

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF FINAL AGENCY ACTION

Under the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the Executive Office of Health and Human Services (EOHHS) will hold a remote public hearing on **Friday, October 31, 2025, at 10 a.m.** relative to the emergency adoption of amendments to the following regulation.

101 CMR 206.00: Standard Payments to Nursing Facilities

The proposed amendments to 101 CMR 206.00 implement Fiscal Year 2026 (FY26) budget requirements. The following adjustments are being made to the rates, consistent with the FY26 budget:

- 1) Rebasing to a base year of 2023, from a previous base year of 2019;
- 2) Applying a cost adjustment factor (CAF) of 5.48%, plus a 0.683% administrative adjustment, resulting in a total adjustment of 6.163% to the nursing 2023 base year costs; applying a CAF of 6.31% to the operating 2023 base year costs; and applying a CAF of 5.42% to the capital 2023 base year costs;
- 3) Removing adjustments for quality improvement based on Centers for Medicare & Medicaid Services (CMS) and Department of Public Health (DPH) scores while maintaining adjustments for quality achievement based on CMS and DPH scores and adding a new achievement-related quality measure for Hospitalizations from the CMS data on nursing facilities; and
- 4) Amending certain aspects of existing rate adjustments, add-ons, and supplemental payments, including but not limited to the quality, maximum change, and high Medicaid adjustments, and the direct care, multiple sclerosis, and behavioral health indicator add-ons.

Further, as directed by Line 4000-0641 of the FY26 budget, the proposed amendments establish a Supplemental Payment for Qualified Nursing Facilities Located on Martha's Vineyard to allocate supplemental payments to facilities located on Martha's Vineyard Island and within eight miles of a hospital that has received federal government designation as a Critical Access Hospital.

The estimated annual fiscal impact of these amendments is \$102,000,000 for rate related amendments and \$3,800,000 for supplemental payment-based amendments, equaling a total estimated annual fiscal impact of \$105,800,000.

The regulation will go into effect as an emergency on October 1, 2025.

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/executive-office-of-health-and-human-

services-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 ehs-regulations@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. on Friday, October 31, 2025. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the emergency regulation, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-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.

EOHHS may adopt a final, revised version of the emergency 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/executive-office-of-health-and-human-services-public-hearings.

September 30, 2025