

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

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NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the **Drug Control Program** within the Department of Public Health will hold a public hearing regarding a new regulation: **105 CMR 775.000: Certified Medication Aides In Long Term Care Facilities.**

The proposed regulation implements the requirements stated in M.G.L. c. 111, § 72W½, as inserted by section 16 of Chapter 197 of the Acts of 2024: *An Act to Improve Quality and Oversight of Long-Term Care*, creating a new certified medication aide role to be deployed by long-term care facilities in Massachusetts. The hearing will be concurrent with the public hearing by the Executive Office for Administration and Finance, together with the Drug Control Program, regarding the fees associated with the new profession of certified medication aide, 801 CMR 4.02 (775): *Fees for Licenses, Permits, and Services to be Charged by State Agencies.*

The public hearing will be held at **10:00 am on Monday, August 11, 2025.** The hearing will be conducted on a **moderated conference call.** The information for the moderated conference call is:

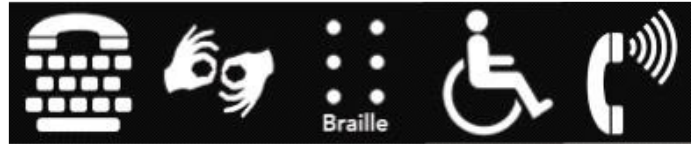
Dial-in Telephone Number: 800-857-4849
Participant Passcode: 7189063

A copy of the proposed regulation 105 CMR 775.000: *Certified Medication Aides In Long Term Care Facilities* may be viewed on the Department's website at www.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 "DCP Regulations" in the subject line and attach a Word document with your comments or type your comments in the body of your email. All submissions must include the sender's full name and address.

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 Monday, August 11, 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 Alex Gomez at least 5 days before the hearing at Tel # 617-624-5928, Fax # 617-624-5075, email Alex.Gomez@mass.gov, or TTY # 617-624-6001.



<p align="center">Small Business Impact Statement</p> <p align="center">105 CMR 775.000: <i>Certified medication aides in long-term care facilities</i></p>		
<p>CMR No: 105 CMR 775.000</p>		
<p>Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently 58 rest homes and 350 nursing homes in Massachusetts.</p>		
<p align="center">Select Yes or No and Briefly Explain</p>		
Yes	No X	<p>Will small businesses have to create, file, or issue additional reports?</p> <p><i>No. This regulation does not require small businesses to create, file, or issue additional reports.</i></p> <p><i>The provisions within this regulation are not expected to impact small businesses. Deployment of the role will allow for a more efficient use of licensed nursing staff in long-term care facilities, with an ultimate outcome of improving the overall quality and safety of resident care, as well as significantly increasing staff satisfaction. Certified medication aides will also allow nurses to spend more time on resident clinical assessments, treatments and other necessary skilled nursing services.</i></p> <p><i>(TO NOTE: Provisions for facility requirements associated with certified medication aides are contained in 105 CMR 150.00 and 105 CMR 153.00. This will include targeted reporting requirements associated with the deployment of certified medication aides).</i></p>
Yes	No X	<p>Will small businesses have to implement additional recordkeeping procedures?</p> <p><i>No. This regulation does not require small businesses to implement additional record keeping procedures.</i></p> <p><i>The provisions within this regulation are not expected to impact small businesses. Deployment of the role will allow for a more efficient use of licensed nursing staff in long-term care facilities, with an ultimate outcome of improving the overall quality and safety of resident care, as well as significantly increasing staff satisfaction. Certified medication aides will also allow nurses to spend more time on resident clinical assessments, treatments and other necessary skilled nursing services.</i></p> <p><i>(TO NOTE: Provisions for facility requirements associated with certified medication aides are contained in 105 CMR 150.00 and 105 CMR 153.00. This will include targeted record keeping requirements associated with the deployment of certified medication aides).</i></p>
Yes	No X	<p>Will small businesses have to provide additional administrative oversight?</p> <p><i>No. This regulation does not require small businesses to provide additional administrative oversight.</i></p> <p><i>The provisions within this regulation are not expected to impact small businesses. Deployment of the role will allow for a more efficient use of licensed nursing staff in long-term care facilities, with an ultimate outcome of improving the overall quality and safety of resident care, as well as significantly increasing staff satisfaction. Certified medication aides will also allow nurses to spend more time on resident clinical assessments, treatments and other necessary skilled nursing services.</i></p>

