



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street, Boston, MA 02108-4619  
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**Maura T. Healey**  
Governor  
**Kimberley Driscoll**  
Lieutenant Governor

**Kiame Mahaniah, MD, MBA**  
Secretary  
**Robert Goldstein, MD, PhD**  
Commissioner

### 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 a new Department of Public Health Regulation 105 CMR 272.000 *Standards Regulating the Care of Infants Identified As Being Affected by Prenatal Substance Exposure*.

105 CMR 272.000 establishes the minimum requirements that Health Care Providers involved in the delivery or care of infants with Prenatal Substance Exposure must meet. The new regulation is being promulgated in accordance with M.G.L. c. 111, §§110D-110E, which was enacted in December, 2024.

Among other things, the proposed regulation includes:

- Perinatal screenings for substance use and substance use disorder;
- Identification of treatment and service needs;
- Health Care Provider participation in Family Care Plans; and
- Reporting and data collection requirements.

The public hearing will be held on **May 21, 2026 at 9:30 AM**. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **888-282-9641**

Participant Passcode:       **2935420**  
To Testify Press:            **\*1**

A copy of the proposed regulation 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](mailto: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 272: Department of Public Health Care of Infants with Prenatal Substance Exposure” 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 May 21, 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](mailto: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 272.000: Standards Regulating the Care of Infants Identified as Being Affected by Prenatal Substance Exposure

Estimate of the Number of Small Businesses Impacted by the Regulation:

Birthing hospitals will be impacted, however DPH does not anticipate an impact on their business operations. Birth center operators and home birth midwives are the small business operators that would be impacted by this regulation, though DPH does not anticipate an impact on business operations. There is currently one licensed birth center in MA, with two in development. There are ~40-50 home birth midwives operating in MA.

- Will small businesses have to create, file, or issue additional reports?  
Yes, birth center operators and home birth midwives will need to file a report to DPH capturing data on the demographics of the infants with prenatal substance exposure.
- Will small businesses have to implement additional recordkeeping procedures?  
No, small businesses will not have to implement additional recordkeeping procedures.
- Will small businesses have to provide additional administrative oversight?  
No. Promulgating this regulation will not necessitate additional administrative oversight.
- Will small businesses have to hire additional employees in order to comply with the proposed regulation?  
No. Promulgating this regulation will not necessitate additional employees.
- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?  
No. Promulgating this regulation will not necessitate the hiring of other professionals.

- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?  
No. Promulgating this regulation will not require any purchase or investment by small businesses
- 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.)  
No, performance standards would not be appropriate to accomplish the regulatory objective.
- Do any other regulations duplicate or conflict with the proposed regulation?  
No. There are no other regulations in Massachusetts that oversee treatment and care of infants with prenatal substance exposure.
- Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?  
No. Promulgating this regulation will not require small businesses to cooperate with audits, inspections, or other enforcement activities.
- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?  
No. There are no educational service requirements in this regulation pertaining to small businesses. Any necessary technical assistance is provided by the Perinatal and Neonatal Quality Improvement Network staff at the Bureau of Family Health and Nutrition.
- Is the regulation likely to deter the formation of small businesses in Massachusetts?  
No. Promulgating this regulation is not likely to deter the formation of small businesses.
- Is the regulation likely to encourage the formation of small businesses in Massachusetts?

No. Promulgating this regulation is not likely to encourage the formation of small businesses.

- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?

No, this regulation does not provide for less stringent compliance or reporting requirements for small businesses.

- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?

No, this regulation does not establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses

- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?

No, this regulation does not specify different compliance or reporting requirements for small businesses.

- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?

Performance standards for small businesses would not be an appropriate replacement for these proposed amendments.

- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?

No, there is no alternative regulatory method that would minimize the impact on small businesses.

