
Bulletin –Telehealth Consultations for New Patients

To: Certifying Health Care Providers
From: Shawn Collins, Executive Director
Date: March 20, 2020
Subject: Telehealth Consultations for New Patients During COVID-19 (“Coronavirus”) State of Emergency

On March 10, 2020, Governor Charlie Baker declared a [State of Emergency \(“Order”\)](#) in the Commonwealth of Massachusetts due to the outbreak of the 2019 novel Coronavirus (“COVID-19”). On March 15, 2020, the Administration announced further actions to support residents, health care providers, and small businesses during the COVID-19 outbreak, including an [Order Expanding Access to Telehealth Services and to Protect Health Care Providers](#) which allows for the provision of telehealth (telephone and live video) to facilitate patient access to medical services. The Cannabis Control Commission (“Commission”) is providing this bulletin to Certifying Health Care Providers (“Providers”) who are registered with the Massachusetts Medical Use of Marijuana Program for information and assistance. This bulletin supplements and updates the Commission’s bulletins issued [March 13, 2020](#) and [March 18, 2020](#).

The Executive Director, acting on behalf of the Commission, has determined that the requirement that a potential patient (“Patient”) be physically present for a clinical visit pursuant [935 CMR 501.010\(7\)](#) would cause undue hardship to Providers and Patients by increasing the risk of their exposure to COVID-19. Therefore, so long as Governor Baker’s March 10, 2020 Order that a State of Emergency remains in place, a waiver request may be considered and granted for Providers who wish to certify new patients via telehealth for the Medical Use of Marijuana Program in Massachusetts.

Prior to each clinical visit conducted through telehealth means, Providers must first ensure that there is an ability to deliver the service through telehealth with the same standard of care and in compliance with licensure and registration requirements using telehealth as is applicable to the delivery of the services in person. If a Provider cannot meet the standard of care or these requirements, the Provider must direct the Patient to seek in-person care. Providers must make this determination prior to the issuance of a Written Certification.

Under 935 CMR 501.850(2), the Provider shall adhere to the following conditions prior to issuing a Written Certification:



During the visit, Providers must:

- Disclose and validate their identity and credentials, such as the Provider's license, title, and, if applicable, specialty and board certifications.
- Disclose that the Provider obtained a waiver to conduct the clinical visit by telehealth and without the requirement of a physical exam subject to certain conditions.
- Properly identify the Patient by using, at a minimum, the Patient's name, date of birth, and state-issued ID.
- In addition to the requirements set forth in G.L. c. 94I and 935 CMR 501.010, Provider must establish a bona fide healthcare professional-patient relationship, which includes a full assessment of the qualifying patient's medical history and condition, including a debilitating medical condition, prior to issuing a Written Certification. G.L. c. 94I, § 2(b)(1).
- Provider must inform Patient that in order to renew their certification, Patient would need to be physically present for a clinical visit.
- To the extent feasible, Provider must ensure the same rights to confidentiality and security as provided in face-to-face services. Providers must inform Patients of any relevant privacy considerations.

To obtain a waiver, Providers should complete and submit the Commission's general [Waiver Request Form](#) available at [MassCannabisControl.Com/Forms-and-Templates](#). Once considered by the Commission, the waiver will authorize Providers to serve all Patients who request a Written Certification for the Medical Use of Marijuana Program using telehealth means so long as the March 10, 2020 State of Emergency Order remains in place. Additionally:

- Providers shall monitor the order, which is currently available at <https://www.mass.gov/executive-orders/no-591-declaration-of-a-state-of-emergency-to-respond-to-covid-19>.
- If this order is rescinded or modified, this waiver is rescinded with or without notice to Provider.
- At that time, Provider shall satisfy the requirement that Patient(s) be physically present for a clinical visit under 935 CMR 501.010(4) and (7).
- Failure to comply with this requirement may result in disciplinary action including, but not limited to, the loss of Provider's certification privileges.

Providers may contact the Commission at Commission@CCCMass.com regarding questions about this bulletin.

References

Baker-Polito Administration Announces Emergency Actions to Address COVID-19, <https://www.mass.gov/news/baker-polito-administration-announces-emergency-actions-to-address-covid-19>.



Governor Baker's State of Emergency, available at <https://www.mass.gov/executive-orders/no-591-declaration-of-a-state-of-emergency-to-respond-to-covid-19>.

Governor's Order Expanding Access to Telehealth Services and To Protect Health Care Providers, available at <https://www.mass.gov/doc/march-15-2020-telehealth-order/download>.

Commission March 13, 2020 Bulletin: Licensees' Preparation for COVID-19— available at <https://mass-cannabis-control.com/document/bulletin-licensees-preparation-for-covid-19-march-13-2020/>.

Commission March 18, 2020 Bulletin: Licensees' Preparation for COVID-19, available at <https://mass-cannabis-control.com/document/bulletin-licensees-preparation-for-covid-19-march-18-2020/>.

Massachusetts Medical Use of Marijuana Regulations, available at https://mass-cannabis-control.com/wp-content/uploads/2019/11/935_CM_501.000_Medical_Use_of_Marijuana_11.1.19.pdf.

