

**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 9, 2026, at 10:00 a.m. relative to the adoption of amendments to the following regulation.

**101 CMR 417.00: Rates for Certain Elder Care Services**

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

101 CMR 417.00 governs the payment rates for certain elder care services provided to publicly aided individuals by governmental units.

Pursuant to M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), EOHHS is required to establish, by regulation, and biennially review rates to be paid by governmental units to providers of social service programs. In accordance with statutory requirements, the rates for certain elder care services are being updated to include an increase by a cost adjustment factor (CAF) of 2.53%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2025 Forecast, baseline scenario data. The CAF reflects the period between the rates' base period (calendar year 2025 Q4) and the prospective period calendar years 2026 and 2027. The proposed rates for this service have incorporated staff salaries benchmarked to the most recent Massachusetts Bureau of Labor Statistics (BLS) median wages for 2024 at the 53<sup>rd</sup> percentile. The tax and fringe rate has been benchmarked to 24.97%. This benchmark is derived from the MA Comptroller's FY25 proposed rate less terminal leave and retirement.

The total annualized cost to state government from the increase in rates established by this regulation is approximately \$10.72 million, which represents a total increase of 6.85% over FY25 spending of approximately \$156.6 million. As these rates are effective January 1, 2026, the FY26 cost to state government will be \$5.36 million, which will be covered through the Chapter 257 Reserve Account and the purchasing agency's operating budget.

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](http://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](mailto: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, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on Friday, January 9, 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](http://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, 6<sup>th</sup> Floor, Quincy, MA 02171. To view or download related supporting materials, go to [www.mass.gov/info-details/proposed-regulations-supporting-materials](http://www.mass.gov/info-details/proposed-regulations-supporting-materials).

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.

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](http://www.mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings).

December 19, 2025

## **Small Business Impact Statement**

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

**CMR No and Title:** 101 CMR 417.00: *Rates for Certain Elder Care Services*

**Estimate of the Number of Small Businesses Impacted by the Regulation:** 29

- **Will small businesses have to create, file, or issue additional reports?**  
**No.** Small businesses will not have to create, file, or issue additional reports as a result of the proposed amendments to this regulation.
- **Will small businesses have to implement additional recordkeeping procedures?**  
**No.** Small businesses will not have additional responsibilities to keep records as a result of the proposed amendments to this regulation.
- **Will small businesses have to provide additional administrative oversight?**  
**No.** Small businesses are not required by this regulation to provide additional administration oversight as a result of the proposed amendments to this regulation.
- **Will small businesses have to hire additional employees in order to comply with the proposed regulation?**  
**No.** This regulation does not require small businesses to hire additional employees to remain in compliance.
- **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 by this regulation to hire other professionals.
- **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.
- **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, Section 13D, and establishes the rates to be paid by governmental units to providers of certain social service programs.
- **Do any other regulations duplicate or conflict with the proposed regulation?**  
No 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 requires providers to periodically file cost data to enable EOHHS to develop rates for certain social service programs. This cost reporting requirement is applied uniformly to all providers to enable EOHHS to develop accurate rates that reflect cost data from all providers.

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

**No.** The regulation contains requirements to report cost data to EOHHS to enable EOHHS to develop rates for certain social services. This cost reporting requirement is applied uniformly to all providers to enable EOHHS to develop accurate rates that reflect cost data from all providers.
- **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 to enable EOHHS to develop rates for certain social services. The time frame for cost reporting is applied uniformly to all providers to enable EOHHS to timely develop accurate rates that reflect cost data from all providers.
- **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. The requirement to report cost data to EOHHS is applied uniformly to enable EOHHS to timely develop accurate rates that reflect cost data from all providers.
- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**

**No.** The establishment of rates for certain social service providers by regulation is a statutory requirement under M.G.L. Chapter 118E, Section 13D.
- **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. The regulation establishes rates by which certain social service providers are to be paid when services are purchased by governmental units. The establishment of rates for these social services by regulation is a statutory requirement under M.G.L. Chapter 118E, Section 13D.