



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

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

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**ORDER OF THE COMMISSIONER OF PUBLIC HEALTH
FOLLOW UP PROCEDURES FOR ORAL PRESCRIPTIONS**

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 M.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 April 3, 2020, 10,402 cases of COVID-19 were reported by the Department of Public Health. The escalating COVID-19 public health emergency has begun and will continue to produce an extraordinary demand on the Commonwealth's healthcare system.

Easing certain requirements regarding the issuance of oral prescriptions will provide greater access to needed prescriptions for patients during the state of emergency; support the work of both prescribers and pharmacy staff by allowing them to prioritize their time toward service of patients; and support the Commonwealth's social distancing guidelines.

Accordingly, having received that authorization from the Council, and with the approval of the Governor, I issue the following Order:

In order to provide needed access for patients to controlled substances prescribed through oral prescriptions, for the duration of the state of emergency the time within which oral prescriptions must be reduced to writing, as set out in G.L. c. 94C, §§ 18(c) and 20(c), is hereby extended from seven days to 15 business days.

All applicable statute, regulations and guidance not inconsistent with this Order remain in effect.

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effective immediately and shall remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.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

A handwritten signature in black ink, appearing to read 'mBare', written in a cursive style.

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

April 6, 2020



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NOTICE

From: Department of Public Health, Medication Administration Program (MAP)
To: Massachusetts Registered Prescribers and Pharmacies
Date: April 7, 2020
Subject: COVID-19 – Follow-Up Procedures for Oral Prescriptions

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 Department of Public Health (DPH) Commissioner Monica Bharel to act pursuant to M.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.

On April 6, 2020, Commissioner Bharel issued an emergency Order easing certain requirements regarding the issuance of oral prescriptions to provide greater access to needed prescriptions for patients during the state of emergency, to support the work of both prescribers and pharmacy staff by allowing them to prioritize their time toward service of patients, and to support the Commonwealth's social distancing guidelines.

Specifically, in order to provide needed access for patients to controlled substances prescribed through oral prescriptions, the Commissioner ordered that for the duration of the state of emergency and consistent with guidance from the U.S. Drug Enforcement Administration (DEA), G.L. c. 94C, §§ 18(c) and 20(c) and 105 CMR 721.060(B)(4) and 105 CMR 721.070(B) be suspended in part to allow pharmacists to request, and for prescribers to issue, the required follow up written or electronic prescription within 15 business days, rather than the current seven business day requirement, or such other time period as permitted by the DEA during the COVID-19 state of emergency, and for the follow up prescription to be sent to the pharmacy through such secure means as are authorized in Departmental guidance.

The Drug Control Program (DCP) issues this guidance to assist practitioners and pharmacies in making efficient use of the Commissioner's Order regarding follow up prescriptions. 105 CMR 721.020(F)(1) authorizes transmission of written prescriptions by facsimile or "similar

technology.” The following outlines transmission methods that meet this requirement for follow up written prescriptions during the state of emergency.

If the follow up written prescription otherwise meets the requirements of 105 CMR 721.020(B)-(F), including the requirement of a signature, the prescription may be transmitted by any means whereby:

1. The person or entity transmitting the prescription is known or identifiable;
2. The person/entity receiving the prescription is known or identifiable; and
3. The prescription is sent in a manner that guards against exposure of the prescription information to unintended persons/entities.

Approved methods include any method approved by the DEA for the transmission of a written prescription, including sending the follow-up prescription to the pharmacy through the U.S. mail, postmarked within 15 days of the oral prescription, via facsimile, or by taking a photograph or scan of the follow-up prescription and sending the photograph or scan to the pharmacy via secure email.

All applicable statute, regulations and guidance not inconsistent with this Order and associated guidance remain in effect.

If you have any questions please email DCP at: DCP.DPH@state.ma.us