The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

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Governor

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Lieutenant Governor

**To:** Massachusetts licensed physicians, physician assistants, nurses, pharmacists, pharmacies, hospitals, and clinics

**From:** Margret R. Cooke, Commissioner

**Date:** April 10, 2023

**Subject:** Guidance Implementing Executive Order 609 Regarding Reproductive Health Medications

The Commonwealth of Massachusetts continues to recognize access to abortion and medical management of miscarriage, including but not limited to the use of mifepristone and misoprostol, as fundamental rights and basic healthcare services. The Department of Public Health (DPH) — which includes the Bureau of Health Professions Licensure (BHPL), including the Boards of Registration in Nursing (BORN), Physician Assistants (BORPA), and Pharmacy (BORP), the Drug Control Program (DCP), and the Bureau of Health Care Safety and Quality (BHCSQ) — and the Board of Registration in Medicine (BORIM) understand the important role we play in assuring such access.

Today, Governor Healey signed an [Executive Order](https://www.mass.gov/doc/protecting-access-to-medicated-abortion) that confirms that the term “Reproductive health care services”[[1]](#footnote-1) as defined in the Shield Law[[2]](#footnote-2) **includes** the use, prescribing, dispensing, and administering of mifepristone or misoprostol, and directs DPH and BORIM to provide guidance to applicable licensees and licensed health care facilities. As a result, it remains lawful for licensees licensed by DPH Boards and BORIM, as well as licensed health care facilities in the Commonwealth, including hospitals and clinics, to continue using, prescribing, dispensing, or administering mifepristone (Mifeprex®) or misoprostol (Cytotec®) in the Commonwealth, provided that any such use, prescribing, dispensing, or administration is done in accordance with the acceptable standards of care and utilizing sound medical judgment.

Licensees licensed by DPH Boards and BORIM, as well as licensed health care facilities in the Commonwealth, including hospitals and clinics, may continue using, prescribing, dispensing, or administering mifepristone (Mifeprex®) or misoprostol (Cytotec®) in the Commonwealth, provided that any such use, prescribing, dispensing, or administration is done in accordance with the acceptable standards of care and utilizing sound medical judgment.

With this guidance and assurance, it is the intent of DPH and BORIM to ensure continued safe and reliable access to medication assisted abortion and miscarriage management care in the Commonwealth.

CC:

Board of Registration in Medicine

Board of Registration in Nursing

Board of Registration in Pharmacy

Board of Registration of Physician Assistants

Massachusetts Drug Control Program

Department of Public Health, Bureau of Health Care Safety and Quality

Department of Public Health, Sexual and Reproductive Health Program

1. “Reproductive health care services” is defined as all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction, miscarriage management or the termination of a pregnancy. [↑](#footnote-ref-1)
2. St.2022, c.127 [↑](#footnote-ref-2)