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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH REGARDING THE ADMINISTRATION OF CERTAIN MEDICATIONS FOR THE TREATMENT OF OPIOID USE DISORDER

On March 10, 2020, Governor Charles D. Baker declared a State of Emergency in the Commonwealth to respond to the spread of COVID-19. On March 11, 2020, in view of the grave threat that the spread of COVID-19 presents to the public health, the Public Health Council authorized and directed me to act pursuant to G. L. c. 17, § 2A and to take all appropriate actions, incur such liabilities, and establish such rules, requirements, and procedures necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth.

As of March 17, 2020, 218 cases of COVID-19 were reported by the Department of Public Health, with 10 of the 14 counties in the Commonwealth impacted, and all indications are that the number of cases continues to grow. The escalating COVID-19 public health emergency has begun and will continue to produce an extraordinary demand on the Commonwealth's healthcare system. The opioid overdose crisis will not stop in the midst of the COVID-19 pandemic. Opioid overdose remains the leading cause of death in Massachusetts. Ensuring that patients receive access to their life saving MAT/MOUD is imperative

Allowing pharmacists to administer medication for the treatment of opioid use disorder will mean that nurses ordinarily handling such administration may be redeployed where needed to care for COVID-19 patients.

Accordingly, pursuant to the authority granted by G. L. c. 17, § 2A and with the approval of the Governor and the Public Health Council, and in order to assure the maintenance of public health during the continuing public health emergency, I hereby issue the following Order:

In response to the potential shortage of nurses to administer methadone and buprenorphine as medication for the treatment of opioid use disorder ("MOUD drugs") in (1) federally certified and Bureau of Substance Addiction Services ("BSAS") licensed opioid treatment programs ("OTPs") and (2) Acute Treatment Service ("ATS") that are BSAS-licensed and OTP-certified ("certified ATS"), pharmacists and pharmacy interns licensed by the Massachusetts Board of Registration in Pharmacy ("Board") and in good standing may administer MOUD in OTPs and

certified ATSs pursuant to a qualified practitioner's order during the period of the emergency and pursuant to the following conditions and limitations.

- Administration of MOUD drugs shall be conducted in accordance with Substance Abuse and Mental Health Services Administration ("SAMHSA") regulations, 42 CFR Part 8, and the policies and procedures of the OTP or ATS, established in accordance with SAMHSA's regulations, and the Department of Public Health's BSAS regulations, 105 CMR 164.000 et seq.

- Pharmacists and pharmacy interns must receive training in federal confidentiality regulation, 42 CFR Part 2.

For purposes of this Order "in good standing" shall include a license that is subject to probation or non-disciplinary conditions, but shall not include a license that is revoked, cancelled, surrendered, suspended, or subject to disciplinary restrictions.

All applicable statute, regulations and guidance not inconsistent with this Order remain in effect. The Department of Public Health may issue further guidance to implement the terms of this Order.

This Order shall be effective immediately and shall remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.

Monica Bharel, MD, MPH
Commissioner, Massachusetts Department of Public Health

March 18, 2020