

700.001: continued

Written Prescription means a lawful order from a practitioner for a drug or device for a specific patient that is communicated directly to a pharmacist in a licensed pharmacy, including an electronic prescription; provided, however, that "written prescription" shall not include an order for medication which is dispensed for immediate administration to the ultimate user by a practitioner, registered nurse or practical nurse.

700.002: Schedules of Controlled Substances

The following schedules of controlled substances are established:

- (A) Schedule I. Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in 21 CFR 1308.11.
- (B) Schedule II. Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in 21 CFR 1308.12.
- (C) Schedule III. Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in 21 CFR 1308.13.
- (D) Schedule IV. Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in 21 CFR 1308.14.
- (E) Schedule V. Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in 21 CFR 1308.15.
- (F) Schedule VI. Schedule VI shall consist of all prescription drugs, which are not included in any other schedule established by the Commissioner.

700.003: Registration of Persons for a Specific Activity or Activities in Accordance with M.G.L. c. 94C, § 7(g)

- (A)(1) A Paramedic, or a Paramedic student as part of his or her participation in a Department-approved Paramedic training program, may administer only those controlled substances, in quantity and kind, that are necessary for the performance of his or her duties in accordance with 105 CMR 170.000: Emergency Medical Services System and the Statewide Treatment Protocols;
- (2) An Advanced EMT, Advanced EMT student as part of his or her participation in a Department-approved training program, EMT or EFR may administer only those controlled substances for which he or she has been approved by the Department and that are necessary for the performance of his or her duties in accordance with 105 CMR 170.000: Emergency Medical Services System and the provisions of the Statewide Treatment Protocols;
- (3) Administration of controlled substances by EMTs at all levels, and EMT students at all levels, is also subject to the following conditions:
 - (a) The ambulance service or EFR service for which the individual serves, shall be registered in accordance with 105 CMR 700.004 for the appropriate controlled substances;
 - (b) The ambulance service or EFR service shall maintain a current listing of names of its employees and volunteers who are authorized to administer controlled substances;
 - (c) The EMT, Paramedic student, Advanced EMT student or EFR shall perform only those functions for which he or she is authorized by, and trained in accordance with 105 CMR 170.000: Emergency Medical Services System;
 - (d) Administration of controlled substances shall be conducted:
 - 1. pursuant to the order of a practitioner and the Statewide Treatment Protocols; and
 - 2. in accordance with 105 CMR 170.000: Emergency Medical Services System and the provisions of the Statewide Treatment Protocols.

700.003: continued

(B) Dental hygienists and fluoride program monitors employed by or affiliated with a registered school may administer fluoride tablets or fluoride mouth rinse to school children three through 18 years old provided that:

- (1) The school has registered with the Department by sending a letter of intent to administer fluoride treatments to the Division of Dental Health and by providing whatever further information the Commissioner may require; and
- (2) The child's parent or guardian has been informed in writing of the nature, dose and effects of fluoride tablets and mouthrinse, and has consented in writing to the administration of fluoride tablets or mouthrinse on behalf of the child; and
- (3) The tablets or mouthrinse is administered in accordance with the order of a physician or dentist employed by or associated with a local Board of Health or school; and
- (4) The fluoride program monitor has been trained to administer and store fluoride tablets and mouthrinse in accordance with a training program designed by the Commissioner; and
- (5) All fluoride mouthrinse and tablets possessed by the registered school are stored securely under lock and key; and
- (6) The registered school maintains such records and files such reports concerning the fluoride program as the Commissioner may require.

(C)(1) A certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant may issue written prescriptions and medication orders for Schedule II through VI controlled substances, provided that the following requirements are met:

(a) The certified nurse practitioner, psychiatric clinical nurse specialist, and certified registered nurse anesthetist meet all requirements set forth in 244 CMR 4.00: Advanced Practice Registered Nursing and M.G.L. c. 112, §§ 80B, 80E, and 80H.

(b) The physician assistant meets all requirements set forth in regulations established by the Board of Registration of Physician Assistants in 263 CMR 2.00: Purpose, Authority and Definitions, 3.00: Registration of Individual Physician Assistants, and 5.00: Scope of Practice and Employment of Physician Assistants and M.G.L. c. 112, §§ 9C through 9K.

(c) The certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant registers with the Department's Prescription Monitoring and Drug Control Program, in accordance with 105 CMR 700.004 and with the Drug Enforcement Administration, in accordance with 21 CFR 1300.

