

Executive Office of Health and Human Services

**Commonwealth of Massachusetts Office of
Medicaid**

NOTICE OF PUBLIC HEARING

Under 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, May 22, 2023, at 2:00 p.m. relative to the emergency adoption of amendments to the following regulations.

101 CMR 613.00: Health Safety Net Eligible Services

Federal law establishes requirements around cost-sharing. Effective May 1, 2023, through March 31, 2024, these proposed amendments will waive all cost sharing for MassHealth members and for the Health Safety Net.

The purpose of the change is to eliminate copayments during the unwinding of the federal public health emergency (PHE). This will ensure that the Executive Office of Health and Human Services (EOHHS) complies with federal requirements barring increased copayments for members before redeterminations are completed after the end of the federal PHE. The Health Safety Net will align with MassHealth for reasons of operational efficiency. There is no impact on or waiver of copayments for individuals covered by the Children's Medical Security Plan.

The change will also update the affected regulations to reflect that copayments are permanently waived for 12 months post-pregnancy.

The regulatory changes will go into effect as an emergency on May 1, 2023. The proposed amendments are expected to increase annual aggregate MassHealth expenditures by approximately \$4,700,000 and for the Health Safety Net by \$800,000. There is no fiscal impact on cities and towns.

EOHHS will be filing a state plan amendment to implement these changes, and the public may comment on the state plan amendment as well as the regulatory amendments themselves.

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 your testimony 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 EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Monday, May 22, 2023. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the emergency regulation may, 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 final, revised version of the emergency regulation 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.

April 28, 2023

Small Business Impact Statement

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

CMR No: 101 CMR 613.00: Health Safety Net Eligible Services

Estimate of the Number of Small Businesses Impacted by the Regulation: The Health Safety Net regulations apply to HSN participating providers, which include acute care hospitals and community health centers (CHCs). There are no acute care hospitals that are small businesses in Massachusetts and there are 35 CHCs that may qualify.

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 additional responsibilities to keep records because of the proposed amendments to these regulations
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required to provide additional administrative oversight because of the proposed amendments to these regulations.
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. Small businesses are not required to hire other professionals to comply with these regulations
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. This regulation does not require small businesses to purchase any particular product or make any capital investments.
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. Performance standards are not more appropriate than design or operational standards, because the regulatory amendments will temporarily eliminate copayments.
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 obligations imposed by 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 proposed amendments to these regulations do not concern 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. The regulations do not require small businesses to provide educational services to keep up to date with the 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. The regulations are not likely to deter or encourage 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. The regulations are not likely to deter or encourage the formation of small businesses in Massachusetts
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The regulations specify consistent requirements for MassHealth providers, without distinguishing between small and other businesses
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? No. The regulations do not distinguish between small and other businesses. The same effective date applies across the board.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulations do not distinguish between small and other 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. Distinguishing small businesses from other businesses would not be practicable for this regulation
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. There is no adverse impact on small businesses