

LEGAL UPDATES

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Massachusetts Clarifies Licensure Reqs for PHPs, IOPs

On August 27, 2025, the Massachusetts Department of Public Health issued a memorandum clarifying its licensure requirements for Partial Hospitalization Programs (PHP), Intensive Outpatient Programs (IOP), and Day Treatment Programs.

Freestanding PHP and IOP facilities

Effective immediately, entities seeking to provide PHP or IOP services in freestanding facilities must seek clinic licensure for mental health services and comply with the applicable sections of the clinic licensing regulation, 105 CMR 140.000.

The guidance does not provide timelines for currently operating facilities to come into compliance with the regulation and to apply for and receive a clinic license. Facilities that will need licensure should begin reviewing the regulations to evaluate their ability to comply and compiling the necessary documents for licensure in anticipation of DPH's further communications regarding timeframes.

Day Treatment Services

The department also clarified that programs licensed by the Bureau of Substance Addiction Services (BSAS) may provide similar services, called Day Treatment Services. These entities must comply with the applicable BSAS regulation for such outpatient services. While these programs are not permitted to advertise as PHPs or IOPs, they may use those terms for billing purposes if so directed by their insurance companies.

PHP, IOP, and Day Treatment Services are all nonresidential services, and the guidance emphasized that no provider may condition or incentivize

participation by requiring or inducing individuals to reside in an affiliated program, such as a sober home or recovery residence.

Virtual services

The department also clarified that PHP, IOP, and Day Treatment Services may be provided through telehealth, including 100% virtual services. For service providers who offer virtual services, the department expects that they will still meet all the applicable regulatory requirements for their license type.

Next steps

We anticipate follow-up guidance from the department to clarify deadlines and the process for licensure and whether any of the licensing requirements will be waived for existing facilities. We will update this alert when we learn further details from the department.

Contact us

If you have any questions about this development or other issues, contact Crystal Bloom, Rebecca Rodman, another member of our Massachusetts-based Healthcare team, or your local Husch Blackwell attorney.