



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Mental Health
25 Staniford Street
Boston, Massachusetts 02114-2575

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Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

BROOKE DOYLE
Commissioner

(617) 626-8000
www.mass.gov/dmh

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Department of Mental Health promulgated emergency regulations on December 22, 2022 under the authority of M.G.L. c. 19, ss. 1, 16, 18 and M.G.L. c. 123, s. 2 and in accordance with M.G.L. c. 30A. A virtual public hearing will be held for the purpose of receiving written and oral testimony on the regulatory changes. The Department describes the substance of the actions as follows:

The emergency regulatory changes to **104 CMR 29.00 Application for DMH Services, Referrals, Service Planning and Appeals** set forth the criteria for authorizing specialized and additional services, including transition case management, for individuals in nursing facilities who have been identified as having a serious mental illness and for whom specialized or additional services have been identified that could facilitate discharge to a community setting. This emergency regulation demonstrates the Commonwealth's commitment to compliance with requirements of the federal Preadmission Screening and Resident Review (PASRR) process and its efforts to assure placement of such individuals in the least restrictive setting appropriate to their needs.

The regulations are now in effect for a 90-day period, subject to a public comment period, and final promulgation thereafter. The Department of Mental Health will be holding a virtual public hearing to receive oral and written comments as follows:

PUBLIC HEARING

A virtual Public Hearing will be conducted by the Department of Mental Health on
February 1, 2023 at 2:00 p.m.

TESTIMONY AND COMMENTS

If you want to testify at the hearing, please register by sending an email to:

DMH-regulations@state.ma.us

To join the hearing online, click on link:

Join Zoom meeting

or go to: <https://zoom.us/j/98285288702?pwd=Y2c2ckZoVHZxY2hqYW82NTBaRDdLdz09>

Meeting ID: 982 8528 8702

Passcode: 697008

One tap mobile

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+1 669 900 6833 US (San Jose)
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Meeting ID: 982 8528 8702

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Find your local number: <https://zoom.us/j/98285288702>

WRITTEN TESTIMONY can be submitted instead of, or in addition to, live testimony. To submit written testimony or comments, email your testimony to: DMH-regulations@state.ma.us 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 or comments 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: Office of the General Counsel, Department of Mental Health, 25 Staniford Street, Boston, MA 02114. Written testimony/comments must be received **NO LATER THAN February 1, 2023. COMMENT PERIOD ENDS ON February 1, 2023 at 5:00 P.M.**

INFORMATION: The emergency regulations are posted on the DMH website and can be viewed at: <https://www.mass.gov/service-details/dmh-proposed-regulations> or request a copy in writing from DMH Regulations, 25 Staniford Street, Boston, MA 02114 or email: DMH-regulations@state.ma.us. DMH may adopt a revised version of the proposed actions, considering relevant comments and any other practical alternatives that come to its attention.

ACCOMMODATION: If you plan to participate at the public hearing and wish to request the accommodation of a sign language or other interpreter, contact DMH Legal office by calling 617-626-8236 or by email: DMH-regulations@state.ma.us at least 14 days in advance of the hearing date.

By Order of the Department of Mental Health
Brooke Doyle, Commissioner
December 29, 2022