



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

MASSACHUSETTS MEDICAL SOCIETY COMMENTS

MASSACHUSETTS BOARD OF REGISTRATION IN MEDICINE

**RE: 243 CMR 1.00: *Disciplinary Proceedings for Physicians*
243 CMR 2.00: *Licensing and the Practice of Medicine***

February 18, 2025

The Massachusetts Medical Society (MMS) is a professional association of over 24,000 physicians, residents, and medical students across all clinical disciplines, organizations, and practice settings. The Medical Society is committed to advocating on behalf of patients, to give them a better health care system, and on behalf of physicians, to help them provide the best care possible. The MMS opposes the imposition of criminal or civil penalties or other retaliatory efforts against physicians or other health care workers or health systems that assist in, refer patients to, or provide reproductive health services, including abortion. As such, the MMS appreciates the opportunity to provide comment in support of the Board of Registration in Medicine's (BORIM) proposed emergency amendments to 243 CMR 1.00 and 2.00, which will codify Massachusetts Shield Law protections for physicians.

Following the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, which ended federal legal protection for abortion, Massachusetts acted swiftly and decisively by passing the Shield Law (Chapter 127 of the Acts of 2022). This law establishes certain legal and professional protections for provision of reproductive and gender affirming care, so long as the care is provided by a licensed provider in the Commonwealth and is consistent with good medical practice under relevant standards of care. The Shield Law is an important tool for ensuring continued access to essential reproductive and gender-affirming health care services, by protecting physicians in our state. It guarantees that physicians can continue providing evidence-based care within a climate of trust, security, and legal protection, without fear of punitive civil or criminal consequences. In doing so, it ensures that physicians are free to provide for the well-being of their patients, and it offers much-needed assurance that their professional judgment will not be undermined by external pressures or extrajudicial threats.

The urgency of codifying these protections cannot be overstated. Enshrining the Shield Law within BORIM's regulatory framework will not only help to safeguard the ability of physicians to provide high-quality, evidence-based care, but will also reduce the risk of professional consequences stemming from the provision of reproductive and gender-affirming health care. Doing so will reinforce the integrity of the health care system, particularly in providing essential services to vulnerable populations who rely on these critical health care services.

The MMS therefore commends BORIM for its proposed emergency amendments to ensure that physicians are not disqualified from licensure or subject to board discipline for providing—or assisting in providing—reproductive or gender-affirming health care services in Massachusetts. This is an essential step in prioritizing patient care and clinical expertise over extraneous legal or political factors. By offering further regulatory clarity and protections, these amendments will allow physicians to practice with confidence, ensuring that medical decisions are based on the best interests of the patient and the highest standards of medical practice, rather than fear of retribution. It is essential that we continue to build a health care system where the rights of both physicians and patients are protected. With these regulatory protections in place, Massachusetts will remain a stronghold for compassionate, evidence-based care, while ensuring that physicians are empowered to deliver care without hesitation. This, in turn, will strengthen the health care system's ability to meet the needs of patients seeking reproductive and gender-affirming care.

Relatedly, the Medical Society welcomes the opportunity to further discuss the processes laid out in BORIM Policy 2022-06 relative to how the Board will determine whether the protections afforded under Chapter 127 are applicable in a specific instance, which will promote clarity for the physician community in how they may participate in such a determination.

The Massachusetts Medical Society is grateful to BORIM for your efforts to codify Shield Law protections for physicians to ensure they can focus on providing their patients with the best care possible. Thank you for your consideration of these comments. For any questions, please contact Leda Anderson, Director of Advocacy & Government Relations, at landerson@mms.org.