The Commonwealth of Massachusetts

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**TO:**  Licensed Mental Health Service Clinics, Licensed or Approved Substance Use Disorder Treatment Programs, Freestanding Partial Hospitalization Providers, Intensive Outpatient Providers, Day Treatment Providers

**FROM:** Bureau of Health Care Safety and Quality and Bureau of Substance Addiction Services

**SUBJECT:** Clarification of Licensing Practices and Terminology: Partial Hospitalization Programs, Intensive Outpatient Programs, and Day Treatment Programs

**DATE:** August 27, 2025

**Purpose**

Effective August 27, 2025, pursuant to [105 CMR 140.000: Licensure of Clinics](https://www.mass.gov/regulations/105-CMR-14000-licensure-of-clinics), the Department of Public Health (DPH) issues this guidance to clarify the licensing practices for Intensive Outpatient Programs (IOPs) and Partial Hospital Programs (PHPs) operated by free-standing facilities within the Commonwealth.

Additionally, pursuant to [105 CMR 164.000: Licensure of Substance Use Disorder Treatment Programs](https://www.mass.gov/regulations/105-CMR-16400-licensure-of-substance-use-disorder-treatment-programs)*,* this guidance clarifies the licensing practices for Day Treatment programs.

This document also provides guidance for those entities seeking to provide PHP, IOP, or Day Treatment services using exclusively virtual modalities and those entities seeking to include residence requirements or residential components of services.

**Background**

PHP and IOP services are both acuity-based ambulatory behavioral health treatment modalities for individuals who require services beyond standard outpatient therapies but who do not require inpatient level of care.

PHP and IOP service models support short-term and high intensity treatment. Both services support diversion from inpatient behavioral health levels of care as well as transition back to the community from inpatient settings.  Both PHP and IOP services are highly structured and include both diagnostic and clinical treatment components.

However, PHP services are higher intensity than IOP. PHP services are typically provided 5-8 hours a day for 5 days a week, while IOP services are typically provided 3-4 hours a day for 3-5 days a week.

**Clinic Licensing of Partial Hospitalization Programs and Intensive Outpatient Programs**

Effective August 27, 2025, DPH clarifies that entities seeking to provide PHP and IOP services are required to seek clinic licensure for Mental Health Services, pursuant to all applicable provisions of 105 CMR 140.000. As described in 105 CMR 140.510, a clinic licensed to provide Mental Health Services must provide services appropriate to the chief complaint or problem, including:

* Intake services including, but not limited to, a substance use disorder screening;
* Evaluation and diagnostic services;
* Treatment planning services;
* Treatment services that include:
	+ Case consultation;
	+ Psychotherapy and counseling; and
	+ Pharmacotherapy;
* Emergency services; and
* Referral services.

Pursuant to 105 CMR 140.122, clinic licenses are only valid for the premises and specific services authorized by DPH.

PHP and IOP programs licensed as Mental Health Services clinics may separately seek approval as a Substance Use Disorder (SUD) treatment program, pursuant to 105 CMR 164.000: *Licensure of Substance Use Disorder Treatment Programs*, as applicable, for other services, including Day Treatment services as described within 105 CMR 164.231.

**Licensing or Approval of Day Treatment Services**

DPH’s Bureau of Substance Addiction Services (BSAS) licenses or approves all SUD treatment programs in the Commonwealth under 105 CMR 164.000 *et seq*. Provisions of 105 CMR 164.231 through 105 CMR 164.234 apply to Day Treatment services, which are outpatient, nonresidential SUD treatment services. Although Day Treatment programs are not permitted to advertise as IOPs or PHPs, some insurance companies may use those or other terms to describe services licensed or approved by BSAS as Day Treatment programs for billing purposes.[[1]](#footnote-1) Licensed or Approved Providers must comply with all provisions of 105 CMR 164.000: Part One, 105 CMR 164.201 through 105 CMR 164.205, Part Two, 105 CMR 164.500 and, for any Licensed or Approved Provider that is also a federally certified Opioid Treatment Provider, the provisions of 105 CMR 164.300 through 105 CMR 164.317.

**Residence Requirements For PHP, IOP, and Day Treatment Services Providers**

DPH clarifies that PHP and IOP services pursuant to 105 CMR 140.000 and Day Treatment services pursuant to 105 CMR 164.000 do not include residential components. Therefore, entities seeking licensure to provide for PHP, IOP, or Day Treatment services may not condition or incentivize participation in such services by requiring or inducing individuals to reside in an affiliated program, including an Alcohol Drug-Free (ADF) Housing Program, otherwise referred to as a “sober home” or “recovery residences.” Such conditioning or incentivizing of participation includes, but is not limited to, directly or indirectly offering or paying any renumeration to influence an individual’s medical decision-making choices. Affiliated programs include, but are not limited to, those pursuant to a contract or agreement. Additionally, programs may not advertise clinical mental health or SUD treatment services with a residential or sober living component as PHP, IOP, or Day Treatment Services. Providers seeking to provide services in 24-hour residential settings, including Residential Rehabilitation Services and Transitional Support Services, must comply with the applicable licensing standards for such services pursuant to 105 CMR 164.000.

**Licensing of Partial Hospitalization Programs, Intensive Outpatient Programs, and Day Treatment Utilizing Virtual-Only Services Models**

DPH clarifies that PHP, IOP and Day Treatment providers may utilize telehealth treatment modalities in addition to in-person treatment modalities, as clinically appropriate, and in compliance with applicable state and federal laws.

Pursuant to M.G.L. c. 111, §§ 19, 51 and 56, Clinic and SUD Treatment Program licenses cover all locations where the entity provides services. Further, DPH oversight activities for both Clinics and SUD Treatment Programs include site inspections at the physical facility. (*See* 105 CMR 140.011 and 105 CMR 164.010).

Even if PHP, IOP or Day Treatment providers intend to provide 100% virtual services, they must be able to meet all of the applicable requirements in 105 CMR 140 and 105 CMR 164.

**Program Terminology**

Although programs currently utilize various descriptions and names for PHP, IOP, and Day Treatment services, DPH holds final determination over whether such services are subject to applicable licensing requirements as described. In making its determination, DPH will evaluate whether the clinical components of the services would otherwise be considered PHP, IOP, or Day Treatment services, regardless of the program’s preferred service name or description. Applicable licensing requirements include, but are not limited to, those described in this guidance, 105 CMR 140.000: *Licensure of Clinics*, and 105 CMR 164:000: *Licensure of Substance Use Disorder Treatment Programs.*

For questions related to PHP and IOP licensure please email BHCSQ: DPH.BHCSQ@mass.gov.

For questions related to Day Treatment licensing, please email BSAS: Questions.BSAS@MassMail.State.MA.US

This memorandum is not a rule or regulation. DPH may revise, change, update, or rescind this memorandum at any time.

1. *See* DPH BSAS Guidance, “Clarification of Terminology: Day Treatment Services,” issued September 28, 2023: <https://www.mass.gov/doc/105-cmr-164-clarification-of-terminology-day-treatment-guidance/download> [↑](#footnote-ref-1)