

**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, November 1, at 10 a.m.** relative to the emergency adoption of amendments to the following regulation.

**101 CMR 206.00: Standard Payments to Nursing Facilities**

The proposed amendments to 101 CMR 206.00 implement Fiscal Year 2025 (FY25) budget requirements. The following adjustments are being made to the rates, consistent with the FY25 budget:

- 1) applying an updated cost adjustment factor of 23.50% to 2019 nursing and operating costs and of 8.02% to 2019 capital payments;
- 2) increasing the maximum increase cap on capital payment rates from 30% to 50% of the capital payment rates in effect on September 30, 2021; and amending certain aspects of existing rate adjustments, add-ons, including but not limited to removing the description of the COVID-19 Testing Supplemental Payment program that has ended;
- 3) establishing a new Add-on for Dialysis Services Provided at an Affiliated Inpatient Chronic Disease and Rehabilitation Hospital to allow nursing facilities to receive payment when members receive dialysis services at an affiliated inpatient chronic disease and rehabilitation hospital; and
- 4) establishing a Supplemental Payment for Qualified Nursing Facilities Located Near North Adams to allocate supplemental payments to facilities located within 17 miles of 71 Hospital Avenue in North Adams, MA in proportion to qualified facilities' Massachusetts Medicaid days.

The regulation will go into effect as an emergency on October 1, 2024.

The annual fiscal impact of these amendments for the MassHealth Nursing Facility program is estimated to be \$43,000,000.

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](http://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](mailto: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, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Friday, November 1. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the emergency regulation, go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://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, 6<sup>th</sup> Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at [ADAAccommodations@mass.gov](mailto: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/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings).

September 23, 2024