		<i>(TO NOTE: Provisions for facility requirements associated with certified medication aides are contained in 105 CMR 150.00 and 105 CMR 153.00. This will include targeted administrative oversight associated with the deployment of certified medication aides).</i>
Yes	No X	<p>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p><i>No. This regulation will not require small businesses to hire additional employees.</i></p> <p><i>Deployment of the role will allow for a more efficient use of licensed nursing staff in long-term care facilities, with an ultimate outcome of improving the overall quality and safety of resident care, as well as significantly increasing staff satisfaction. Certified medication aides will also allow nurses to spend more time on resident clinical assessments, treatments and other necessary skilled nursing services.</i></p>
Yes	No X	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p><i>No. This regulation will not require small businesses to hire other professionals.</i></p>
Yes	No X	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p><i>No. This regulation does not require small businesses to purchase a product or make capital investments.</i></p>
Yes	No X	<p>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.)</p> <p><i>No. The proposed changes must be made through regulation to implement a statutory mandate imposed by M.G.L. c. 111, § 72W½, as inserted by chapter 197 of the acts of 2024: an Act to improve quality and oversight of long-term care. M.G.L. c. 111, § 72W½ requires the Department to promulgate regulations providing for a certified medication aide role in long-term care facilities.</i></p>
Yes	No X	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p><i>No. There are no other regulations that duplicate or conflict with this proposed regulation. Complementary changes will however also be made to regulations governing long-term care facility requirements to ensure appropriate supervision, record keeping and reporting is maintained by facilities. Provisions for facility requirements associated with certified medication aides are contained in 105 CMR 150.00 and 105 CMR 153.00.</i></p>
Yes	No X	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p><i>No. The regulation does not require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities.</i></p>

		<i>(TO NOTE: Provisions for facility requirements associated with certified medication aides are contained in 105 CMR 150.00 and 105 CMR 153.00. This will include some cooperation with oversight activities).</i>
Yes	No X	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p><i>No. The regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.</i></p>
Yes	No X	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p><i>No. The regulation is not likely to deter the formation of small businesses. The proposed regulation implements a statutory mandate and is not expected to deter the formation of small businesses. Certified medication aides in long-term care facilities will allow for a more efficient use of licensed nursing staff, with an ultimate outcome of improving the overall quality and safety of resident care, as well as significantly increasing staff satisfaction. Certified medication aides will also allow nurses to spend more time on resident clinical assessments, treatments and other necessary skilled nursing services.</i></p>
Yes	No X	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p><i>The regulation is not likely to encourage the formation of small businesses in Massachusetts.</i></p> <p><i>Certified medication aides in long-term care facilities will be viewed as allowing for a more efficient use of licensed nursing staff, with an ultimate outcome of improving the overall quality and safety of resident care, as well as significantly increasing staff satisfaction. Certified medication aides will also allow nurses to spend more time on resident clinical assessments, treatments and other necessary skilled nursing services.</i></p> <p><i>All New England states except for Massachusetts are using specially trained medication technicians in long-term care. This legislation could help address the growing workforce crisis impacting long-term care providers. The successful use of medication aides has been implemented in at least 35 other states.</i></p>
Yes	No X	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p><i>The proposed regulation implements a statutory mandate that is favorable for the sector.</i></p>
Yes	No X	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p><i>The proposed regulation implements a statutory mandate that is favorable for the sector.</i></p>

Yes	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? <i>The proposed regulation implements a statutory mandate that is favorable for the sector.</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 requirements for the establishment and oversight of this new role.</i>
Yes	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? <i>No. The proposed regulation implements a statutory mandate that is favorable for the sector.</i>