

**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, July 12, 2024, at the respective times listed below, relative to the adoption of amendments to the following regulations.

1. 9:00 a.m.: 101 CMR 451.00: Rates for Certain Youth and Children Services

The proposed regulation contains rates effective for dates of service on or after January 1, 2025. There is no fiscal impact on cities and towns.

101 CMR 451.00 governs payment rates for certain youth and children services purchased by a governmental unit including, but not limited to, the Department of Children and Families (DCF).

In accordance with the requirements set forth in M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), the proposed regulation contains rates for reorganized support and stabilization services. These rates are based on updated model budgets and contain a cost adjustment factor (CAF) of 2.66%. Salary benchmarks are derived from the Bureau of Labor Statistics (BLS) median salary, May 2022 edition at the 53rd percentile. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Fall 2023 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2024, Q4) and the prospective calendar year 2025, Q1 through calendar year 2026, Q4. The tax and fringe rate has been benchmarked to 27.38% and the administrative allocation has been benchmarked to 12%.

These reorganized support and stabilization services will be sought to be purchased by the Massachusetts Department of Children and Families (DCF) in an upcoming procurement. The current annual spending for support and stabilization services is approximately \$161 million to \$167 million, depending on utilization. The upcoming procurement and rates for the reorganized support and stabilization services will result in an estimated increase in spending of \$17.5 million, depending on utilization.

2. 10:00 a.m.: 101 CMR 420.00: Rates for Adult Long-term Residential Services

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

101 CMR 420.00 governs payment rates for adult long-term residential services provided to publicly aided individuals by governmental units. Services with rates

established by this regulation are purchased by the Department of Developmental Services (DDS), the Massachusetts Commission for the Blind (MCB), and the Massachusetts Rehabilitation Commission (MRC). 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 for social service programs, which includes adult long-term residential services. In accordance with this requirement, the rates for adult long-term residential services are being updated to include an increase by a cost adjustment factor (CAF) of 2.58%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Fall 2023 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2024 Q2) and the prospective period of fiscal years 2025 and 2026. Staff salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages as dated May 2022 at the 53rd percentile. The tax and fringe rate has been benchmarked to 27.38%. This benchmark is derived from the MA Comptrollers FY24 approved rate less terminal leave and retirement. Administrative allocation has been benchmarked to 12%, which is the standard rate applied across all Chapter 257 regulations. A new service model has been added to deliver additional supports using specialized behavioral staff. A new service has also been added for an off-site direct service provider that monitors and responds to individuals' needs using live communications and non-invasive monitoring technologies. The language in the Severability section has also been updated for consistency across EOHHS rate regulations.

The total annualized cost to state government from the proposed amendments to this regulation is approximately \$328.9 million, which represents an increase of 20.03% over FY23 spending of approximately \$1.62 billion on these services. Of this amount, the estimated annualized cost to DDS is \$322,358,464; the estimated annualized cost to MCB is \$1,709,206; and the estimated annualized cost to MRC is \$4,800,841. The increase in spending in FY25 will be covered through the Chapter 257 Reserve Account. In addition to the fiscal impact described above, the purchasing agency expects the specialized behavioral residential sites to begin operating in the next two years with an upper fiscal impact to be \$12 million within that timeframe, but such fiscal impact is an estimate given this new program and spending may be less depending on actual utilization. Any spending related to such specialized behavioral residential sites would be paid through the purchasing agency's operating budget.

To register to testify at the hearings and to get instructions on how to join the hearings online, go to www.mass.gov/info-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, July 12, 2024. 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/info-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/info-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/info-details/executive-office-of-health-and-human-services-public-hearings.

June 21, 2024