

**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 Tuesday, April 28, 2026, at 10 a.m. relative to the adoption of amendments to the following regulation.

101 CMR 361.00: Rates for Continuous Skilled Nursing Agency and Independent Nursing Services

The proposed regulation contains rates effective for dates of service on or after September 15, 2026. There is no fiscal impact on cities and towns.

The proposed rates comply with M.G.L. Chapter 118E, §13C, which requires that rates established by EOHHS for health care services be “adequate to meet the costs incurred by efficiently and economically operated facilities providing care and services in conformity with applicable state and federal laws and regulations and quality and safety standards and which are within the financial capacity of the Commonwealth.”

The proposed amendments to 101 CMR 361.00 establish a rate for licensed practical nurse (LPN) supervisory in-person visits for complex care assistant services. Currently, complex care assistant visits can only be supervised by an RN. The proposed amendments also establish separate fee tables in 101 CMR 361.00 to specify rates for continuous skilled nursing (CSN) training time. CSN training time was implemented in June 2024 through provider bulletins for when a nurse requires in-home, member-specific training to provide appropriate CSN services to the member. These bulletins referred to the corresponding CSN agency and independent nurse service codes and rates currently established in 101 CMR 361.00 to bill for these training times.

EOHHS proposes to maintain all other rates at the current levels. The proposed amendments also update outdated citations, update terminology, enhance consistency with other EOHHS regulations, and otherwise increase clarity.

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. The estimated aggregate annual fiscal impact associated with the proposed amendments to 101 CMR 361.00 is a savings of \$15,000. 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 April 29, 2026. 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.

March 27, 2026