

### **Introduction**

Good morning. My name is Richard Barry, and I am a Senior Manager on the Institutional Program Team of the MassHealth Office of Long Term Services and Supports, in the Executive Office of Health and Human Services. I am here to present testimony on the emergency adoption of 101 CMR 512.00: *Nursing Facility User Fees*. This regulation was filed as an emergency and became effective July 3, 2025.

### **Background**

Regulation 101 CMR 512.00 governs the collection of nursing facility user fees. Health care related taxes, such as the nursing facility user fee, are governed by federal law. The emergency regulations clarify the total collections amount for each fiscal year, remove the user fee rates that are no longer applicable, and clarify the process by which user fee rates will be established and published via Administrative Bulletin for each fiscal year.

### **Description of changes pertaining to total collections:**

The amended regulation clarifies that the total collections amount for each fiscal year will equal 6% of the revenues received by the taxpayer class for such fiscal year.

### **Description of changes pertaining to user fee rates:**

The amended regulation removes the user fee rates that are no longer applicable and clarifies that the Group I and Group II per diem user fee rates will be established each fiscal year in accordance with 101 CMR 512.04(1) through (4) and that those rates will be published annually via Administrative Bulletin by October 1.

### **Fiscal Impact**

There is no fiscal impact associated with these emergency amendments.

This concludes my testimony. Thank you.