

**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, February 23, 2024, at 11:00 a.m., relative to the adoption of amendments to the following regulation.

101 CMR 348.00: Rates for Day Habilitation Services

Regulation 101 CMR 348.00 governs the rates to be paid for day habilitation (DH) programs. EOHHS proposes to remove the current acuity (low, moderate, and high need) and rate structure (per diem, half per diem, and quarter per diem) for the DH program. EOHHS proposes to establish a four-acuity-level rate structure (Levels 1 through 4) to align appropriate services and rates with the needs of an increasingly acute patient population.

In addition to the proposed rates for Levels 1 through 4, EOHHS proposes to eliminate the current rate structure for services provided at a nursing facility and establish rates for all levels of nursing facility services at the same rates as those proposed for acuity Level 4 services. There is no utilization to date for these nursing facility services, and no fiscal impact is expected as a result of this proposed amendment. These rate regulations will be aligned with 130 CMR 419.000: *Day Habilitation Center Services*.

The proposed amendment updates rates effective for dates of service on or after July 1, 2024. 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/service-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. Friday, February 23, 2024. 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/service-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/service-details/executive-office-of-health-and-human-services-public-hearings.

February 2, 2024