

**Commonwealth of Massachusetts  
Division of Medical Assistance**

**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 Friday, October 18, 2024, at 9:00 a.m. relative to the adoption of the following new regulation:

**130 CMR 464.000: Program of Assertive Community Treatment Services**

The proposed new regulation is planned to go into effect no sooner than February 1, 2025. There is no fiscal impact on cities and towns.

The proposed regulation establishes the requirements for Program of Assertive Community Treatment (PACT) service providers to enroll as MassHealth providers and establishes PACT programs as a new fee-for-service provider type. The proposed regulation will:

- Establish PACT service providers as a provider type that may bill MassHealth through fee-for-service.
- Define MassHealth's fee-for-service program for PACT and other relevant terms.
- Establish the following payable services: intake, initial assessment and initial treatment planning, comprehensive assessment, Program of Assertive Community Treatment services, employment and vocational services, housing services and supports, pharmacotherapy, referral services including crisis intervention referrals, and discharge planning.
- Establish fee-for-service PACT program administration and programmatic requirements, including member and provider eligibility, nonpayable services, nonpayable circumstances, telehealth, staffing and supervision requirements, recordkeeping requirements, and maximum allowable fees.

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/masshealth-public-hearings](http://www.mass.gov/info-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](mailto: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, 6<sup>th</sup> Floor, Quincy, MA

02171. Written testimony will be accepted through 5:00 p.m. on Friday, October 18, 2024. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current draft of the new regulation, go to [www.mass.gov/info-details/masshealth-public-hearings](http://www.mass.gov/info-details/masshealth-public-hearings) or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171.

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.

The Division may adopt a revised version of the proposed actions 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/masshealth-public-hearings](http://www.mass.gov/info-details/masshealth-public-hearings).

September 27, 2024

## Small Business Impact Statement

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

**CMR No: 130 CMR 464.000**

**Estimate of the Number of Small Businesses Impacted by the Regulation: 15**

**Select Yes or No and Briefly Explain**

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Yes. Small businesses may have to create, file, or issue additional reports as a result of the proposed new chapter, 130 CMR 464.000.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Yes. Small businesses may have additional responsibilities to keep records as a result of the proposed new chapter, 130 CMR 464.000.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. Small businesses will not be required by 130 CMR 464.000 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? No. 130 CMR 464.000 will not require small businesses to hire additional employees to remain in compliance.
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 will not be required by 130 CMR 464.000 to hire other professionals.
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. 130 CMR 464.000 will not require small businesses to purchase any products 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 to accomplish the regulatory objective of establishing provider participation requirements for EOHHS health care services, as the proposed regulation is required by statute under M.G.L. Chapter 118E, Sections 7 and 12.
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 this regulation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes. Small businesses will need 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? No. Small businesses will not be required 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. 130 CMR 464.000 is not likely to deter or encourage the formation of small businesses in Massachusetts as the proposed regulation establishes provider participation requirements for PACT treatment services providers.
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. 130 CMR 464.000 is not likely to deter or encourage the formation of small businesses in Massachusetts as the proposed regulation establishes provider participation requirements for PACT treatment services providers.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. 130 CMR 464.000 will not distinguish 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. 130 CMR 464.000 will not distinguish between small and other businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. 130 CMR 464.000 establishes uniform provider participation requirements for the provision of PACT services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by PACT providers to MassHealth members.
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 to implement the proposed 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. 130 CMR 464.000 will not have an adverse impact on small businesses.