

**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 February 10, 2023, at 2:00 p.m. relative to the proposed adoption of amendments to:

101 CMR 322.00: Durable medical equipment, oxygen and respiratory therapy equipment.

The proposed amendments will provide the Executive Office and Health and Human Services (EOHHS) the authority to price durable medical equipment and medical supplies (DME) available through pharmacies with claims processed through the Pharmacy Online Processing System (POPS) at the lower of wholesale acquisition cost (WAC) and usual and customary charge (U&C), as those terms are defined in 101 CMR 331.00: Prescribed Drugs. EOHHS would identify any non-drug products available through pharmacies in an administrative bulletin describing the pricing methodology, as well as on the MassHealth Drug List. This pricing is largely consistent with how EOHHS prices prescription drugs dispensed through pharmacies. Pharmacy claims paid in POPS must have a specific rate, and it is not always possible to use the existing DME rate methodology to identify a specific price.

The regulatory changes will go into effect no sooner than July 1, 2023. There is no immediate fiscal impact, because this regulatory change only gives EOHHS the ability to designate products subject to the new pricing methodology via administrative bulletin. For those products for which EOHHS does designate as subject to this pricing methodology, EOHHS does not expect significant fiscal impact because these products are already available through DME providers. 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. To join the hearing online, go directly to [EHS Public Hearings Meeting Room](#). Alternatively, go to <https://zoom.us/join> and enter meeting ID 935 397 8200 and passcode 800606. 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 must be submitted by 5:00 p.m. on February 10, 2023. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the proposed regulations, 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.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at 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 final, revised version of the proposed regulation 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.

January 5, 2023