Commonwealth of Massachusetts  
Office of Medicaid  

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 6A, section 16 and in accordance with M.G.L. c. 30A, a remote public hearing will be held on September 24, 2021, at 10:00 a.m., relative to the adoption of:

130 CMR 422.000: Personal Care Attendant Services

Regulation 130 CMR 422.000 governs MassHealth providers of personal care services and provides program requirements and conditions of payment for the provision of personal care services to MassHealth members.

The proposed amendments to 130 CMR 422.000 update and clarify certain requirements of the MassHealth personal care attendant (PCA) program and incorporate electronic visit verification (EVV) requirements. Specifically, the proposed amendments include provisions to:

- Add requirements for the use of EVV by PCAs and members as required by the MassHealth agency, and incorporate EVV-related Personal Care Management agency and Fiscal Intermediary requirements;
- Clarify noncovered services includes PCA services provided to residents of group homes and PCA services provided without the use of EVV as required by the MassHealth agency; and
- Incorporate technical updates to clarify permissible payments and to account for a single Fiscal Intermediary.

The proposed revisions will not change or affect the total amount of hours of personal care services a member is authorized to receive. The proposed amendments promote the effective operation of the MassHealth PCA program and align with the move to a signal FI and federal Medicaid requirements for EVV.

The proposed regulation is planned to go into effect no sooner than January 1, 2022. There is no fiscal impact on cities and towns.

If you would like to testify at the hearing, please register online at www.mass.gov/service-details/masshealth-public-hearings. To join the hearing online, go directly to EHS Public Hearings Meeting Room. Alternatively, go to https://zoom.us/join and enter meeting ID 935 397 8200 and passcode 800606. 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 must be submitted by 5:00 p.m. on September 24, 2021. MassHealth specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current draft of the proposed actions, 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@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.

September 3, 2021