

**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 a remote public hearing on Friday, December 1, 2023, at 10:00 a.m. relative to the adoption of amendments to the following regulation.

101 CMR 417.00: Rates for Certain Elder Care 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.

This regulation governs the payment rates for certain elder care services provided to publicly aided individuals by governmental units. These services are purchased by the Executive Office of Elder Affairs (EOEA). 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, which include certain elder care services. In accordance with this requirement, the rates for certain elder care services are being updated to include an increase by a cost adjustment factor (CAF) of 2.71% and to incorporate salary benchmarks derived from the Bureau of Labor Statistics (BLS) median salary, dated May 2022, at the 53rd percentile. 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. The tax and fringe rate has been benchmarked to 27.38% and the administrative allocation has been benchmarked to 12%. We have also updated the language for the Severability section to make it consistent across EOHHS rate regulations.

The total projected annualized cost to state government from the increase in rates under the proposed regulation is \$27.5 million, which represents an increase of 21.33% over the FY23 spending of approximately \$128.3 million. These costs will not be realized until January 1, 2024, at which point the FY24 fiscal impact to state government will be approximately \$13.75 million for the increase to existing rates. The increase in spending will be covered through a combination of the Chapter 257 Reserve Account and the purchasing agency's FY24 budget.

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 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, December 1, 2023. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the current draft of the proposed 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 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 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.

November 10, 2023