The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

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**NOTICE OF PUBLIC HEARING**

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health will hold a public hearing and comment period on the recent amendments, filed on May 3, 2024, on an emergency basis, to 105 CMR 130.000: *Hospital Licensure.* These emergency amendments require hospitals to report certain hospital capacity data to the Department and are being promulgated on an emergency basis to address a change in federal reporting requirements.

Beginning in 2020, hospitals were required to report certain hospital capacity data, pursuant to federal requirements. 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. These data were not only used to inform the Department’s COVID-19 response, but were also critical to allowing the Department to perform necessary planning and coordination to improve patient access to care. These data are critical in allowing the Department to: 1) monitor overall trends in hospital capacity, 2) designate the appropriate capacity tier for each region in the Commonwealth, and 3) have a better understanding of available capacity by service line. Further, these data allow for individual hospitals to have a better understanding of regional and statewide capacity.

On April 8, 2024, the federal government announced hospitals would no longer be required to submit these data 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 hospitals to submit these data. These emergency amendments are necessary to minimize the gap in reporting of these critical data to the Department.

The public hearing will be held on June 10, 2024, at 1:00 p.m. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **800-369-1170**

Participant Passcode: **6410428**

To Testify Press: \*1

A copy of the proposed amendments to 105 CMR 130.000 may be viewed on the Department’s website at <http://mass.gov/dph/proposed-regulations> or requested from the Office of the General Counsel by calling 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral testimony. The Department encourages all interested parties to submit written testimony electronically to [Reg.Testimony@mass.gov](mailto:Reg.Testimony@mass.gov), or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. Please submit electronic testimony as an attached Word document and type “105 CMR 130.000: Hospital Licensure- Data Reporting” in the subject line of the email. All submitted testimony must include the sender’s full name and address.

The Department will post all electronic testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on June 10, 2024**. All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact Stacy Hart at least 5 days before the hearing at Tel #**857-274-1120**, or email [Stacy.Hart@mass.gov](mailto:Stacy.Hart@mass.gov).

