



EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
DEPARTMENT OF DEVELOPMENTAL SERVICES
COMMONWEALTH OF MASSACHUSETTS
1000 WASHINGTON STREET, BOSTON, MA 02118

(617) 727-5608
www.mass.gov/dds

MAURA T. HEALEY
GOVERNOR

KATHLEEN E. WALSH
SECRETARY

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

JANE F. RYDER
COMMISSIONER

DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT

Pursuant to the authority of G.L. c. 19B, §§ 1 and 14, and G. L. c. 123B, § 2 and in accordance with G.L. c. 30A, the Department of Developmental Services (“DDS”) will hold public hearings and accept public comments pertaining to its proposed regulations at: 115 CMR 14.00: Self-Determination and Self-Directed Services.

115 CMR 14.00 implements G.L. c.19B, §19 - Self-determination option for individuals eligible for services (“Real Lives Bill,” Chapter 255 of the Acts of 2014). “Self-determination” is the statutory term that encompasses “an approach to service delivery in which the participant is given control over the decision-making process for the participant's supports or services and budget and the participant may tailor the support to meet the participant's needs.” G.L. c. 19B, § 19(a). Proposed 115 CMR 14.00 implements DDS’ self-directed services, which offer eligible individuals an alternative to traditional services operated, certified, licensed, or contracted for or otherwise funded by the Department. Self-directed services promote independence in service planning while providing equitable access to the Department’s resources.

A public hearing will be held remotely via Zoom on Tuesday, June 18, 2024 from 1:00 p.m. – 3:00 p.m.

Join from meeting link:

Join Zoom Meeting
<https://zoom.us/j/97706983976>

Meeting ID: 977 0698 3976

One tap mobile

+16469313860,,97706983976# US

Dial by your location

• +1 646 931 3860 US

Meeting ID: 977 0698 3976

Find your local number: <https://zoom.us/j/97706983976>

You may pre-register to testify at this hearing by email at dds.regs.comments@mass.gov with your first and last name, preferred email address, and organization or affiliation, if any. Pre-registration is not required to attend or testify at the hearing.

You may also submit written comments electronically instead of, or in addition to, live testimony at the hearing, to the Department at the following address: dds.regs.comments@mass.gov. Submissions should include the sender's full name, mailing address, and organization or affiliation, if any. Individuals also may submit written testimony to the Office of the General Counsel, 1000 Washington Street, Boston, MA 02118. All written comments submitted to the Department may be posted on the Department's website and released in response to a request for public records. All written testimony must be received by 5:00 p.m. on June 18, 2024. Please note that all comments received in response are considered part of the public record.

A current draft of the proposed regulations may be viewed on the Department's website at: <https://www.mass.gov/service-details/dds-notice-of-public-hearing-and-opportunity-for-public-comment> or obtained from the Office of the General Counsel at (617) 624-7702. Special accommodation requests may be made by telephone to the Office of the General Counsel at (617) 624-7702 or videophone at (857) 366-4179 (for persons who are deaf, hard of hearing or speech disabled). Requests for a sign language or other interpreter must be made at least two weeks in advance of the hearing.

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

By Order of the Department of Developmental Services,
JANE F. RYDER, COMMISSIONER

May 23, 2024

Small Business Impact Statement

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

CMR No: 115 CMR 14.00

Estimate of the Number of Small Businesses Impacted by the Regulation: Less than 35. The Department's February 12, 2024, review of the North American Industry Classification System ("NAICS") and Small Business Administration ("SBA") online database(s) indicated there were approximately 34 self-certified small businesses included in the regulated industries (NAICS Code: 623210 Residential MR Facilities e.g. group homes, hospitals, intermediate care facilities, and NAICS Code: 624310 Vocational Rehabilitation Services). **None are DDS service providers.**

115 CMR 14.00 implements M.G.L. c. 19B, §19 by defining key terms and providing regulatory guidance to individuals and providers of the Department's self-directed services. Self-directed services offer DDS eligible individuals an alternative to traditional services provided by the Department and an opportunity to exercise more choice and control, and promote independence in service planning. DDS projects that any impact the amended regulation will have on small businesses will be minimal.

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?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses 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?
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.)?
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?
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.)
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any 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?
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?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> 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?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small 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?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency 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?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?