

**Commonwealth of Massachusetts
Office of Medicaid**

NOTICE OF PUBLIC HEARING

The Division of Medical Assistance (the Division) proposes to amend its regulations under the authority of M.G.L. c. 118E, ss. 7 and 12 and M.G.L. c. 30A. The Division will hold a remote public hearing on Friday, September 30, 2022, at 11:00 a.m. relative to the adoption of:

130 CMR 411.000: Medical Assistance Program: Psychologist Services (to be retitled “Psychologist Services”), and

130 CMR 462.000: Licensed Independent Clinical Social Worker Services

130 CMR 411

130 CMR 411.000 governs MassHealth providers of psychological services, including program requirements and conditions of payment for the provision of psychological services to MassHealth members. These amendments are being proposed with an effective date of January 1, 2023, to align with the concurrent promulgation of amendments to the rates for psychological and independent clinical social work services (101 CMR 329.00) and the programmatic requirements for licensed independent clinical social worker services (130 CMR 462.000).

The proposed amendments for providers of psychological services would: 1) clarify terms to reflect the current program administration and current industry practice as it applies to psychological assessment; 2) amend definitions for diagnostic, case consult, and treatment services; 3) amend payable services to include therapy: Individual therapy, couple therapy; family therapy; and group therapy; 4) amend program administration and programmatic requirements, including: member and provider eligibility, nonpayable services, nonpayable circumstances, telehealth, recordkeeping requirements, and maximum allowable fees; and 5) include language for Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services.

The Division is proposing these amendments to ensure that regulations reflect current industry terms and practice for psychological assessment. The ability to bill for and provide additional services is anticipated to improve psychological services for MassHealth members.

130 CMR 462

The proposed new regulation, 130 CMR 462.000, sets forth the requirements for licensed independent clinical social workers (LICSWs) to enroll as MassHealth providers, including program requirements and conditions of payment for the provision

of LICSW services to MassHealth members, and establishes LISCWs as a new provider type.

This regulation is being proposed with an effective date of January 1, 2023, to align with the concurrent promulgation of amendments to the rates for psychological and independent clinical social work services (101 CMR 329.00) and the programmatic requirements for psychologist services (130 CMR 411.000).

The proposed regulation for LICSWs would establish: 1) LISCWs as a provider type that may bill MassHealth for services as independent practitioners; 2) definitions for diagnostic, case consult, and treatment services; 3) payable services as: a) diagnostic evaluation; b) therapy, including: individual therapy, couple therapy; family therapy; and group therapy, and c) case consultation and family consultation; 4) program administration and programmatic requirements, including: member and provider eligibility, nonpayable services, nonpayable circumstances, telehealth, recordkeeping requirements, and maximum allowable fees. The proposed regulation also includes language for Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services.

The Division is required to establish regulations for all MassHealth providers, including the services covered by this regulation.

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/masshealth-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 September 30, 2022. The Division 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@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.

The Division 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 9, 2022