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## Bulletin –Telehealth Consultations for New Patients

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**To:** Certifying Health Care Providers  
**From:** Shawn Collins, Executive Director  
**Date:** February 23, 2021  
**Subject:** Telehealth Consultations for Patients Under COVID-19 (“Coronavirus”) State of Emergency

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On March 10, 2020, Governor Charlie Baker declared a [State of Emergency \(“Emergency Order”\)](#) in the Commonwealth of Massachusetts due to the outbreak of the 2019 novel Coronavirus (“COVID-19”). On March 17, 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 updated bulletin to Certifying Health Care Providers (“Providers”) who are engaged in the Massachusetts Medical Use of Marijuana Program (“Program”) for information and assistance. This bulletin supplements and updates the Commission’s bulletins issued [March 13, 2020](#), [March 18, 2020](#), and [March 20, 2020](#). The Commission continues to publish relevant COVID-19 announcements at [MassCannabisControl.com/COVID19](#).

The Executive Director, acting on behalf of the Commission, has determined the requirement that Patients seeking Program certification or renewal be physically present for a clinical visit under 935 CMR 501.010(8) 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 Emergency Order is in place, waiver of 935 CMR 501.010(8)(a) is allowed for Patients who wish to register for the first time with the Program in Massachusetts. Clinical visits, including for renewal, are permitted through telehealth means.

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 by [935 CMR 501.010\(8\)\(b\)](#). 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.
- Establish a bona fide Health Care Professional-Patient relationship, which includes a full assessment of the 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. G.L. c. 94I, § 2(b)(1).
- Must ensure the same rights to confidentiality and security as provided in in-person services.
- Must 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.

Patients who secured their initial registration without an in-person clinical visit are encouraged to complete one when the State of Emergency 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.

Waiver. Waivers the Commission has already granted remain in effect. To obtain a waiver, Providers should complete and submit the Commission's general [Waiver Request Form](#) available at [MassCannabisControl.Com/Forms-and-Templates](#). Once approved, the waiver will authorize Providers to serve all Patients who request a Written Certification for the Program using telehealth means so long as the State of Emergency remains in place. Additionally:

- Providers shall monitor the Emergency Order.
- If the Emergency Order is rescinded or modified, the telehealth 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(8).
- 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](mailto:Commission@CCCMass.com) regarding questions about this bulletin.



Governor Baker’s State of Emergency order, available at <https://www.mass.gov/news/declaration-of-a-state-of-emergency-to-respond-to-covid-19>.

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://mass-cannabis-control.com/telehealth-consultations-for-new-patients-march-20-2020/>

Massachusetts Medical Use of Marijuana Regulations, available at <https://mass-cannabis-control.com/wp-content/uploads/2020-Final-Regs-Medical-501-clean.pdf>.

