

Testimony on Emergency Adoption of 130 CMR 449.000, effective July 2, 2026

130 CMR 449.000: *Correctional Facility Services* July 24, 2026

Introduction

Good morning, my name is Shannon O'Rourke, and I am the Deputy Director of Reentry Policy & Programs at the Executive Office of Health and Human Services (EOHHS). I am here to present staff testimony on proposed amendments to the emergency adoption of regulation 130 CMR 449: *Correctional Facility Services*. These amendments were proposed on July 17, 2026, and filed as an emergency to become effective July 2, 2026.

Background

EOHHS previously adopted this regulation as an emergency basis on November 7, 2025, to establish the correctional facility provider type. This new provider type established a pathway for correctional facilities to provide federally required Medicaid services under Section 5121 of the Consolidated Appropriations Act (PUBL328.PS). EOHHS is now proposing to update 130 CMR 449.00: *Correctional Facility Services* to expand the scope of covered services to align with its federally approved Reentry Demonstration, as well as to outline additional requirements for correctional facilities providing MassHealth-covered Reentry Demonstration services.

Proposed Amendments

The proposed amendments to this regulation include the addition of qualifying criteria for individuals receiving Reentry Demonstration services, eligibility requirements for participating correctional facilities, location of covered services provision, and covered Reentry Demonstration services.

1. **Qualification for Reentry Demonstration Services:** The proposed amendments add qualifying criteria for individuals to receive Reentry Demonstration services from a participating correctional facility. To qualify, an individual must meet the definition of an inmate of a participating correctional facility, be enrolled in an eligible MassHealth benefit plan, be held post-adjudication or serving a sentence, be under age 65, and not be eligible for Medicare.

Testimony on Emergency Adoption of 130 CMR 449.000, effective July 2, 2026

130 CMR 449.000: *Correctional Facility Services* July 24, 2026

2. Requirements for participating correctional facilities: The proposed amendments add a requirement for participating correctional facilities providing Reentry Demonstration substance use disorder treatment services to obtain approval from the Massachusetts Department of Public Health and also add a requirement for participating correctional facilities providing Reentry Demonstration pharmacy services to ensure pharmacists are properly licensed and, when prescribing or dispensing controlled substances, maintain the appropriate DEA registration.
3. Location of covered services provision: The proposed amendments add a section that clarifies that a participating correctional may provide Reentry Demonstration services at its facility and cannot provide covered services in a facility that is an institution of mental diseases.
4. Covered Reentry Demonstration services: The proposed amendment adds Pre-Release Case Management provided during the 90-days prior to the individual's release from the facility as a Reentry Demonstration covered service. The requirements for this service are detailed in the regulation and include: 1) conducting a health risk assessment; 2) assessing the needs of the individual in order to inform development with the client of a discharge/reentry person-centered care plan; 3) obtaining informed consent, when needed, to furnish services and/or share information with other entities to improve coordination of care; 4) providing warm linkages to a post-release care manager (including sharing discharge/reentry care plans with the post-release care manager); 5) ensuring that necessary appointments with physical and behavioral health care providers, including, as relevant to care needs, with behavioral health coordinators and post-release care managers are arranged; 6) making warm linkages to community-based services and supports; 7) providing a warm hand-off, as appropriate, to post-release case managers; and 8) ensuring that data is shared with post-release care managers, as relevant and as allowed under federal and state laws and with member consent, with physical and behavioral health/serious mental illness (SMI)/substance use disorder (SUD) providers.

Testimony on Emergency Adoption of 130 CMR 449.000, effective July 2, 2026

130 CMR 449.000: *Correctional Facility Services* July 24, 2026

A participating correctional facility may only provide covered Reentry Demonstration services once the Commonwealth's has approved that facility's readiness.

Last, the proposed amendment includes technical updates throughout improving clarity, updating terminology, and distinguishing between Reentry Demonstration services and requirements versus services and requirements related to services provided to eligible juveniles per Section 5121 of the Consolidated Appropriations Act.

The associated rates for Covered Services described above are listed in the following existing rate regulation: 101 CMR 317.00: Rates for Medicine Services.

Fiscal Impact

It is estimated that the annual aggregate MassHealth expenditures will not increase or decrease in FY2027 as a result of the proposed amendments to 140 CMR 449.

This concludes my testimony. Thank you.