

Commonwealth of Massachusetts
Division of Medical Assistance

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 6A, section 16 and in accordance with M.G.L. c. 30A, the Division of Medical Assistance (the Division) will hold a remote public hearing on Friday, January 27, 2023, at 10:00 a.m. relative to the adoption of regulations implementing the Coordinating Aligned, Relationship-centered, Enhanced Support (CARES) for Kids Program Services:

130 CMR 405.000: Community Health Center Services
130 CMR 410.000: Outpatient Hospital Services, and
130 CMR 433.000: Physician Services

The proposed amendments to 130 CMR 405, 410, and 433 will establish the language and requirements for a new Targeted Case Management (TCM) benefit service for the highest risk children and youth with medical complexities for enrolled MassHealth providers. These amendments are being proposed with an effective date of July 5, 2023, to align with amendments to the rates for 101 CMR 317.00: *Rates for Medicine Services*.

The proposed amendments for CARES program services: 1) Set forth the requirements for an entity's enrollment as a MassHealth CARES provider; 2) Define and clarify the staffing requirements of the CARES team; 3) Define and clarify the service delivery requirements for the CARES program services; 4) Define and clarify the member eligibility requirements for the receipt of these services; and 5) Define and clarify the operational expectations.

MassHealth is proposing these amendments to create a new TCM benefit to improve intensive support in care planning and coordination of services for eligible medically complex MassHealth members younger than 21 years of age.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/service-details/masshealth-public-hearings. To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email it to masshealthpublicnotice@mass.gov 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 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 D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00

p.m. on January 27, 2023. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current draft of the proposed actions, go to www.mass.gov/service-details/masshealth-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAAccommodations@mass.gov or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

The Division may adopt a revised version of the proposed actions taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/masshealth-public-hearings.

January 3, 2023

Small Business Impact Statement <i>(As required by M.G.L. c. 30A §§ 2, 3 & 5)</i>		
CMR No: 130 CMR 405.000: <i>Community Health Center Services</i>		
Estimate of the Number of Small Businesses Impacted by the Regulation: 20		
Select Yes or No and Briefly Explain		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Providers seeking to participate in the CARES program created through this regulation must comply with the reporting requirements in this regulation, as well as those that apply to all MassHealth providers.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Providers seeking to participate in the CARES program created through this regulation must comply with the reporting requirements in this regulation, as well as those that apply to all MassHealth providers.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to provide additional administrative oversight? Providers seeking to participate in the CARES program created through this regulation must designate a program director who will oversee administrative responsibilities and provide direct supervision of the CARES team.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Potentially. Providers seeking to participate in the CARES program created through this regulation must meet the staffing requirements in the regulation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Potentially. Providers seeking to participate in the CARES program created through this regulation must meet the staffing requirements in the regulation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? Potentially. Providers seeking to participate in the CARES program created through this regulation must satisfy the technical capacity requirements in the regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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.) No. The purpose of the regulation is to provide program requirements and conditions of payment for the provision of CARES program services to MassHealth members.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No. No other regulation duplicates or conflicts with the proposed regulation.

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p>Providers seeking to render the CARES program services created through this regulation must comply with the audit, inspection, and regulatory enforcement activities in the regulation, as well as those that apply to all MassHealth providers.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>Yes. The regulation requires participating providers to educate members and their families on the services provided through the CARES program during the member assignment process.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>No. The regulation is not likely to deter the formation of small businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>No. The regulation is not likely to encourage the formation of small businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>No. This regulation does not distinguish between small and other businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>No. This regulation does not distinguish between small and other businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p>No. This regulation does not distinguish between small and other businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p>No. Distinguishing small businesses from other businesses would not be practical for this regulation.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>No. This regulation is required by statute and its goals could not be achieved through alternative methods.</p>

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

CMR No: 130 CMR 410.000: *Outpatient Hospital Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: 26

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Providers seeking to participate in the CARES program created through this regulation must comply with the reporting requirements in this regulation, as well as those that apply to all MassHealth providers.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Providers seeking to participate in the CARES program created through this regulation must comply with the reporting requirements in this regulation, as well as those that apply to all MassHealth providers.
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Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No. No other regulation duplicates or conflicts with the proposed regulation.

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p>Providers seeking to render the CARES program services created through this regulation must comply with the audit, inspection, and regulatory enforcement activities in the regulation, as well as those that apply to all MassHealth providers.</p>
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Small Business Impact Statement
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CMR No: 130 CMR 433.000: *Physician Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: 34 Offices of Physicians (except Mental Health Specialists)

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Providers seeking to participate in the CARES program created through this regulation must comply with the reporting requirements in this regulation, as well as those that apply to all MassHealth providers.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Providers seeking to participate in the CARES program created through this regulation must comply with the reporting requirements in this regulation, as well as those that apply to all MassHealth providers.
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