

**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 Thursday, December 12, 2024, at 1 p.m. relative to the adoption of amendments to the following regulation.

101 CMR 339.00: Rates for Restorative Services

The proposed regulation contains rates effective for dates of service on or after May 1, 2025.

EOHHS proposes to set all rates established in 101 CMR 339.00 with corresponding Medicare rates at 72% of 2024 Medicare rates, maintaining the existing rates that are above 72% of 2024 Medicare rates. EOHHS proposes to increase any service rates without corresponding Medicare rates by 23.1%, which is the median percent increase applied to service rates with corresponding Medicare rates.

EOHHS is further proposing to add and adopt three new procedure codes for caregiver training. Medicare adopted these procedure codes as of January 1, 2024. These services provide training to non-paid caregivers of eligible members to support the non-paid caregivers in facilitating the member's functional performance related to an individualized therapy plan of care. EOHHS proposes to establish rates for the three added codes at 72% of corresponding Medicare rates, matching the methodology proposed above for other service codes with corresponding Medicare rates.

EOHHS is proposing these changes, subject to federal approval, to ensure that payments are consistent with efficiency, economy, and quality of care and satisfy the requirements of M.G.L. 118E, sections 13C and 13D. It is estimated that annual aggregate MassHealth expenditures will increase by \$4.1 million, or approximately by 40.6%, as a result of the proposed amendments. There is no fiscal impact on cities and towns. The proposed amendments are not anticipated to impose new costs on small businesses, and any impact on small business providers will vary based on the volume of services provided.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/info-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 December 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 draft of the proposed regulation, 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.

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/info-details/executive-office-of-health-and-human-services-public-hearings.

November 8, 2024