

**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 13, at 9:00 a.m., relative to the adoption of amendments to the following regulation.

101 CMR 329.00: *Rates for Psychological and Independent Clinical Social Work Services* (to be renamed *Rates for Psychological and Licensed Independent Behavioral Health Clinician Services*)

EOHHS is proposing these amendments with an effective date of April 1, 2025, to align with amendments to program requirements for psychological services (130 CMR 411.000) and licensed independent behavioral health clinician services (130 CMR 462.000). The proposed amendments to 101 CMR 329.00 update the payment rates used by all governmental units, including MassHealth, for psychological and licensed independent behavioral health clinician services.

The proposed amendments for psychological and licensed behavioral health clinician services would align certain MassHealth fee-for-service (FFS) rates for applicable psychological services with existing managed care rates to support rate alignment for providers enrolled in both FFS and managed care plans. They would also establish two codes and four code/modifier combinations that have already been established for managed care enrolled providers to promote alignment for FFS delivery and access. They would expand the clinician licensure levels eligible to bill certain therapy, diagnostic, and case consultation codes by updating the billing modifiers to include licensed marriage and family therapists (LMFTs) and licensed mental health counselors (LMHCs). They would change the name of 101 CMR 329.00 to *Rates for Psychological and Licensed Independent Behavioral Health Clinician Services* to be consistent with EOHHS's naming convention for rate regulations. Finally, they would make certain other changes to update terminology and current policy.

EOHHS is proposing these amendments to ensure that payment rates are consistent with efficiency, economy, and quality of care and to satisfy the requirements of M.G.L. 118E, Sections 13C and 13D. It is estimated that annual aggregate MassHealth expenditure will increase by approximately \$33,000 for psychological and licensed independent behavioral health clinician services over CY2023 base spending.

Upon final promulgation of the regulation, the proposed amendment is planned to go into effect no sooner than the day after the notice of public hearing is published in the Massachusetts Register. There is no fiscal impact on cities and towns.

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 13. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current draft of the proposed actions, 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 actions 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 22, 2024