

**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, December 16, 2022, at 9:00 a.m. relative to the adoption of amendments to:

101 CMR 426.00: Rates for Certain Adult Community Mental Health Services.

The amendments to 101 CMR 426.00 include three new rates for certain adult community mental health services specific to enhanced medical group living environment. These services provide a variety of skilled health care and supportive services, including nursing and hands-on personal care to persons with serious mental illness in addition to compounding medical needs. These services are designed to meet and support the daily needs of persons with chronic medical conditions, terminal illnesses, and/or disabilities that are impacted by their significant mental illness. The proposed rates include a cost adjustment factor (CAF) of 1.85%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2022 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2022 Q4) and the prospective period of calendar years 2023 and 2024. The rates for these services have been updated with the programmatic cost benchmarks from the medically intensive group living environments rates recently reviewed for FY23. As part of the workforce initiative, the staff salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages as dated May 2021. The tax and fringe rate has been benchmarked to 24.22%. This benchmark is derived from the MA Comptrollers FY22 approved rate less terminal leave and retirement. This benchmark does include an additional 2% to be used to promote workforce initiatives such as retirement benefits.

The total FY23 annualized cost to state government is negligible. It is expected that the fiscal impact of these rates will slowly increase over the next 12-18 months due to an expected increase in utilization.

The proposed amended regulation contains rates effective for dates of service on or after January 1, 2023. 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. 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 EOHHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Friday, December 16, 2022.

To review the current draft of the regulation, go to 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, 6th Floor, Quincy, MA 02171. To view or download supporting materials, go to www.mass.gov/service-details/proposed-regulations-supporting-materials.

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.

EOHHS may adopt a final, revised version of the proposed action 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.

November 25, 2022