



Massachusetts Department of Public Health

Public Health Council Meeting May 3, 2024

Robert Goldstein, Commissioner

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Proposed Revisions to 105 CMR 130.000:

Hospital Licensure

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Regulation Overview

105 CMR 130.000, Hospital Licensure:

- Sets forth standards for the maintenance and operation of hospitals, pursuant to M.G.L. c. 111, §§ 51 and 51G.
- Ensures a high quality of care, industry standardization, and strong consumer protection for individuals receiving care in hospitals.

Background: Hospital Capacity Reporting

- In April 2020, the federal government began collecting data from hospitals daily to understand health care system stress, capacity, and the number of patients hospitalized due to COVID-19.
- In September 2020, this reporting was mandated under the Centers for Medicare and Medicaid Services (CMS) Conditions of Participation.
 - In order to streamline data reporting requirements for hospitals, the Department became certified to collect this data and report it to the federal government on the hospitals' behalf.

Background: Hospital Capacity Reporting

- These data were not only used to inform the Department's COVID-19 response but has also proved critical in allowing the Department to perform necessary planning and coordination to improve patient access to care.
- These data are critical for several reasons, as it allows the Department to:
 - Monitor trends in overall hospital capacity in a way that supports the proactive identification, analysis of, and problem-solving related to capacity challenges that may impact hospitals' abilities to meet the health needs of the population on an equitable basis;
 - Designate the appropriate capacity tier for each region in the Commonwealth to most efficiently collaborate during times where capacity constraints could negatively impact patient access to high-quality care; and
 - Through frequent submission, have a better understanding of available capacity by service line.
- Additionally, these data allow for individual hospitals throughout the Commonwealth to have a better understanding of regional and statewide capacity.

Regulation Change: Hospital Capacity Reporting

- On April 8, 2024, the federal government announced these data would not be required for submission after April 30, 2024.
- While there are currently proposed federal rules to require these data be submitted beginning in October 2024, there is currently no federal reporting requirement for these data.
- The Department proposes an emergency regulation to include this reporting requirement within the hospital licensure regulation.
- The emergency amendments, which will take effect upon filing, are necessary to minimize the gap in reporting of this critical data to the Department.

Regulation Change: Hospital Capacity Reporting

- This amendment and related Department guidance are intended to continue critical hospital capacity reporting instituted by the federal government for only those elements necessary for hospital and Department situational awareness (i.e., far fewer data elements would be requested than what was required by the federal government).
- Forty-six data elements will be submitted to the Department, including:
 - Staffed beds by licensed bed type including adult and pediatric intensive care, med/surg, and psychiatric, and maternal and newborn;
 - Occupied beds by licensed bed type including adult and pediatric intensive care, med/surg, and psychiatric and maternal and newborn; and
 - Emergency department pediatric and adult overall census and boarders.
- Approximately 100 data elements have been removed from this reporting requirement.

Next Steps

- The Department respectfully requests that the Public Health Council vote to approve the proposed amendments to 105 CMR 130.000 on an emergency basis.
- This will allow the regulation to take effect upon filing with the Secretary of State's office for a 3-month period while the regulatory process continues, including a public comment period.
- After the close of the public comment period, staff will review comments, revise as necessary, and then request approval of the final regulation at a subsequent meeting of the Public Health Council.

Thank you for the opportunity to present this information today.

For more information regarding hospital licensure requirements, please find the relevant statutory language and the full current regulation here:

Massachusetts Law:

malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111

Current Regulation:

mass.gov/doc/105-cmr-130-hospital-licensure/download

Proposed Amendment:

mass.gov/dph/proposed-regulations

Please direct any questions to:

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**Next Meeting:
May 15, 2024**