

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Under the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the Executive Office of Health and Human Services (EOHHS) will hold two remote public hearings on Friday, November 17, 2023, at the times listed below relative to the adoption of amendments to the following regulations.

1. 10:00 a.m.: 101 CMR 330.00: Rates for Team Evaluation Services

The proposed regulation contains rates effective for dates of service on or after September 1, 2023. There is no fiscal impact on cities and towns.

101 CMR 330.00 governs payment rates for team evaluation services provided to publicly aided individuals by governmental units. Pursuant to M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), EOHHS is required to establish, by regulation, and biennially review the rates to be paid by governmental units to providers of social service programs, which includes team evaluation services. In accordance with this requirement, the rates for team evaluation services are being updated to include an increase by a retrospective cost adjustment factor (CAF) of 13.72%. The CAF was calculated using the IHS Markit Consumer Price Index, optimistic scenario, for the Fall 2022 Forecast. The base period reflects the average of the four quarters of the year 2021, and the rate period 2023 Q3 – 2025 Q2.

The proposed amendments also change the name of “psychological evaluation” services to “psychological assessments/evaluations” for clarity. The Severability section has also been updated for consistency across EOHHS rate regulations.

The total projected annualized cost to Local Education Agencies (LEAs) from the increase in rates under the proposed regulation is an increase of \$176,447, or a 20.64% increase over the current spending of \$854,732.

2. 10:30 a.m.: 101 CMR 416.00: Rates for Clubhouse Services

The proposed regulation contains rates effective for dates of service on or after January 1, 2024. There is no fiscal impact on cities and towns.

101 CMR 416.00 governs the payment rates for clubhouse services provided to publicly aided individuals by governmental units. Services with rates established by this regulation are purchased by the Department of Mental Health (DMH). Pursuant to M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), EOHHS is required to establish by regulation and biennially review rates to be paid by governmental units to providers of social service programs. In accordance with this requirement, the rates for clubhouse services are being updated to include an increase by a cost adjustment factor (CAF) of 2.71%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2023 Forecast, optimistic scenario data. The CAF reflects the

period between the rates' base period (calendar year 2023 Q4) and the prospective period of calendar years 2024 and 2025. All staff salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages as dated May 2020. The tax and fringe rate has been benchmarked to 27.38% and the administrative allocation has been benchmarked to 12%. The Severability section has also been updated for consistency across EOHHS rate regulations.

The total annualized cost to state government from the increase in rates amended by this regulation is \$4.425 million, which represents an increase of approximately 17.07% over FY23 rate spending of approximately \$25.9 million.

To register to testify at the hearings and to get instructions on how to join the hearings online, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings. To join the hearings 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 Friday, November 17, 2023. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the current drafts of 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. To view or download related 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 revised version of the proposed regulations 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.

October 27, 2023