

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

**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](http://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. 118E and in accordance with M.G.L. c. 30A, a public hearing will be held on Friday, January 29, 2021, at 12:00 p.m. relative to the emergency adoption of:

**101 CMR 445.00: COVID-19 Payment Rates for Certain Day Programs**

Pursuant to M.G.L. Chapter 118E, Section 13D, EOHHS is required to establish, by regulation, rates to be paid by governmental units to providers of health care services and social service programs. In accordance with this requirement, COVID-19 payment rates for certain day programs are being established in this regulation. 101 CMR 445.00 establishes the payment rates for certain day programs in response to the coronavirus disease 2019 (COVID-19) emergency. The rates specific to the COVID-19 emergency seek to ensure continued operation of these providers and account for increases in staffing, infection control, and other expenses as a result of the COVID-19 emergency. The proposed amendments to the regulation add rates for MassHealth adult day health services and day habilitation services for dates of service on or after December 1, 2020. Specifically,

1. Update to the COVID-19 rates for MassHealth adult day health (ADH) services:
  - a. For dates of service on or after December 1, 2020, rates for ADH services that are 40% higher than the rates for these services as established under 101 CMR 310.00: *Adult Day Health Services*;
  - b. For dates of service on or after March 1, 2021, rates for ADH services that are 25% higher than the rates for these services as established under 101 CMR 310.00: *Adult Day Health Services*.
2. Update to the COVID-19 rates for MassHealth day habilitation (DH) services:



- a. For dates of service on or after December 1, 2020, rates for DH services that are 40% higher than the rates for these services as established under 101 CMR 348.00: *Day Habilitation Program Services*;
  - b. For dates of service on or after March 1, 2021, rates for DH services that are 25% higher than the rates for these services as established under 101 CMR 348.00: *Day Habilitation Program Services*.
3. Update to the COVID-19 rates for day services, prevocational services, and individual supported employment under MassHealth's Acquired Brain Injury (ABI) and Moving Forward Plan (MFP) home and community-based waivers:
    - a. For dates of service on or after December 1, 2020, rates for day services, prevocational services, and individual supported employment that are 40% higher than the rates for these services as established under 101 CMR 359.00: *Rates for Home and Community-Based Services Waivers*;
    - b. For dates of service on or after March 1, 2021, rates for day services, prevocational services and individual supported employment that are 25% higher than the rates for these services as established under 101 CMR 359.00: *Rates for Home and Community-Based Services Waivers*.
  4. Removal of rates associated with non-MassHealth day program services.

The proposed amended regulation contains rates effective for dates of service on or after December 1, 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/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings). Individuals may also submit written testimony by emailing [ehs-regulations@state.ma.us](mailto:ehs-regulations@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, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony must be submitted by 5:00 p.m. on Friday, January 29, 2021.

All persons desiring to review the emergency regulation may go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://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, 6<sup>th</sup> Floor, Quincy, MA 02171. To view or download related supporting materials, go to [www.mass.gov/service-details/proposed-regulations-supporting-materials](http://www.mass.gov/service-details/proposed-regulations-supporting-materials).

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at [ADAaccommodations@state.ma.us](mailto: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.

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](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings).

January 8, 2021