February 13, 2025

VIA ELECTRONIC MAIL

William Anderson

Office of the General Counsel Department of Public Health 250 Washington Street

Boston, MA 02108 Reg.Testimony@mass.gov

RE: 105 CMR 210.000 – Administration of Medications in Schools

Testimony to the Department of Public Health on Proposed Regulatory Changes Dear Commissioner Goldstein & Members of the Board of the Department of Public Health:

Please accept this testimony regarding Department of Public Health’s (DPH) proposed regulatory changes to 105 CMR 210.000 – *Administration of Medications in Schools*. Thank you for the opportunity to provide this testimony and we look forward to working with you on these critically important comments.

1. Request for a More Robust Dialogue and Process with DPH Prior to Regulatory Proposals

Collectively, the signatory organizations herein represent hundreds of schools across Massachusetts, both public and private. These proposed regulations come as a surprise, as DPH did not have a dialogue with any schools that we know of regarding their proposals. As a threshold matter, we urge you to pause changes to your regulations until you have done a more robust public process, as the changes proposed here will have sweeping impacts to all schools.

1. Significant Staffing and Funding Impacts

All schools are committed to operating safe and exceptional schools for the students they serve. A fair regulatory scheme is encouraged. However, regulations must also be achievable and we have concerns about how some of the proposed regulations will be achieved without staffing changes and significant funding. Again, we urge you to pause the work on these regulations until we can have a dialogue with DPH regarding the realities of hiring additional school nurses, creating delegation, and where the funding will come from to implement these changes.

1. Highlighting a few areas of Concern

We call your attention to the following areas which are particularly concerning:

* + Definition expansion of prescription medication to include all over the counter medication
	+ Definition change from school day to a more expansive definition of regular school activities
	+ Definition changes will require certified nurses at all school-affiliated events, which will create staffing and funding hardships
	+ Creation of an Inspection oversight by DPH for K-12 schools without statutory authority
	+ Unintended consequences of having a chilling effect on school activities beneficial for learning
	+ Requirement of an annual prescription for things like Tylenol

We have outlined a few of the changes proposed herein that, again, support our request that you pause the regulatory changes and have a more robust dialogue with schools.

1. Conclusion

On behalf of the thousands of K-12 students and staff we represent, thank you for your time and attention to these important matters. Please do not hesitate to contact us with any questions or comments you might have.

Sincerely,

Elizabeth Dello Russo Becker, Esq. Executive Director

Massachusetts Association of Approved Private Special Education Schools (MAAPS)

Mary M. Bourque, Ed.D. Executive Director

Massachusetts Association of School Superintendents (MASS)

Joanne Haley Sullivan Executive Director

Massachusetts Organization of Educational Collaboratives (MOEC)

Carla B. Jentz Executive Director

The Massachusetts Administrators for Special Education (ASE)

Sara Wilson | she, her, hers Executive Director

Association of Independent Schools in New England (AISNE)