

**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, August 22, 2025, at 10 a.m., relative to the adoption of amendments to the following regulation.

101 CMR 322.00: Rates for Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment

Under M.G.L. Chapter 118E, Section 13D, EOHHS is required to establish and periodically review the rates to be paid by governmental units for noninstitutional health care services, including payment rates for durable medical equipment, oxygen, and respiratory therapy equipment services, provided under the MassHealth program.

Effective for dates of service on or after January 1, 2026, for items that have Medicare fees, EOHHS proposes to rebase certain rates to the corresponding 2024 Medicare rates, using the applicable percentage currently established in 101 CMR 322.00. Proposed rates for these items increase or decrease relative to their current rates depending on how the corresponding 2024 Medicare rates fluctuate. Rates for all items without corresponding Medicare fees, including items with rates set at historical fixed rates, individual consideration (IC), adjusted acquisition cost (AAC) plus a markup, and invoice plus a markup, are proposed to be maintained at their current levels. No changes are proposed for the applicable markups. The proposed amendments will also incorporate updates issued by administrative bulletins since the last regulation review and reflect updated terminology and current policy.

EOHHS is proposing these amendments, subject to federal approval, 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 the annual aggregate fiscal impact of the proposed amendments is \$895,000. The actual change in annualized expenditures may vary depending on actual utilization of services. 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 p.m. on Friday, August 22, 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). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a final, 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 1, 2025