

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

**NOTICE OF PUBLIC HEARING**

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, four remote public hearings will be held on Friday, April 9, 2021, each at the respective time listed below, relative to the adoption of amendments to the following regulations. Each amended regulation described below is proposed in accordance with M.G.L. c. 118E, Section 13D, which requires EOHHS to establish by regulation rates for social service programs. Additionally, each cost adjustment factor (CAF) described below was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Fall 2020 Forecast, optimistic scenario data, and reflects the period between the rates' base period (calendar year 2021 Q2) and the prospective period of fiscal years 2022 and 2023.

- 1. 9:30 a.m.: 101 CMR 427.00: *Rates for Certain Youth and Young Adult Support Services.*** The proposed amendments update rates for certain youth and young adult support services by a CAF of 2%. The rates have been updated to incorporate an employer and employee contribution required by the Massachusetts paid family and medical leave law. As part of the workforce initiative, staff salaries, with the exception of the program management positions, have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages for 2017/2018. The management salaries have been benchmarked to the FY19 Uniform Financial Statements and Independent Auditor's Reports (UFRs) weighted average for management positions. The programmatic expenses have also been benchmarked to the FY19 UFR. The tax and fringe rate has been benchmarked to 22.40% and the administrative allocation has been benchmarked to 12%. The separate workforce initiative rate has been removed from the regulation because the workforce initiative goal of the rate review has been met with the incorporation of BLS benchmarking into the rates. A new rate is being established for the Teen Pregnancy Prevention program to provide a rate for remote/virtual delivery of services within the communities served. Lastly, a new rate for a direct care III add-on for the therapeutic day service is being incorporated to allow for service delivery flexibility.
- 2. 10:30 a.m.: 101 CMR 431.00: *Rates for Certain Respite Services.*** The respite service rates are being updated to include an increase by a CAF of 2%. The rates for DMH's respite services have been updated to incorporate an employer and employee contribution required by the Massachusetts paid family and medical leave law. As part of the workforce initiative, staff salaries, with the exception of the program management positions, have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages for 2017/2018. The management salaries have been benchmarked to the FY19 Uniform Financial Statements and Independent Auditor's Reports (UFRs) weighted average for management positions. The programmatic expenses have also been benchmarked to the FY19 UFR. The tax and fringe rate has been benchmarked to 22.40% and the administrative

allocation has been benchmarked to 12%. Finally, the separate workforce initiative rate has been removed from the regulation because the workforce initiative goal of the rate review has been met with the incorporation of BLS benchmarking into the rates.

3. **11:00 a.m.: 101 CMR 432.00: *Rates for Certain Lead Agency Services.*** The lead agency rates are being updated to include an increase by a CAF of 2%. The rates for DCF's lead agency services have been updated to incorporate an employer and employee contribution required by the Massachusetts paid family and medical leave law. As part of the workforce initiative, all staff salaries, with the exception of the program management position, have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages for 2017/2018. The management salary has been benchmarked to the FY19 Uniform Financial Statements and Independent Auditor's Report (UFR) weighted average for management positions. The programmatic expenses have also been benchmarked to the FY19 UFR. The tax and fringe rate has been benchmarked to 22.40% and the administrative allocation has been benchmarked to 12%. Finally, the separate workforce initiative rate has been removed from the regulation because the workforce initiative goal of the rate review has been met with the incorporation of BLS benchmarking into the rates.
4. **11:30 a.m.: 101 CMR 330.00: *Rates for Team Evaluation Services.*** The rates for team evaluation services are being updated to include an increase by a CAF of 2% and to incorporate salary benchmarks derived from the Bureau of Labor Statistics (BLS) median salary, 2019 edition. In 101 CMR 330.01(6), audiological evaluations will be separated from physical therapy evaluations and those for occupational therapy and speech pathology since audiological services are now covered under 101 CMR 323.00: *Rates for Hearing Services.* Finally, the definition of Comprehensive Neuropsychological Assessment has been updated for clarity and consistency.

The proposed amended regulations contain rates effective for dates of service on or after July 1, 2021. 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/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings). 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.

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](mailto: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, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony must be submitted by 5:00 p.m. on Friday, April 9, 2021.

To review the current draft of the proposed actions, 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 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/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings).

March 19, 2021