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To: Commissioner Robert Goldstein, MD, PhD Members of the Public Health Council

From: Ruth Blodgett, Director, Bureau of Community Health and Prevention

Jill Clark, Director, Division of Child/Adolescent Health & Reproductive Health Date: January 15, 2025

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RE: Informational Briefing on Proposed Amendments to 105 CMR 210: *The Administration of Prescription Medications in Public and Private Schools*

# Introduction

The purpose of this memorandum is to provide the Public Health Council (PHC) with information about proposed amendments to 105 CMR 210: *The Administration of Prescription Medications in Public and Private Schools.*

This regulation sets forth minimum standards governing the safe and proper storage and administration of medications to students in the Commonwealth's public and non-public primary and secondary schools. This regulation was last amended in June 2004.

1. Summary of Proposed Changes

Medical practice and medication prescribing has advanced significantly since this regulation was last amended and the proposed regulation responds to those advancements. In that time the Department has seen increases in students with chronic conditions and medical complexity attending school. In addition, this revised regulation responds to questions which have been raised by school nurses and caregivers over time.

There are several categories of amendments to the regulation that have resulted in changes throughout the document. These include:

* + **Language updates:** In the title of the regulation and throughout the document, we have removed references to “prescription” medication, as this regulation applies to all medications, including over-the-counter medications as well as the delivery of medications through medical devices. We have also updated the names of state agencies, clarified unclear terms, and made the language of the regulation gender neutral.
  + **Updated definitions:** Several new definitions have been added to the regulation to reflect changes in medical practice and other updates. For the first time, this revised regulation

will define “medication” (as inclusive of over-the-counter medications) as well as “regular school activities,” which had been challenging to interpret in the existing regulation for residential schools.

* + **Requirement for Massachusetts Controlled Substances Registration (MCSR):** One of the most significant changes of the updated regulation is an affirmative requirement that *all schools that store or administer medications* must register with the School Health Services Program. Previously, the regulation only made clear that schools *where nurses delegated their authority to administer medication* were required to register with the School Health Services Program. Every school that registers with the School Health

Services Program is automatically registered with the Department’s Drug Control Program for a Massachusetts Controlled Substances Registration (MCSR). Consequently, this change ensures that all schools and school districts that store or administer medication have an appropriate MCSR.

* + **Provision for additional emergency rescue medications:** The revision allows training on or delegation of additional emergency rescue medications to unlicensed staff under certain circumstances. The existing regulation did not address the availability of pre- dosed layperson-appropriate emergency rescue medications that can be more easily and safely provided by unlicensed staff.
  + **Adding self-carry:** While the existing regulation described circumstances where students could self-administer medication, it does not allow for students to self-carry medication, making self-administration impractical. The revised regulation addresses this issue by providing clear guidance for students to self-carry medication.

The revised regulation also includes four new sections:

1. **210.011: Administration of Emergency Rescue Opioid Antagonist** - This section adds a carve-out for emergency rescue opioid antagonists (e.g., naloxone) that is similar to the existing carve-out for epinephrine and also allows unlicensed staff to administer undesignated emergency rescue opioid antagonists. This will increase access to

emergency rescue opioid antagonists in school settings.

1. **210.015: Waiver of Requirements Imposed on Entities Administering Medications Under 105 CMR 210.000** - This section provides mechanisms for the Department to issue waivers to any section of this regulation under limited circumstances.
2. **210.017: Inspection and Investigation** - This section gives the Department the authority to inspect school records and issue plans of correction to schools found to be out of

compliance with the regulation.

1. **210.019: Severability** - This section ensures that if any section of the regulation is found to be invalid, the remainder of the regulation will still be in effect.

# Next Steps

The Department intends to conduct a public comment hearing and will then return to the PHC to report on testimony and any recommended changes to the proposed amendments. Following final approval by the PHC at a future meeting, the Department will file the final amendments with the Secretary of the Commonwealth.

The proposed amendments to 105 CMR 210 are attached to this memorandum.