

**Commonwealth of Massachusetts
Office of Medicaid**

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 6A, section 16, and M.G.L. c. 118E, and in accordance with M.G.L. c. 30A, a remote public hearing will be held on Friday, January 20, 2023, at 12:30 p.m. relative to the adoption of:

130 CMR 438.000: Continuous Skilled Nursing Agency

The proposed amendments to 130 CMR 438.000: *Continuous Skilled Nursing Agency* add a new service type called complex care assistant services, defined as health-related services delivered to complex care members who require more than two continuous hours of nursing services per day. To incorporate complex care assistant services into the regulations, the proposed amendments specifically add definitions relevant to complex care assistant services; clarify that the regulation applies to services provided by a continuous skilled nursing (CSN) agency, which include CSN services and may now include complex care assistant services; provide prior authorization requirements for complex care assistant services; provide medical necessity requirements for complex care assistant services; clarify teaching activities provided by a CSN agency nurse; describe qualifications, payment rules, and training requirements for complex care assistants; describe the supervision requirements for complex care assistants and the role of the registered nurse (RN) supervisor tasked with overseeing the delivery of complex care assistant services as authorized by the MassHealth agency or its designee; add recordkeeping and medical record documentation requirements for complex care assistant services; add complex care assistant documentation requirements to the CSN agency plan of care; and clarify that the 60-day complex care assistant supervision visit conducted by the RN is reimbursable by the MassHealth agency. Furthermore, amendments to 130 CMR 438.000 add member complaint resolution requirements that require CSN agencies to respond to member complaints within two business days, identify agency employees responsible for member complaint resolution, and document the resolution process.

The proposed regulation is planned to go into effect no sooner than July 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/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 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 will be accepted through 5:00 p.m. on Friday, January 20, 2023. The Division of Medical Assistance (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.

December 23, 2022