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**MEMORANDUM**

TO: Pharmacies with Waivers

FROM: Board of Registration in Pharmacy Staff

DATE: November 7, 2024

SUBJECT: Waiver conversions to new regulatory citations

Upon promulgation of 247 CMR 6.00 and 247 CMR 9.00, waiver citations based on the previous regulations will change. The Board has voted to approve this list of affected waivers with the new corresponding citations in place of the original waived citations.

Pharmacies with these existing waivers will not have to change the citations until they apply for renewal waivers upon expiration.

Original Regulation	New Corresponding Regulation
247 CMR 6.01(5) (a) (1): a current copy or electronic version of the Massachusetts List of Interchangeable Drugs (MLID), including the Orange Book, Additional List, Exception List;	247 CMR 9.19 (1) (a): a current copy or electronic version of the <i>Massachusetts List of Interchangeable Drugs</i> , including the <i>Orange Book</i> , Additional List, Exception List;
247 CMR 6.01 (5) (a) (2): a current copy or electronic version (with quarterly updates) of a compendia appropriate to the practice setting approved by the pharmacist manager of record.	247 CMR 9.19 (1) (b): a current copy or access to electronic version with quarterly updates of a compendia appropriate to the practice setting approved by the pharmacist manager of record;
247 CMR 6.01 (5) (a) (4): a balance capable of accurately weighing quantities as small as 13 milligrams, which balance shall be tested and sealed by the state or local sealer of weights and measures annually;	247 CMR 9.19 (1) (e): a balance capable of accurately weighing quantities as small as 10 milligrams, which shall be tested and sealed by the state or local sealer of weights and measures at least once each calendar year. All new balances shall have "legal for trade" designation;

247 CMR 6.01 (5) (a) (5): the equipment necessary to conduct the practice of pharmacy according to the standards set forth by most current edition of the United States Pharmacopoeia;	247 CMR 9.19 (1) (f): the equipment, supplies, and medications necessary to conduct the practice of pharmacy in accordance with the usual needs of the community and scope of practice of the pharmacy;
247 CMR 6.01 (5) (a) (7): appropriate sanitary appliances, including a suitable sink which shall be equipped for hot and cold running water and which shall be situated in or near the area in which prescriptions are to be filled;	247 CMR 9.19 (1) (i): a potable water supply in or near the prescription area in order to wash hands and equipment. The sink shall have hot and cold water, soap or detergent, and single use towels;
247 CMR 6.01 (5) (a) (8): whenever applicable, at least one bound book for recording sales of controlled substances which may be sold over-the-counter without a prescription;	none
247 CMR 6.01 (5) (d) (1): A pharmacy must provide a designated consultation area, with signage stating "Patient Consultation Area", designed to provide adequate privacy for confidential visual and auditory patient counseling. The private consultation area must be accessible by a patient from the outside of the prescription dispensing area without having to traverse a stockroom or the prescription dispensing area.	247 CMR 9.18 (6): A pharmacy shall have a designated patient consultation area, with signage stating "Patient Consultation Area", designed to provide adequate privacy for confidential visual and auditory patient counseling. The private consultation area shall be accessible by a patient from the outside of the prescription dispensing area without having to traverse a stockroom or the prescription dispensing area.
247 CMR 6.02 (2): The equipment and publications set forth in 247 CMR 6.01(5) (a) shall be maintained in the pharmacy or pharmacy department at all times.	none
247 CMR 6.02 (4): The pharmacy or pharmacy department shall maintain on the premises at all times a sufficient variety and supply of medicinal chemicals and preparations which are necessary to compound and dispense commonly prescribed medications in accordance with the usual needs of the community.	247 CMR 9.19 (1) (f): the equipment, supplies, and medications necessary to conduct the practice of pharmacy in accordance with the usual needs of the community and scope of practice of the pharmacy;
247 CMR 6.02 (5): A pharmacy or pharmacy department shall have a reasonably-sized sign affixed to the main entrance of the business or otherwise installed in an easily observable area	247 CMR 9.19 (10): A pharmacy shall have a sign affixed to each customer entrance that is easily observable from the

outside the premises, identifying the presence of a pharmacy or pharmacy department.	outside and clearly identifies the presence of a pharmacy.
247 CMR 6.02 (6) (d) & (e): there shall be a separate working alarm for the pharmacy or pharmacy department which shall be activated when the pharmacy or pharmacy department is closed; a pharmacy department must be secured by a floor to ceiling barrier, securely locked and separately alarmed at all times when the pharmacy department is closed;	247 CMR 9.21 (5): A pharmacy that is located within another retail establishment shall be secured by a floor to ceiling barrier, securely locked and separately alarmed at all times when the pharmacy is closed.
247 CMR 6.02 (7): A pharmacy or a pharmacy department shall conspicuously display, in legible letters not less than one inch high, over, on or adjacent to the main entrance of the pharmacy or pharmacy department, the name of the pharmacist Manager of Record who is responsible for the management and operation of the pharmacy or pharmacy department.	247 CMR 9.19 (11): A pharmacy shall conspicuously display, in legible letters not less than one inch high, over, on, or adjacent to the main entrance of the pharmacy, the name of the pharmacist Manager of Record.
247 CMR 6.02 (8) (a): The hours of operation shall be prominently posted at all consumer entrances to the pharmacy and, in the case of a pharmacy department, the hours shall also be posted at all consumer entrances to the retail store and at the pharmacy department;	247 CMR 9.19 (14) (a): The hours of operation shall be prominently posted at all consumer entrances to the pharmacy and, in the case of a pharmacy located within a retail establishment, the hours shall also be posted at all consumer entrances to the retail store and at the pharmacy;
247 CMR 9.01 (15): Unless otherwise provided for by law, a pharmacist shall not limit his or her services to a particular segment or segments of the general public.	none
247 CMR 9.01 (16): A pharmacist shall not refuse to compound customary pharmaceutical preparations except upon extenuating circumstances.	247 CMR 9.01 (15): A licensee may not refuse to compound simple or moderate non-sterile compounded preparations customary to the community needs except upon extenuating circumstances or by a waiver of Board regulation.
247 CMR 9.02 (3) (c) (2) (e) the pharmacy's name, address, DEA number and original prescription number from which the prescription information was transferred; and the name of the transferor pharmacist.	247 CMR 9.14 (4) (a): A pharmacy shall transfer prescriptions for Schedule VI controlled substances in the same manner as prescriptions for Schedules III through V controlled substances.

	(request was to waive DEA number for Schedule VI only)
247 CMR 9.07 (3) (c): A sign of not less than 11 inches in height by 14 inches in width shall be posted in a conspicuous place, adjacent to the area where prescriptions are dispensed, informing customers of their rights, pursuant to 247 CMR 9.07 and to M.G.L. c. 94C, § 21A, to counseling by a pharmacist where their prescription was filled. Said sign shall read, in letters not less than ½ inch in height: “Dear patients, you have the right to know about the proper use of your medication and its effects. If you need more information please ask the pharmacist.”	247 CMR 9.18 (7): A pharmacy shall post a sign of not less than 11 inches in height by 14 inches in width in a conspicuous place, adjacent to each area where prescriptions are dispensed, for the purpose of informing customers of their right to counseling by a pharmacist. Said sign shall read, in letters not less than ½ inch in height: "Dear patients, you have the right to know about the proper use of your medication and its effects. If you need more information please ask the pharmacist."