

**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, April 19, 2024, at 10 a.m. relative to the adoption of amendments to the following regulation.

101 CMR 320.00: Rates for Clinical Laboratory Services

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

Pursuant to M.G.L. Chapter 118E, Sections 13C and 13D, the Executive Office of Health and Human Services (EOHHS) is required to establish and periodically review the rates to be paid by governmental units for noninstitutional health care services, including rates of payment for independent clinical laboratory services, provided under the MassHealth program.

The proposed amendments, effective September 1, 2024, are as follows:

- Most rates are proposed to be updated to 88.19% of the corresponding 2023 Medicare rates;
- Rates for codes that do not have corresponding 2023 Medicare rates will be increased by a two-year prospective cost adjustment factor (CAF) of 2.73%;
- Rates for Automated Test Panel (ATP) codes, which have bundled rates for sets of codes, will also be increased by a CAF of 2.73%;
- Rate for code 81528 (Cologuard) (multi-target stool DNA-based colorectal screening) is proposed at \$262.58, which is the same as the non-facility rate proposed, effective May 1, 2024, for colonoscopy code 45378 (diagnostic colonoscopy without intervention) in 101 CMR 316.00: *Rates for Surgery and Anesthesia Services*;
- Rates for COVID-19 testing codes are set to 100% of the corresponding 2023 Medicare rates. If no 2023 Medicare rate is available for a COVID-19 code, its rate is held constant to the existing rate in 101 CMR 320.00;
- Codes currently designated as individual consideration (I.C.) will continue to be priced using I.C.;
- All other rates are proposed to remain at their current levels; and
- The proposed amendments also give EOHHS the authority to issue administrative bulletins announcing selective contracts and/or rebate agreements with clinical laboratory vendors.

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 April 19, 2024. 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.

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.

March 29, 2024