

NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c. 12C and in accordance with M.G.L. c. 30A, as amended, the Center for Health Information and Analysis (CHIA) located at 501 Boylston Street, Suite 5100, Boston, MA 02116 will hold a public hearing in-person and remotely on Thursday, November 7, 2024 at 10:00 A.M. relative to the adoption of amendments to regulations:

957 CMR 2.00 - PAYER DATA REPORTING

957 CMR 3.00 - ASSESSMENT ON CERTAIN HEALTH CARE PROVIDERS & SURCHARGE PAYERS

957 CMR 6.00 – COST REPORTING

957 CMR 7.00 – NURSING FACILITY COST REPORTING

957 CMR 8.00 - APCD AND CASE MIX DATA SUBMISSION

957 CMR 9.00 - HOSPITAL FINANCIAL DATA REPORTING REQUIREMENTS

957 CMR 10.00 - HEALTH CARE PAYERS PREMIUMS AND CLAIMS DATA REPORTING REQUIREMENTS

957 CMR 11.00 - REGISTERED PROVIDER ORGANIZATIONS REPORTING REQUIREMENTS

The amended regulations govern CHIA's enforcement of requirements that payers, providers, and others make data submissions to CHIA. The proposed amendments provide additional information to data submitters about CHIA's process for imposing monetary penalties when organizations fail to submit data as required, including organizations' right to an adjudicatory hearing. These amendments are consistent with M.G.L. c. 30A, § 10 and the decision in *Steward Healthcare System LLC v. Center for Health Information and Analysis et al.*, No. 1784CV03481, (Super. Ct. Jan. 27, 2022). The amended regulations also clarify certain nursing facility cost reporting requirements and update deadlines for hospital financial data reporting.

It is anticipated that payers, providers, and others that make data submissions to CHIA will incur no additional administrative costs resulting from the proposed changes to this regulation. There is no fiscal impact on cities and towns and no fiscal impact on small businesses.

Individuals that notify CHIA of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers may notify CHIA of their intention to testify at the hearing by emailing regulations@chiamass.gov. Individuals may also submit written testimony to the same email address. Please submit electronic testimony as an attached Word document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name and address. Individuals who are unable to submit testimony by email should mail written testimony to the Center for Health Information and Analysis, 501 Boylston Street, Suite 5100, Boston, MA 02116. Written testimony must be submitted by 5:00 P.M. on Monday, November 18, 2024. Copies of the proposed regulation may be requested in writing from CHIA at the email address above or may be viewed on CHIA's website at www.chiamass.gov/regulations.

Individuals may attend the hearing **in person (at the location above) or remotely** on the date and time specified. Details and instructions for participating and testifying remotely (such as through phone line or online connection) at the remote public hearing are included in this notice below. This notice and copies of the proposed regulations may be viewed on CHIA's website at www.chiamass.gov/regulations. If you plan to testify at the hearing, CHIA strongly encourages you to register in advance; see above for instructions. CHIA encourages you to submit written testimony in addition to, or instead of, providing testimony at the hearing; see above for instructions. Additionally, requests for copies of the proposed regulation will not be accepted in person. Details for obtaining copies of proposed regulations are set forth above.

To join the remote hearing online, go to <https://us02web.zoom.us/j/85182195779?pwd=KK3vZ05KNoYobzEWSBjQRhfXI0yNm3.1>, and enter Meeting ID: 851 8219 5779 and Passcode: 700150. To join the remote hearing by phone, call 1-646-518-9805 or 1-646-558-8656, and enter Meeting ID: 851 8219 5779 and Password: 700150 when prompted.

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency Submitting Regulation: Center for Health Information and Analysis (“CHIA”)

Subject Matter of Regulation: Monetary Penalties; Cost Reporting Deadlines; Financial Statement Reporting Requirements

Regulation No: 957 C.M.R. 2.00, 3.00, 6.00, 7.00, 8.00, 9.00, 10.00, and 11.00.

Statutory Authority: M.G.L. c.12C

Other Agencies Affected: None

Other Regulations That May Duplicate or Conflict with the Regulation: None

Describe the Scope and Objectives of the Regulation: The Sections to be amended in each regulation titled, “Compliance and Penalties,” detail the process that CHIA will undertake when imposing monetary penalties, under M.G.L. c. 12C, § 11 and otherwise, on entities that have failed to submit data as required. Additional changes to 957 CMR 7.00 clarify the requirements associated with reporting certain financial statements. Additional changes to 957 CMR 9.00 give reporting entities additional time to submit certain cost reports.

Business Industry(ies) Affected by the Regulation: Health care

Types of Businesses Included in the Industry(ies): Private health care payers, providers, and provider organizations who submit data to CHIA.

Total Number of Small Businesses Included in the Regulated Industry(ies) *Please see the attached guidance documents for assistance determining the total number of small businesses:* None.

Number of Small Businesses Potentially Subject to the Proposed Regulation: None.

Effective Date Used In Cost Estimate: September 10, 2024

Yes	No	<i>*Note: For each question, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.</i>
Yes <input type="checkbox"/>	No x	Will small businesses have to create, file, or issue additional reports?
Yes <input type="checkbox"/>	No x	Will small businesses have to implement additional recordkeeping procedures?
Yes <input type="checkbox"/>	No x	Will small businesses have to provide additional administrative oversight?
Yes <input type="checkbox"/>	No x	Will small businesses have to hire additional employees in order to comply with the proposed regulation?

Yes <input type="checkbox"/>	No x	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
Yes <input type="checkbox"/>	No x	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 x	Are performance standards more appropriate than design standards?
Yes <input type="checkbox"/>	No x	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?
Yes <input type="checkbox"/>	No x	Will the regulation have the effect of creating additional taxes and/or fees for small businesses?
Yes <input type="checkbox"/>	No x	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
Yes <input type="checkbox"/>	No x	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No x	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No x	Can the regulation provide for less stringent compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No x	Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No x	Can the compliance or reporting requirements be consolidated or simplified for small businesses?
Yes <input type="checkbox"/>	No x	Can performance standards for small businesses replace design or operational standards?
Yes <input type="checkbox"/>	No x	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
Yes <input type="checkbox"/>	No x	Were any small businesses or small business organizations contacted during the preparation of this document? If so, please describe.