

OFFERED BY COUNCILORS RUTHZEE LOUIJEUNE, BREADON, COLETTA ZAPATA, DURKAN, FITZGERALD, MEJIA, SANTANA, WEBER AND WORRELL



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY FIVE

**ORDER TO SUBMIT A PETITION
TO THE MASSACHUSETTS BOARD OF
REGISTRATION IN PHARMACY**

WHEREAS, Access to prescription medications and pharmacy services is a critical component of public health, especially for vulnerable populations such as seniors, individuals with chronic health conditions, and residents in low-income or underserved communities; *and*

WHEREAS, The current regulation at 247 CMR § 6.13 requires pharmacies in Massachusetts to provide only 14 days' notice prior to permanent closure, a period which is often insufficient for patients and communities to make alternative arrangements for essential medications and care continuity; *and*

WHEREAS, Abrupt pharmacy closures can have severe consequences for health equity and neighborhood stability, particularly in communities already impacted by limited healthcare infrastructure; *and*

WHEREAS, Extending the required notice period for pharmacy closures to 120 days, what the law requires for hospitals, would similarly provide regulators, patients, healthcare providers, and municipalities with the time necessary to coordinate the safe transfer of prescriptions, ensure continuity of care, and protect public health; *and*

WHEREAS, The Massachusetts Board of Registration in Pharmacy holds the regulatory authority to amend 247 CMR § 6.13 and set stronger standards for pharmacy closure protocols across the Commonwealth; ***NOW, THEREFORE BE IT***

ORDERED: That the Boston City Council submits the attached petition to the Massachusetts Board of Registration in Pharmacy, requesting that the Board amend 247 CMR § 6.13 to require at least 120 days' written notice to patients and the Board prior to the permanent closure of any pharmacy operating in the Commonwealth of Massachusetts, and that a copy of this Order and the attached petition be transmitted to the Massachusetts Department of Public Health, the Governor of the Commonwealth, and the Boston Public Health Commission.

DATE

FROM:

City Of Boston
Boston City Council
One City Hall Square
Boston, Massachusetts 02201

TO:

Massachusetts Board of Registration in Pharmacy
c/o Massachusetts Department of Public Health
250 Washington Street
Boston, MA 02108

The Boston City Council respectfully submits this petition to the Massachusetts Board of Registration in Pharmacy to strengthen the Commonwealth's regulatory framework governing pharmacy closures. This request seeks to amend 247 CMR § 6.13 to require pharmacies to provide no less than 120 days' advance written notice prior to permanent closure. Prompted by increasing instances of sudden pharmacy shutdowns that jeopardize patient care and community health, particularly in underserved areas, this proposal aims to ensure continuity of pharmaceutical services.

Proposed Amendments Public Health Rationale:

These proposed amendments to 247 CMR § 6.13 below are grounded in the urgent need to protect patients and communities from the destabilizing effects of abrupt pharmacy closures. As essential points of access to medication, clinical consultation, and vaccine services, pharmacies play a vital role in the healthcare infrastructure of Boston and the Commonwealth at large. The following legal and public health considerations support the rationale for extending the required notice period from 14 days to 120 days.

1. *Current Regulatory Framework:* 247 CMR § 6.13 currently requires 14 days' advance notice of pharmacy closure. While this timeframe satisfies minimal procedural due process, it is insufficient to safeguard access to critical medication and continuity of care for patients.
2. *Municipal Impact and Patient Harm:* Municipalities like the City of Boston have witnessed the adverse effects of abrupt pharmacy closures, including patient confusion, care interruptions, and diminished healthcare access in low-income and high-need communities. Extending the notice period to 120 days would enable timely planning by public health departments, health systems, patients, and community-based providers.

3. *Align with Federal and State Law:* The proposed amendment does not conflict with any requirements of the U.S. Drug Enforcement Administration regarding the return of registrations and inventory documentation upon pharmacy closure. Rather, it enhances patient protections consistent with the Board's public health mission, and overall goals of State and Federal regulatory agencies.
4. *Authority and Precedent:* The Board possesses clear regulatory authority to amend procedural standards concerning licensure, operations, and closures under G.L. c. 112, § 39 and related provisions. Several healthcare-related facilities, including hospitals and nursing homes, are subject to similar or longer notification periods under existing Massachusetts law.

Pursuant to the authority of M.G.L. c. 30A, § 4, the Boston City Council respectfully petitions the Massachusetts Board of Registration in Pharmacy to initiate a formal rulemaking proceeding to amend 247 CMR § 6.13, as outlined below, to require not less than 120 days' notice prior to the closure of any licensed pharmacy in the Commonwealth. The Council further requests that it be notified of any public hearings or comment periods relating to this petition.

Respectfully submitted,

Councilor Ruthzee Louijeune
President, Boston City Council

Proposed Code of Massachusetts Regulations Amendments:

Amend 247 CMR § 6.13(1) as follows:

A Massachusetts pharmacy and a Manager of Record who intend to close a pharmacy shall officially notify the Board in writing, by certified mail, at least ~~14~~ **120** days before the intended closure, unless otherwise authorized by the Board, and shall provide the Board with the following information:

- (a) the name, address, and telephone number of the pharmacy;
- (b) the pharmacy license and controlled substance registration numbers;
- (c) the name of the pharmacist Manager of Record of the pharmacy;
- (d) the date on which the intended closure shall take place;

- (e) verification that adequate advance notice of the closure has been given to customers of the pharmacy in accordance with 247 CMR 6.13(4); and
- (f) the intended procedures for disposal or transfer of controlled substances in accordance with 247 CMR 6.13.

Amend 247 CMR § 6.13(2) as follows:

A non-resident pharmacy that intends to close a pharmacy shall officially notify the Board in writing, by certified mail, at least ~~14~~ 120 days before the intended closure, unless otherwise authorized by the Board, and shall provide the Board with the following information:

- (a) the name, address, and telephone number of the pharmacy;
- (b) the pharmacy license number;
- (c) the date on which the intended closure shall take place; and
- (d) verification that adequate advanced notice of the closure has been given to Massachusetts customers of the pharmacy in accordance with 6.13(4).

Amend 247 CMR § 6.13(3) as follows:

A sterile compounding pharmacy, complex non-sterile compounding pharmacy, institutional sterile compounding pharmacy, non-resident sterile compounding pharmacy, and non-resident complex non-sterile compounding pharmacy shall notify the Board in writing, by certified mail, at least ~~14~~ 120 days before the intended closure, unless otherwise authorized by the Board, of the identity of the pharmacy licensed by the Board that is suitable and available to provide continuity of care to the closing pharmacy's patients.

Amend 247 CMR § 6.13(4) as follows:

(4) Notice to Patients. A licensee or a Manager of Record who intends to close a pharmacy licensed by the Board shall identify each patient who had a prescription filled at the pharmacy within preceding ~~90~~ 120 days of the intended closure date. The licensee or a Manager of Record shall attempt to notify each such patient of the pharmacy closure ~~at least 14~~ up to 120 days prior to the closure date, by first class mail or other Board approved method. The licensee or a Manager of Record shall also post notice in a conspicuous location at the pharmacy informing patients of the intended closure and procedure for requesting a transfer of patient file information. A non-resident Drug Store Pharmacy, non-resident sterile compounding pharmacy, and non-resident complex non-sterile compounding pharmacy shall notify all Massachusetts patients of the closure in accordance with 247 CMR 6.13(4).