

**Commonwealth of Massachusetts
Office of Medicaid**

NOTICE OF PUBLIC HEARING

Coronavirus Update: Due to the coronavirus emergency, EOHHS is holding public hearings remotely. All public hearings will occur on the advertised dates and times. Details and instructions for participating and testifying remotely (such as through phone line or online connection) at the remote public hearings will be published online at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings and are included in this notice below. If you plan to testify at the remote hearing, EOHHS strongly encourages you to register in advance; see below for instructions. EOHHS encourages you to submit written testimony in addition to, or instead of, providing testimony at the hearing; see below for instructions. Additionally, requests for copies of proposed regulations will not be accepted in person. Details for obtaining copies of proposed regulations are set forth below.

To join the hearing online, go to <https://statema.webex.com>, and enter meeting ID 644 151 469. To join the hearing by phone, call (866) 692-3580, and enter meeting ID 644 151 469# when prompted.

Pursuant to the authority of M.G.L. c. 6A, s. 16 and in accordance with M.G.L. c. 30A, a public hearing will be held on Tuesday, July 7, 2020, at 1:00 p.m. relative to the adoption of:

130 CMR 409.000: Durable Medical Equipment Services

The proposed amendments update definitions, provider eligibility and responsibilities for clarity and compliance with federal and state standards; revise out-of-state provider requirements to limit participation to qualified providers who provide Durable Medical Equipment (DME) that meets an agency need; update MassHealth procurement and subcontracted services to include the ability for MassHealth to issue procurements of qualified DME providers or suppliers; clarify agency policy concerning the non-coverage of consignment closets; codify agency policy regarding custom mobility systems for Members in Nursing Facilities; clarify agency policy regarding the use of Medicare local coverage determinations (LCDs); reiterate program integrity and third party liability requirements; clarify agency policy pertaining to Augmentative and Alternative Communication (AAC) devices; and incorporate a quality management and prohibited marketing activities policy.

The proposed regulation is planned to go into effect no sooner than August 21, 2020. There is no fiscal impact on cities and towns.

Individuals who notify EOHHS of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to notify EOHHS of their intention to testify at the hearing by registering online at www.mass.gov/service-

[details/masshealth-public-hearings-0](#). Individuals may also submit written testimony by emailing masshealthpublicnotice@state.ma.us. Please submit electronic testimony as an attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions 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 must be submitted by 5:00 p.m. on Tuesday, July 7, 2020.

All persons desiring to review the current draft of the proposed actions may go to www.mass.gov/service-details/masshealth-public-hearings-0 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@state.ma.us 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.

MassHealth may adopt a revised version of the proposed actions 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-0.

June 16, 2020