

Introduction

Good afternoon. My name is Julia Geskey, Program Manager, Adult Day Health and Day Habilitation, at the Office of Long Term Services and Supports (OLTSS) in the Executive Office of Health and Human Services (EOHHS). I am here to present testimony on proposed amendments to 130 CMR 419.00: *Day Habilitation Services*. The anticipated effective date of the proposed amendments is for dates of service on or after September 1, 2026.

Background

Regulation 130 CMR 419.00 governs the requirements for Day Habilitation (DH) services rendered to publicly aided individuals. DH programs provide individualized, integrated, and goal-oriented services designed to maximize the independence of individuals with intellectual disabilities and developmental disabilities (ID/DDs). Services are provided in two settings: community day habilitation programs and nursing facilities. Effective August 1, 2024, day habilitation services transitioned from a three-tier acuity structure to a four-tier structure. For services provided in community programs, rates are based on four levels of acuity according to a member profile completed by the provider. For services provided in nursing facilities, rates are set at Level 4 acuity rates.

Three transportation services are available to support member and staff transportation to and from DH programs. Effective July 5, 2023, one-time engagement incentives, Admission Services (S5105) and Re-engagement Services (S5015 KZ), were added to support DH programs for returning members to services.

Description of Proposed Amendments

The proposed amendments to 130 CMR 419.000 update, clarify, and reorder day habilitation program regulations to: add definitions pertaining to accreditation requirements and interdisciplinary team membership; clarify eligibility requirements for day habilitation services; revise the criteria for Significant Change Prior Authorization (PA) to ensure that member acuity is consistently and accurately reflected by their PA level; revise the timeline for completing the required Service Needs Assessment to provide additional flexibility for providers while maintaining

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Program Regulations for Day Habilitation Services
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process integrity; clarify staff training requirements, delineating which trainings are required and the frequency by which they should be completed; specifically remind providers that all assessments must be signed by a Registered Nurse; clarify that staffing ratios must be determined based on member acuity and meeting all member needs; and clarify staff and member tuberculosis testing requirements while ensuring consistency with state/federal guidance. The proposed amendments will be promulgated with an effective date on or after September 1, 2026.

These amendments to the program regulations are aligned with amendments to 101 CMR 348.00:
Rates for Day Habilitation Services.

This concludes my testimony.

Thank you.