

**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 Wednesday, September 10, 2025, at 1:00 p.m., on the adoption of amendments to the following regulation.

101 CMR 355.00: *Rates for Freestanding Birth Center Services*

Regulation 101 CMR 355.00 governs rates of payment used by state governmental units for freestanding birth center services. Pursuant to M.G.L. Chapter 118E, Section 13D, EOHHS is required to establish and periodically review the rates to be paid by governmental units to providers of non-institutional healthcare services, including freestanding birth center services provided under the MassHealth program.

EOHHS proposes to update the effective date of the existing regulation to February 1, 2026, and to maintain all current freestanding birth center (FBC) rates at the existing levels, because the sole MassHealth-enrolled FBC provider has been unable to realize the benefits of the last rate increases, effective January 5, 2024. This is due to both billing challenges and the limited provision of these services on a fee-for-service basis, since the bulk of the provider's business is through managed care entities.

The proposed amendments contain rates effective for dates of service on or after February 1, 2026. They also update outdated citations; update terminology; enhance consistency with other EOHHS regulations; and otherwise increase clarity.

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. There is no fiscal impact on annual aggregate MassHealth expenditures as a result of the proposed amendments. There is no fiscal impact on cities and towns. The proposed amendments are not expected to impose new costs on small businesses, and any impact on small businesses 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. September 10, 2025. 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.

August 15, 2025