
Bulletin –Telehealth Consultations for Patients

To: Certifying Health Care Providers and Registered Patients
From: Shawn Collins, Executive Director
Date: September 17, 2021
Subject: Reissued Order Allowing for Telehealth Consultations for Patients

This bulletin will remain in effect until rescinded by the Commission, acting through its Executive Director, and its status will be reviewed/evaluated by the Commission at their January 2022 public meeting.

In recognition of the continuing risks posed by COVID-19, the Cannabis Control Commission (Commission) updates and reissues its [June 14, 2021](#) bulletin allowing for a limited time Certifying Health Care Providers (Providers) to conduct any clinical visit via telehealth .

The Executive Director, acting on behalf of the Commission, has determined that the requirement that a Provider conduct a Clinical Visit for issuing an initial Certificate of Registration to a Qualifying Patient (“Patient”) in person under 935 CMR 501.010(8)(a) would cause undue hardship to Providers and Patients by increasing the risk of their exposure to COVID-19. Notwithstanding the end of Governor Baker’s Emergency Order on June 15, 2021, waiver of 935 CMR 501.010(8)(a) is allowed for Providers who wish to conduct Clinical Visits for issuing initial Certificates of Registration to Patients registering with the Medical Use of Marijuana Program in Massachusetts for the first time. Clinical Visits for initial certifications are permitted through telehealth for all Patients, provided the Provider seeks and is granted a waiver.

To seek a waiver: The Commission will consider waiver requests from Providers seeking waivers from the initial in-person visit requirement. To obtain a waiver, Providers must complete and submit the Commission’s Waiver Request Form available at MassCannabisControl.Com/Forms-and-Templates. In the Waiver Request Form, Providers must include information on the steps they are taking to meet the requirement of establishing a *bona fide* healthcare relationship with each patient without a physical exam. Further, Providers should explain whether they are requesting a waiver for only a certain category of patients, e.g., immunocompromised patients, or all patients.

Requirements for the Clinical Visit: Prior to each Clinical Visit conducted through telehealth, 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. Nothing in this bulletin supersedes Providers' obligations to comply with their professional medical licensing requirements and generally accepted standards of medical practices.

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 identification.
- 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 in addition to the requirements set forth in G.L. c. 94I and 935 CMR 501.010. *See* G.L. c. 94I, § 2(b)(1).
- Inform Patients of any relevant privacy considerations under G.L. c. 94I, § 3(b), 935 CMR 501.820, and other laws applying to professional medical licenses, and ensure the same rights to confidentiality as provided with in-person services.

When this bulletin expires or is rescinded or modified, all waivers are rescinded with or without notice to Providers, Caregivers, and/or Patients.

At that time, every Provider(s) shall satisfy all regulatory requirements, including conducting Clinical Visits for initial certifications in person. Patients who secured their initial Certificate of Registration without an in-person Clinical Visit are encouraged, but not required, to have a Clinical Visit when this bullet is no longer in place or when the circumstances of the Clinical Visit do not pose a threat to the Patient's or Provider's health, safety, or welfare.

Failure to comply with these requirements and the requirements of 935 CMR 501.000: *Medical Use of Marijuana* 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:

Governor Baker’s Emergency Order and notice of rescission on June 15, 2021, available at <https://www.mass.gov/news/declaration-of-a-state-of-emergency-to-respond-to-covid-19>, and <https://www.mass.gov/info-details/covid-19-state-of-emergency>.

Revised Order Expanding Access to Inpatient Services, available at <https://www.mass.gov/doc/covid-19-order-61/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/>.

Commission March 20, 2020 Bulletin: Telehealth Consultations for New Patients During COVID-19 (“Coronavirus”) State of Emergency, available at <https://masscannabiscontrol.com/2020/03/telehealth-consultations-for-new-patients-march-20-2020/>.

Commission February 23, 2021 Bulletin: Telehealth Consultations for New Patients During COVID-19 (“Coronavirus”) State of Emergency, available at <https://masscannabiscontrol.com/2021/03/bulletin-telehealth-consultations-for-new-patients-february-23-2021/>.

Commission June 14, 2021 Bulletin: Telehealth Consultations for New Patients During COVID-19 (“Coronavirus”) State of Emergency, available at <https://masscannabiscontrol.com/2021/06/bulletin-telehealth-consultations-for-patients-june-14-2021/>.

Massachusetts Medical Use of Marijuana Regulations, available at <https://masscannabiscontrol.com/state-local-government/law-enforcement/laws-and-regulations/>.

