

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Under the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the Executive Office of Health and Human Services (EOHHS) will hold a remote public hearing on Friday, January 23, 2026, at 2:00 p.m., relative to the adoption of amendments to the following regulation.

101 CMR 334.00: Rates for Prostheses, Prosthetic Devices, and Orthotic Devices

The proposed regulation contains rates effective for dates of service on or after July 1, 2026. There is no fiscal impact on cities and towns.

The proposed amendments update the effective date to July 1, 2026, with no changes to the current rates and routine coding updates issued through administrative bulletins. EOHHS concludes the proposed approach of no change to the current rates is adequate to meet the costs incurred by efficiently and economically operated facilities providing care and services in conformity with applicable state and federal laws and regulations, including M.G.L. Chapter 118E Section 13C, as well as quality and safety standards and which are within the financial capacity of the Commonwealth. M.G. L. c. 118E sec. 13C. There are no issues related to access to orthotics and prosthetics services.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/info-details/executive-office-of-health-and-human-services-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 ehs-regulations@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 Friday, January 23, 2026. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the current draft of the proposed regulation, go to www.mass.gov/info-details/executive-office-of-health-and-human-services-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.

EOHHS may adopt a revised version of the proposed 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/info-details/executive-office-of-health-and-human-services-public-hearings.

January 2, 2026

Small Business Impact Statement

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

CMR No and Title: 101 CMR 334.00: *Rates for Prostheses, Prosthetic Devices, and Orthotic Devices*

Estimate of the Number of Small Businesses Impacted by the Regulation: There are 30 prosthetic providers and 43 orthotic providers.

- **Will small businesses have to create, file, or issue additional reports?**
No. Small businesses will not have to create, file, or issue additional reports.
- **Will small businesses have to implement additional recordkeeping procedures?**
No. Small businesses will not have to implement additional recordkeeping procedures.
- **Will small businesses have to provide additional administrative oversight?**
No. Small businesses will not have to provide additional administrative oversight.
- **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 to comply with the proposed regulation.
- **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 the regulation.
- **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 any other capital investments to comply with the regulation.
- **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 regulation is required by statute under M.G.L. Chapter 118E, Sections 13C and 13D, and establishes the rates to be paid by governmental units to providers of non-institutional health care services, including prosthetic and orthotic services.
- **Do any other regulations duplicate or conflict with the proposed regulation?**
No. No other regulations duplicate or conflict with this regulation.
- **Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?**
Yes. The regulation continues to require providers to periodically comply with audits, inspections, and other regulatory activities.
- **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 the regulatory requirements.

- **Is the regulation likely to *deter* the formation of small businesses in Massachusetts?**

No. The regulation is unlikely to deter or encourage the formation of small businesses in Massachusetts, as it governs payments for prosthetic and orthotic services provided to publicly aided individuals and is applied uniformly among providers.

- **Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?**

No. The regulation is unlikely to deter or encourage the formation of small businesses in Massachusetts, as it governs payments for prosthetic and orthotic services provided to publicly aided individuals and is applied uniformly among providers.

- **Does the regulation provide for less stringent compliance or reporting requirements for small businesses?**

No. The regulation does not distinguish between small and other businesses.

- **Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?**

No. The regulation contains requirements to report cost data to EOHHS upon request to enable EOHHS to develop rates for health care services and is applied uniformly regardless of whether the provider is a small business.

- **Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**

No. This regulation requires providers to submit documentation requested by the Commonwealth for purposes of utilization and provider review to ensure compliance with requirements, including the timelines for reporting. The regulation is applied uniformly regardless of whether the provider is a small business.

- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**

No. The regulation establishes uniform conditions of payment for the provision of prosthetic and orthotic services to publicly aided individuals. These requirements are applied uniformly, regardless of the size of the provider's business, to maintain consistency in the care provided to publicly aided individuals.

- **Are there alternative regulatory methods that would minimize the adverse impact on small businesses?**

No. The regulation does not have an adverse impact on small businesses. It governs payments for prosthetic and orthotic services to publicly aided individuals and is applied uniformly regardless of whether the provider is a small business.