(d) The certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant practices in accordance with written guidelines governing the prescription of medication mutually developed and agreed upon by the certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant and a supervising physician pursuant to regulations promulgated under M.G.L. c. 112, §§ 80B, 80E, and 80H and M.G.L. c. 112, § 9E that describes the methods to be followed in managing a health care situation or in resolving a health care problem. All prescriptions issued by the certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant are consistent with the scope of practice as defined by 244 CMR 4.00: Advanced Practice Registered Nursing for nurses practicing in the expanded role and 263 CMR 5.00: Scope of Practice and Employment of Physician Assistants for physician assistants.

(e) The certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant may order controlled substances in Schedule VI from a drug wholesaler, manufacturer, laboratory or distributor. For the purpose of dispensing medication in Schedules II-V for immediate treatment, the certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant may obtain such medication only as supplied by the supervising physician, obtained through a written prescription for the patient, or in the case of certified registered nurse anesthetist, as supplied by a practitioner for immediate treatment of a patient, in accordance with guidelines of the Board of Registration in Medicine.

700.003: continued

(f) A certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant may issue oral prescriptions in accordance with M.G.L. c. 94C, § 20, provided that the person issuing the prescription clearly identifies his or her name and professional designation to the pharmacist and provides his or her registration number, work address, phone number, and the name of the supervising physician. An oral prescription shall be followed up with a written prescription by the certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant to be provided to the pharmacist or postmarked within a period of not more than seven days or such shorter period as required by federal law, in accordance with M.G.L. c. 94C, § 20.

(g) A certified nurse practitioner, psychiatric clinical nurse specialist, certified registered nurse anesthetist or physician assistant may prescribe controlled substances for a patient in a health facility or other setting through use of written medication orders entered on the patient's medical record maintained at the facility, provided that such written orders meet all applicable provisions of 105 CMR 700.000.

(2) A certified nurse midwife may issue written prescriptions and medication orders, in accordance with the provisions of M.G.L. c. 112, §§ 80C and 80G, for those controlled substances in Schedules II through VI.

(D) Persons specified in 105 CMR 700.003(D) may administer epinephrine, naloxone or other opioid antagonist approved by the Department, or atropine, pralidoxime chloride or other designated nerve agent antidotes in a life threatening emergency, where medical professionals are not readily available, in accordance with any applicable Department protocols and the following:

(1) To the extent authorized by 105 CMR 700.003(D), the following persons may administer epinephrine, naloxone or other opioid antagonist approved by the Department, or nerve agent antidotes:

(a) a first responder may administer epinephrine or naloxone or other opioid antagonist approved by the Department in accordance with 105 CMR 171.000: Massachusetts First Responder Training and the Statewide Treatment Protocols;

(b) a public employee of or volunteer to a municipality or an agency, department or authority of the Commonwealth ("agency"), whose function includes emergency preparedness and response and who is designated by a municipality's or agency's medical director pursuant to 105 CMR 700.003(6)(b) ("authorized public employee"), may administer epinephrine or naloxone or other opioid antagonist approved by the Department as well as atropine, pralidoxime chloride and other nerve agent antidotes approved by the Department ("nerve agent antidotes") to another authorized public employee; and

(c) an authorized employee of or volunteer to a facility or program funded, operated or licensed by a municipality or agency may administer epinephrine or naloxone or other opioid antagonist approved by the Department to individuals served by such a program or facility ("program");

(2) A municipality or agency may approve administration of epinephrine, naloxone or other opioid antagonist approved by the Department, or nerve agent antidotes by authorized public employees, and a municipality or agency may approve administration of epinephrine by employees or volunteers of a program, provided that the municipality or agency registers with the Department in accordance with 105 CMR 700.004. This registration requirement shall not apply to:

(a) a municipality or agency registered under 105 CMR 700.004(A)(2)(a) through (t);

(b) a school district or non-public school subject to the provisions of 105 CMR 210.000: The Administration of Prescription Medications in Public and Private Schools;

(3) Any administration is pursuant to the order of a practitioner, and, in the case of first responders, the Statewide Treatment Protocols;

(4) The epinephrine, naloxone or other opioid antagonist approved by the Department or nerve agent antidote is:

(a) dispensed by a pharmacy pursuant to the order or prescription of a practitioner or other authorized prescriber; or

(b) obtained by a municipality or agency in accordance with said entity's registration.