

**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 Monday, March 24, 2025, at 10 a.m. relative to the emergency adoption of amendments to the following regulation.

101 CMR 515.00: Managed Care Organization Services Payor Assessment

The regulation went into effect as an emergency on February 26, 2025. There is no fiscal impact on cities and towns.

Regulation 101 CMR 515.00 governs the Managed Care Organization Services Payor Assessment (the “Assessment”) established under M.G.L. c. 118E, sec. 68 through the Massachusetts Fiscal Year 2025 (FY25) Budget. This proposed regulation is necessary to implement the Assessment pursuant to statutory requirements. It establishes the following.

- Definitions applicable to the implementation of the Assessment.
- Three Assessment groups, including commercial MCO services; Medicaid MCO services rendered by entities with annual revenue less than or equal to \$2M; and Medicaid MCO services rendered by entities with annual revenue greater than \$2M.
- The initial Assessment rates for each group.
- The processes to:
 - Update the rates in a manner consistent with federal healthcare-related tax requirements
 - Reconcile for over- or under-collections from prior years, including annual updates to such rates via sub-regulatory written issuance
 - As necessary, implement rate amendments during the assessment year to adjust for projected over- or under-collections
- Reporting requirements and authority for EOHHS to specify required reporting via sub-regulatory written issuance.
- Clear enforcement mechanisms for MCO entities subject to the Assessment that are delinquent on paying.

The new rates and assessment group structure has been approved by CMS under 42 CFR 433.68. The regulation also specifies that the statutory change to M.G.L. c. 118E, sec. 68, enacted through the FY25 budget, repealed the surcharges previously collected from payors.

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 March 24, 2025. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the emergency 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 final, revised version of the emergency 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.

March 3, 2025