

Division of Medical Assistance
Commonwealth of Massachusetts
Office of Medicaid

NOTICE OF PUBLIC HEARING

Under the authority of M.G.L. c. 6A, section 16 and in accordance with M.G.L. c. 30A, the Division of Medical Assistance (the Division) will hold a remote public hearing on Friday, February 23, 2024, at 10:00 a.m., relative to the adoption of amendments to the following regulation.

130 CMR 419.000: Day Habilitation Center Services

The proposed amendments to 130 CMR 419.000 update, clarify, and reorder day habilitation (DH) program regulations to:

- Redefine the level of service and add an additional level.
- Remove individualized staffing supports and ensure providers continue to meet the individual needs of the members served.
- Adapt and clarify that members receiving DH services in nursing facilities and members receiving DH with the medical need for continuous one-to-one nursing throughout the day will be authorized for Level 4 payment (highest new payment level).
- Clarify that nursing must be provided and can be through direct hire or contract. State that nursing coverage should be sought in the event of a callout.
- Specifically remind providers that they must have admission policies to prevent discrimination, including discrimination based on member acuity.

These program regulations will be aligned with 101 CMR 348.00: *Rates for Day Habilitation Services*.

These amendments are intended to be effective no earlier than July 1, 2024. There is no fiscal impact on cities and towns.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/service-details/masshealth-public-hearings. To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to

masshealthpublicnotice@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. Friday, February 23, 2024. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current draft of the proposed regulation, go to www.mass.gov/service-details/masshealth-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAAccommodations@mass.gov or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

The Division may adopt a revised version of the proposed regulation taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/masshealth-public-hearings.

February 2, 2024