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Administrative Bulletin 23-24

101 CMR 512.00: Nursing Facility User Fees

Effective September 1, 2023

Classification of Nursing Facility User Fees Groups

The Executive Office of Health and Human Services (EOHHS) is issuing this Administrative Bulletin pursuant to 101 CMR 512.00 to clarify EOHHS procedures regarding eligibility for user fee facility groups for nursing facilities.

Nursing facility user fee payment liability varies by facility group. The two groups of facilities for purposes of 101 CMR 512.00 are defined in 101 CMR 512.03(1)(a) and (b):

- (a) Group I: All facilities that do not meet the criteria for group II; and
- (b) Group II: Any nursing facility meeting one or more of the following criteria:
 1. a non-profit continuing care retirement community or non-profit residential care facility;
 2. a non-profit facility that provides at least 39,000 annual Medicaid bed days, as determined by EOHHS; or
 3. a facility with a Medicaid utilization rate of 87% or higher, as determined by EOHHS.

For the period between January 1, 2023, and June 30, 2024, the eligibility for user fee facility groups was calculated based on data from the period between April 1, 2021, and March 31, 2022.

Effective July 1, 2024, the eligibility for user fee facility groups will be calculated based on data from the period between April 1, 2022, and March 31, 2023. The use of updated source data may result in facilities moving between Group 1 and Group 2. EOHHS will notify facilities of their updated group no later than October 1, 2024, via a posting on the MassHealth website at www.mass.gov/regulations/101-CMR-51200-nursing-facility-user-fees. Facilities will be notified by email when the posting is available.

Going forward, EOHHS anticipates redetermining eligibility for user fee facility groups every two years based on data from the prior year's April 1 to March 31 period. As a result, a facility may move between groups as often as every two years. For example, a Group II facility that no longer meets any of the criteria for Group II based on the updated data will be moved to Group I, while a Group I facility that newly meets at least one of the criteria for Group II based on the updated data will be moved to Group II. EOHHS expects to announce future redeterminations via Administrative Bulletin or other written issuance.