



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health (the Department) will hold a public hearing and comment period on the proposed amendments to the Amendments to Department of Public Health Regulation 105 CMR 153.00: *Licensure procedures and suitability requirements for long-term care facilities*. The proposed amendment was filed on January 16, 2026.

In September 2024, *An Act to improve quality and oversight of long-term care* (the Act) was passed with changes to improve oversight and standards at long-term care facilities through additional Department oversight.

Among other things, *An Act to improve quality and oversight of long-term care* requires the Department to:

- Review each LTCF's outbreak response plan;
- Promulgate regulations for the establishment of small house nursing homes;
- Promulgate regulations requiring mandatory staff training on the rights and care of LGBTQI+ older adults and those with HIV, and that prohibits discrimination based on sexual orientation, gender identity, or HIV status;
- Develop and implement annual and biannual education and training programs for staff working in LTCFs;
- Inspect all LTCFs every 12 months;
- Conduct suitability review on any management company that a LTCF decides to enter into an agreement with; and
- Expand the suitability review of LTCF applicants, potential transferees and licensees.

The Department is proposing significant revisions to 105 CMR 153.000 to align with the requirements set forth in the Act including, but not limited to, conducting suitability review for management companies engaged with LTCFs.

The public hearing will be held on **February 13, 2026 at 1:00PM**. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **888-455-9764**
Participant Passcode: **6565661**

To Testify Press: *1

A copy of the proposed amendments to 105 CMR 153 may be viewed on the Department's website at <http://mass.gov/dph/proposed-regulations> or requested from the Office of the General Counsel by calling 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral testimony. The Department encourages all interested parties to submit written testimony electronically to Reg.Testimony@mass.gov, or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. Please submit electronic testimony as an attached Word document and type "105 CMR 153: Department of Public Health Licensure Procedures and Suitability Requirements for Long-Term Care Facilities Regulations" in the subject line of the email. All submitted testimony must include the sender's full name and address.

The Department will post all electronic testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on February 13, 2026** All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact Stacy Hart at least 5 days before the hearing at Tel #857-274-1120, or email Stacy.Hart@mass.gov.

Small Business Impact Statement

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

Agency: Department of Public Health

CMR No: 105 CMR 153.000: Licensure procedure and suitability requirements for long-term care facilities

Estimate of the Number of Small Businesses Impacted by the Regulation: *Presently, there are approximately 350 nursing homes and 58 rest homes in Massachusetts. It is likely that some identify as a small business, but the exact number is not known.*

- **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 to implement additional recordkeeping procedures as a result of proposed amendments to this regulation.
- **Will small businesses have to provide additional administrative oversight?**
No, small businesses are not required by the proposed regulation 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 in order 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, compliance with the proposed regulation will not require small businesses 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, the proposed regulation does not require small businesses to purchase a product or make any other capital investments in order 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 proposed regulation, which is required by statute, sets forth clear minimum standards to ensure consistency among programs and protect the health and safety of residents. Performance standards are not more appropriate than regulatory standards required by M.G.L. Chapter 111, §§ 3, 71 through 73B.
- **Do any other regulations duplicate or conflict with the proposed regulation?**
No, there are no other regulations that duplicate or conflict with the proposed regulation.
- **Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?**
Yes, the proposed regulation requires small businesses to cooperate with audits, inspections, or other regulatory enforcement activities.
- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**

No, the proposed regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.

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

No, this regulation is not likely to deter or encourage the opening of additional small businesses in Massachusetts as the proposed regulation establishes updated standards for long-term care facilities.

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

No, this regulation is not likely to deter or encourage the opening of additional small business in Massachusetts as the proposed regulation establishes updated standards for long-term care facilities.

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

No, the proposed regulation does not provide for less stringent compliance or reporting requirements for small businesses.

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

No, the proposed regulation does not distinguish between small businesses and other businesses. The proposed regulation does not establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

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

No, the Department did not consolidate or simplify compliance or reporting requirements for small businesses. The proposed regulation applies uniformly to all regulated businesses to maintain consistency in care provided by long term care facilities.

- **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 to implement the proposed regulation. Performance standards cannot replace design or operational standards without hindering delivery of the regulatory objective.

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

No, there are no alternative regulatory methods that would minimize the impact on small businesses. The proposed regulation does not have an adverse impact on small businesses.