

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 Monday, January 30, 2023, at the times listed below relative to the adoption of the following regulations.

**1. 1:00 p.m.: 130 CMR 501.000: MassHealth: General Policies.** The proposed amendments to 130 CMR 501.000 update the Basic Benefit Level (BBL) definition which governs which health insurance plans are eligible for MassHealth Premium Assistance payments. Proposed changes also include adjusting how the existing deductible and out of pocket maximum thresholds are set, and clarifying the existing restriction on the use of Health Savings Accounts and similar instruments to reduce the deductible threshold.

**2. 1:30 p.m.: 130 CMR 505.000: MassHealth: Coverage Types.** The proposed amendments to 130 CMR 505.000 clarify the definition of 'young adult,' update the postpartum period to 12 months, and update the extended eligibility section to comply with MassHealth's interpretation of federal law. Proposed changes also remove references to the now-defunct Small Business Employee Premium Assistance program.

**2. 2:00 p.m.: 130 CMR 506.000: MassHealth: Financial Requirements.** The proposed amendments to 130 CMR 506.000 clarify the existing Premium Assistance overpayments process, introduce the new Premium Assistance overpayments hardship waiver process, and remove references to the now defunct Student Health Insurance Plan (SHIP) Premium Assistance and Small Business Employee Premium Assistance (SBEPa) programs throughout the chapter. Updates are also proposed to remove references to the now defunct Small Business Employee Premium Assistance (SBEPa) program.

The proposed regulations are planned to go into effect no sooner than May 2023. There is no fiscal impact on cities and towns.

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](http://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 your testimony to [masshealthpublicnotice@mass.gov](mailto: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 EOHHS, c/o D. Briggs, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Monday, January 30, 2023. The Division of Medical Assistance ("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](http://www.mass.gov/service-details/masshealth-public-hearings) or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at [ADAAccommodations@mass.gov](mailto: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](http://www.mass.gov/service-details/masshealth-public-hearings).

January 4, 2023

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

CMR No: 130 CMR 501.000

Estimate of the Number of Small Businesses Impacted by the Regulation: None

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? No. The proposed changes to the regulation do not require additional reports.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No. The proposed changes to regulation do not impose additional recordkeeping requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. The proposed changes to regulation do not require additional administrative oversight.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No additional employees are required to comply with the proposed changes to regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Compliance with the proposed changes to regulation does not require small businesses to hire additional professionals.
Yes <input type="checkbox"/>	No <input checked="" 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? None of the proposed changes to regulation require capital investments for compliance.
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. Medicaid eligibility is covered under the Commonwealth's Medicaid state plan, and MassHealth is required by federal law to establish rules and regulations for administering the state's Medicaid state plan (42 USC § 1396(a)(5) as codified by 42 CFR 431.10(b)(2)(ii)).
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations duplicate or conflict with the proposed regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? The regulation does not require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities. It does require MassHealth members to cooperate with agency efforts relating to quality control and third party liability.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? The regulation is intended to be clear and concise. No educational services are required.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No. The regulation provides the criteria and process for applying and obtaining Medicaid benefits in the Commonwealth.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No. The regulation provides the criteria and process for applying and obtaining Medicaid benefits in the Commonwealth.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation does not provide for less stringent compliance or reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The regulation does not establish less stringent deadlines for compliance or reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. The agency did not consolidate or simplify compliance or reporting requirements for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. Medicaid eligibility is covered under the Commonwealth's Medicaid state plan, and MassHealth is required by federal law to establish rules and regulations for administering the state's Medicaid state plan (42 USC § 1396(a)(5) as codified by 42 CFR 431.10(b)(2)(ii)).
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. Medicaid eligibility is covered under the Commonwealth's Medicaid state plan, and MassHealth is required by federal law to establish rules and regulations for administering the state's Medicaid state plan (42 USC § 1396(a)(5) as codified by 42 CFR 431.10(b)(2)(ii)).

### Small Business Impact Statement

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

CMR No: 130 CMR 505.000

Estimate of the Number of Small Businesses Impacted by the Regulation: None

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? No, small businesses will not have to create, file, or issue additional reports.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No, small businesses will not have to implement additional recordkeeping procedures.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No, small businesses will not have to provide additional administrative oversight.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No, small businesses will not have to hire additional employees in order to comply with the proposed regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No, compliance does not require small businesses to hire other professionals.
Yes <input type="checkbox"/>	No <input checked="" 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? No, small businesses are not required to purchase a product or make other capital investments in order to comply with 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 this regulation is to describe general MassHealth eligibility policies and coverage types for 1115 Demonstration Project-type applicants and members.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations duplicate or conflict with the proposed regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No, this regulation does not require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No, this regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No, this regulation is not likely to deter the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No, this regulation is not likely to encourage the formation of small businesses in Massachusetts.
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### Small Business Impact Statement

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

**CMR No: 130 CMR 506.000**

**Estimate of the Number of Small Businesses Impacted by the Regulation: None**

**Select Yes or No and Briefly Explain**

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? No. The proposed changes to the regulation do not require additional reports.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No. The proposed changes to regulation do not impose additional recordkeeping requirements.
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