

**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, a remote public hearing will be held on Friday, July 22, 2022, at 10:00 a.m. relative to the adoption of:

**101 CMR 358.00: RATES OF PAYMENT FOR APPLIED BEHAVIOR ANALYSIS**

**Summary of Proposed Regulation**

These actions are being taken pursuant to the requirements M.G.L. Chapter 118E, Section 13D. 101 CMR 358.00 governs the rates of payment used by state governmental units, including MassHealth, for Applied Behavior Analysis (ABA) services rendered by eligible providers.

The proposed amendments update the rates for Applied Behavior Analysis services for dates of service on or after October 1, 2022. The proposed amendments will increase rates for ABA services. ABA services are an array of home-based services for MassHealth members younger than 21 years of age with a diagnosis of Autism Spectrum Disorder.

The proposed rates were developed by updating certain staff salaries and other benchmarks in the model budgets using the FY2020 Uniform Financial Report (UFR) data as well as 2020 Bureau of Labor Statistics and 2019 In-Home Behavioral Services (IHBS) UFR data where applicable.

EOHHS is making these changes, subject to federal approval, to ensure that payments are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities, and to ensure that payment rates are consistent with efficiency, economy, and quality of care. It is expected that the MassHealth annual fee-for-service expenditure for ABA services will increase by \$0 (0%) over base spending as a result of the proposed amendments. It is expected that the Department of Public Health annual expenditure for ABA services will increase by approximately \$330,213. The actual change in annualized expenditures may vary depending on actual utilization of services. There is no fiscal impact on cities and towns.

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/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 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](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 will be accepted through 5:00 p.m. on July 22, 2022. EOHHS 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/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.

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

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).

July 1, 2022