substance Use Disorder Treatment Programs*;
- Reorganize sections for cohesion and continuity;
- Implement a new Standards of Practice section that supports the continuum of substance use disorder treatment and recovery-oriented services in the Commonwealth.

The Department is proposing significant revisions to 105 CMR 168.000 to align with current industry standards and best practices.

The public hearing will be held on **April 27, 2026 at 1:00PM**. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **888-603-7042**
Participant Passcode: **4279486**
To Testify Press: ***1**

A copy of the proposed amendments to 105 CMR 168.000 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 written testimony electronically to 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. Please submit electronic testimony as an attached Word document and type “105 CMR 168: Department of Public Health Licensure of Alcohol and Drug Counselors” 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. **All comments must be submitted by 5:00 p.m. on April 27, 2026** 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 Stacy Hart at least 5 days before the hearing at Tel #857-274-1120, or email Stacy.Hart@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 168.000: Licensure of Alcohol and Drug Counselors

- Estimate of the Number of Small Businesses Impacted by the Regulation: There are approximately 1634 Licensed Alcohol and Drug Counselors, which include approximately 1152 LADC Is who have the ability to practice independently and may operate their own small businesses.
- Will small businesses have to create, file, or issue additional reports?
Yes. Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses will be required to submit data and information in a manner prescribed by the Department in accordance with 105 CMR 168.020. LADC Is who practice independently and operate their own businesses will also be required to submit Required Notifications to the Department in the event of the licensee or businesses name change, change of contact information, or upon the initiation of legal proceedings against the Licensee under 105 CMR 168.011.
- Will small businesses have to implement additional recordkeeping procedures?
Yes. Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses are required to establish record keeping procedures for patient records in accordance with 105 CMR 168.027 and 105 CMR 168.029 Records Storage and Access.
- Will small businesses have to provide additional administrative oversight?
Yes. Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses will need to ensure compliance with all regulations pursuant to 105 CMR 168.000, which includes 168.011 Required Notifications, 168.020 Providing Information to the Department, 168.027 Patient Records, and 168.029 Records Storage and Access.
- Will small businesses have to hire additional employees in order to comply with the proposed regulation?
No. The regulations do not require Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses to hire additional staff.
- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
No. Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses will not be required to hire additional professionals to comply with these regulations.
- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
No. The regulations do not require the purchase of additional products in order to comply.
- Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?

No. Due to the nature of substance use disorder treatment, operational standards, particularly around record keeping and scope of practice are necessary. Outcomes for treatment can vary and depend on the patient's goals. Performance standards are not more appropriate in this case.

(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.)

- Do any other regulations duplicate or conflict with the proposed regulation?
No. 105 CMR 168.000 applies to Licensed Alcohol and Drug Counselors; 105 CMR 164.000 applies to Substance Use Disorder Treatment Programs. LADCs often work in licensed SUD treatment programs. Where the regulations overlap, they are consistent with one another.
- Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?
Yes. Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses must comply with Department investigations (105 CMR 168.016).
- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
No. 105 CMR 168.014 requires all Licensed Alcohol and Drug Counselors to obtain continuing professional education every two years, with the exception of those LADCs detailed under 105 CMR 168.014(E) (LADCs who work for State, County, or Municipal governments and do not provide direct patient services or oversee direct patient services).
- Is the regulation likely to deter the formation of small businesses in Massachusetts?
No, this regulation is unlikely to deter the formation of small businesses.
- Is the regulation likely to encourage the formation of small businesses in Massachusetts?
Yes. With additional clarity and standardization around scope of practice and recordkeeping practices, the Department hopes to encourage the development and professionalization of alcohol and drug counseling, including those who practice independently and operate their own businesses.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
No, compliance and reporting requirements are not differentiated among business types.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
No, schedules and deadlines for compliance or reporting are not differentiated among business types.
- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
No. All LADCs, regardless of whether they practice independently and own their own businesses or work in a licensed SUD treatment program are expected to comply with 105 CMR 168.000.

- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
No, operational standards are necessary in this case.
- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
No. Licensed Alcohol and Drug Counselors who practice independently and operate their own businesses will now be more aligned with other healthcare professions such as Social Workers and Mental Health Counselors by way of clarifying the LADCs scope of practice, record-keeping requirements, and the Department's enforcement role.