



Massachusetts Patient Advocacy Alliance Advocating for safe access to medical marijuana

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— Press Advisory Supplemental Materials —

TOPIC: DEPARTMENT OF PUBLIC HEALTH

PROPOSED AMENDMENTS TO 105.CMR.725.000 MPAA SUPPORTS

- Creating a definition for Certified Nurse Practitioners (CNP) in regulations and develop the requirements needed for CNP's to participate in the medical marijuana program.
- Allowing a CNP to be one of the two healthcare providers for minors.
- Creating a separate category of caregiver and their employing institutions. (Institutional Caregivers)
- Caregiving institutions must be a hospice, nursing, or medical facility and will register with the DPH similar to Registered Marijuana Dispensaries (RMD)
- Institutional caregivers will be registered under registered caregiving institution and can administer medicine to patients in the Institution.
- Creating an opportunity for independent testing laboratories to receive a certificate of registration from DPH.
- Language clarifying labs as a protected destination and require protocols for transportation.
- Clarifying language allowing for the posting of product prices on dispensary Websites.
- Allowing cultivation from clones and not just seeds.

WHERE PROPOSED AMENDMENTS TO 105.CMR. 725.000 STRAY FROM THE INTENT OF THE LAW

- Allowing healthcare providers to certify patients for less than 10 ounces as their 60 day supply is an aspirational change that can't be enforced because physician's are not allowed under law to prescribe cannabis, but can only recommend it. Registration cards provided by patients to law enforcement only provide information on patient status and do not engage in tracking how much cannabis can be possessed by any one patient.
- Requiring testing laboratories to only test for RMD's does not incorporate the needs of patients who qualify for hardship cultivation licenses and are growing under hardship at their residence.

MAJOR PROBLEMS WITH THE MEDICAL MARIJUANA PROGRAM NOT COVERED BY PROPOSED AMENDMENTS

- Patients are being arrested and harassed by law enforcement. Hardship Cultivation Registrations have still never been issued by DPH besides the need existing in both statute and regulations. Law enforcement continues to ask for hardship cultivation registration licenses from patients who can not produce the license because they have never been issued. Patients continue to have their plants taken away and are charged with an array of crimes because DPH still has not issued a cultivation registration license to a single qualifying patient.
- Patients are not completing the registration process. Medical Marijuana Patients registering with the program currently has over twenty five steps to complete their registration with the DPH upon certification from a physician. Once completing the twenty five Step process that is functionally difficult to complete, the patient must wait two to six weeks before their card arrives in the mail. Patients with debilitating conditions are too sick to complete the process and in some cases would die before the card arrived in the mail.
- Hospice and palliative care patients do not have safe access. Because the Medical Marijuana Patient Registration is currently over twenty five steps and takes two to six weeks to complete, patients in hospice and palliative care are not joining or participating in the medical marijuana program.

- Patients are not getting free or low cost medicine from RMDs. Hardship subsidy programs at RMDs are not uniform and provide a patchwork of discount programs that are marginal and confusing for patients to understand. Many patients who currently qualify for hardship subsidy discounts on medicine are not receiving them.
- Patient confidentiality is being violated everyday. Medical Marijuana patient registration cards currently display the registrants full name which is a violation of patient confidentiality under Section 15 of the medical marijuana statute Chapter 369. Patient privacy is being violated everyday the card program operates with the patient name being visible on the patient registration card.

FIXING THE MAJOR PROBLEMS WITH THE MEDICAL MARIJUANA PROGRAM NOT COVERED BY PROPOSED AMENDMENTS

- Stop patients being arrested and harassed by law enforcement by immediately issuing hardship cultivation registration licenses to qualifying patients.
- Fix the registration process by allowing the electronic certification already being sent by the certifying physician to the DPH to count as the patient registration and give patients an immediate temporary card to use until the DPH can confirm the information submitted.
- Allow palliative care and hospice patients to register on a fast track to obtain access to RMDs by creating an option of hospice during registration so there is no more waiting three to six weeks for a card before they can gain access and receive a temporary card.
- Fix the hardship subsidy program by mandating specific hardship program guidelines that are consistent across all RMDs so patients who qualify automatically receive hardship discounts without having their dignity challenged by RMD agents.
- Fix the confidentiality issue for patients by immediately re-issuing all patient registration cards without identifying name visible anywhere on the card and remove the patient name from any part of the transaction process.

DEPARTMENT OF PUBLIC HEALTH INACTION

- The Department of Public Health has denied hospice and palliative care patients safe access to medical marijuana.

- Hospice patients are still four years later not able to wait three to six weeks to obtain a registration card to use medical marijuana.
- 63% of Massachusetts voters expected hospice and palliative care patients to have safe access to medical marijuana and the DPH has refused to change any policy to make this possible.
- See attached memorandum.

MASSACHUSETTS OFFICE ON DISABILITY INACTION

- MPAA has asked the Massachusetts Office on Disability to engage in a review of the registration process for patients with disabilities but was denied.
- For more information on why the Massachusetts Office on Disability never engaged in a review of the registration process for medical marijuana patients please contact Naomi Goldberg at naomi.goldberg@state.ma.us.

MPAA 2017 - 2018 LEGISLATIVE PROPOSALS OVERVIEW

- **The Medical Marijuana Patient Confidentiality Proposal** will tackle issues of patient and physician confidentiality including removing patient name from all medical marijuana patient registration cards.
- **Medical Marijuana Pediatric Patient Protection Proposal** will add a definition for pediatric patients and provide protections from prosecution for parents and caregivers who dispense medicine to pediatric patients.
- **Medical Marijuana Patient Registration Proposal** will create an easy to use registration program for qualifying patients with debilitating conditions to obtain medical marijuana immediately upon certification instead of waiting for three to six weeks for the card to come in the mail.

QUOTES FROM MASSACHUSETTS PATIENT ADVOCACY ALLIANCE ON THE TOPIC OF THE DPH PROPOSED AMENDMENTS TO THE MEDICAL MARIJUANA PROGRAM

“We think the Department’s updates are very progressive and are moving towards the bigger picture of the medical cannabis initiative, but the Department of Public Health

continues to hold back on patient privacy and security. The MPAA is moving forward to address these issues with the legislature.” - *Nichole Snow, Executive Director of the Massachusetts Patient Advocacy Alliance*

“We welcome many of these amendments to the medical marijuana program including allowing Certified Nurse Practitioners to recommend medical marijuana and the development of a way forward for institutions and healthcare facilities to dispense medicine to patients with the most need.” - *Michael Latulippe, Development Director of the Massachusetts Patient Advocacy Alliance*

“Patients don’t appreciate being told they cannot test their home grown medicine or alterations giving healthcare providers power to certify a 60-day supply under 10 ounces.” - *Jeremiah MacKinnon, Advisory Board member of the Massachusetts Patient Advocacy Alliance*

“While these amendments support institutional caregivers they will not help Hospice patients access safely regulated medical marijuana. Patients that qualify for hospice care have six months or less to live if their disease runs its normal course. This determination, is made by two physicians in agreement. It is imperative amendments are made that fast tracks hospice patients to access medical marijuana.” - *Elizabeth Dost, Clinical Director of the Massachusetts Patient Advocacy Alliance*

QUOTES FROM OTHER ORGANIZATIONS

“The passing of Question 4 is no excuse for the DPH to continue to ignore the hardship growing provision for medical marijuana patients. Their lack of implementation is gross and negligent, and must be corrected.” - *Peter C. Bernard, President of the Massachusetts Grower Advocacy Council*

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