



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

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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 December 19, 2022, on an emergency basis, to 105 CMR 130.000: *Hospital Licensure*. These amendments require hospitals to ensure that a sufficient number of licensed mental health professionals are available in an emergency department or satellite emergency facility to assess, evaluate and stabilize a person who presents with a primary mental health concern and refer to treatment if necessary.

The public hearing will be held on January 13, 2023, at 1:00 p.m. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

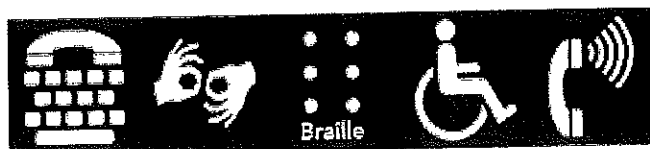
Dial-in Telephone Number: **1-888-390-5007**
Participant Passcode: **5964885**
To Testify Press: ***1**

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.

The Department encourages all interested parties, including those who testify at the public hearing, to submit written testimony electronically to Reg.Testimony@mass.gov. Please submit electronic testimony as an attached Word document and type "105 CMR 130.000: Hospital Licensure- Mental Health Evaluations" 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. Parties who are unable to submit electronic testimony should mail submissions to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108.

All comments must be submitted by 5:00 p.m. on January 13, 2023. 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 Alex Gomez at least 5 days before the hearing at Tel # 617-624-5928, Fax # 617-624-5075, email Alex.Gomez@mass.gov, or TTY # 617-624-6001.



**Small Business Impact Statement
Hospital Licensure**

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 105 CMR 130.000

Estimate of the Number of Small Businesses Impacted by the Regulation: Presently, there are approximately 119 hospitals in Massachusetts. It is unlikely that any of these businesses qualify as a small business.

Select Yes or No and Briefly Explain

Yes	No X	Will small businesses have to create, file, or issue additional reports? <i>Small businesses will not have to create, file or issue additional reports as a result of the proposed amendments to this regulation.</i>
Yes	No X	Will small businesses have to implement additional recordkeeping procedures? <i>Small businesses will not have to implement additional recordkeeping procedures as a result of proposed amendments to this regulation.</i>
Yes	No X	Will small businesses have to provide additional administrative oversight? <i>Small businesses will not have to provide additional administrative oversight as a result of proposed amendments to this regulation.</i>
Yes X	No	Will small businesses have to hire additional employees in order to comply with the proposed regulation? <i>Small businesses may have to hire additional employees in order to comply with the proposed regulation.</i>
Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? <i>Small businesses will not be required to hire other professionals (e.g., an architect when submitting architectural plans), security professionals, or consultants.</i>
Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? <i>Small businesses will not be required to purchase a product or make capital investments to the physical structure of the hospital.</i>
Yes	No X	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) <i>This regulation, which is required by statute, sets forth clear minimum standards to ensure consistency among programs and protect the health and safety of residents.</i>
Yes	No X	Do any other regulations duplicate or conflict with the proposed regulation? <i>There are no other regulations that duplicate or conflict with the proposed amendments to this regulation.</i>

Yes X	No	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? <i>This regulation does require small businesses to cooperate with inspections and other regulatory enforcement activities in order for DPH to ensure the health and safety of patients.</i>
Yes	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? <i>This regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.</i>
Yes	No X	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? <i>This regulation will not deter the opening of additional hospitals.</i>
Yes	No X	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? <i>This regulation will not encourage the opening of additional hospitals.</i>
Yes	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? <i>The compliance requirements are the same for all regulated parties.</i>
Yes	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? <i>The compliance standards are the same for all regulated parties.</i>
Yes	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? <i>The compliance standards for are the same for all regulated parties.</i>
Yes	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? <i>This regulation sets forth clear minimum standards to ensure individuals presenting to emergency departments or satellite emergency facilities have consistent access to a mental health evaluation if necessary.</i>
Yes	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? <i>There are no other alternative regulatory methods that would minimize the adverse impact on small businesses.</i>