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, October 31, 2025, at 10 a.m.** relative to the emergency adoption of amendments to the following regulation.

101 CMR 206.00: Standard Payments to Nursing Facilities

The proposed amendments to 101 CMR 206.00 implement Fiscal Year 2026 (FY26) budget requirements. The following adjustments are being made to the rates, consistent with the FY26 budget:

1) Rebasing to a base year of 2023, from a previous base year of 2019;
2) Applying a cost adjustment factor (CAF) of 5.48%, plus a 0.683% administrative adjustment, resulting in a total adjustment of 6.163% to the nursing 2023 base year costs; applying a CAF of 6.31% to the operating 2023 base year costs; and applying a CAF of 5.42% to the capital 2023 base year costs;
3) Removing adjustments for quality improvement based on Centers for Medicare & Medicaid Services (CMS) and Department of Public Health (DPH) scores while maintaining adjustments for quality achievement based on CMS and DPH scores and adding a new achievement-related quality measure for Hospitalizations from the CMS data on nursing facilities; and
4) Amending certain aspects of existing rate adjustments, add-ons, and supplemental payments, including but not limited to the quality, maximum change, and high Medicaid adjustments, and the direct care, multiple sclerosis, and behavioral health indicator add-ons.

Further, as directed by Line 4000-0641 of the FY26 budget, the proposed amendments establish a Supplemental Payment for Qualified Nursing Facilities Located on Martha's Vineyard to allocate supplemental payments to facilities located on Martha's Vineyard Island and within eight miles of a hospital that has received federal government designation as a Critical Access Hospital.

The estimated annual fiscal impact of these amendments is $102,000,000 for rate related amendments and $3,800,000 for supplemental payment-based amendments, equaling a total estimated annual fiscal impact of $105,800,000.

The regulation will go into effect as an emergency on October 1, 2025.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/service-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, October 31, 2025. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the emergency regulation, go to www.mass.gov/service-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 final, revised version of the emergency 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/service-details/executive-office-of-health-and-human-services-public-hearings.

Small Business Impact Statement

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

CMR No: 101 CMR 206.00 *Standard Payments to Nursing Facilities*
Estimate of the Number of Small Businesses Impacted by the Regulation: SBA database searches returned 28 results for NAICS code 623110 (“Nursing Care Facilities”) and no results for 623311 (“Continuing Care Retirement Communities”).

Write Yes or No	Explain Briefly
No	Will small businesses have to create, file, or issue additional reports? The regulation requires nursing facilities to submit cost and financial statements, but this is not a new requirement. The regulation also requires nursing facilities seeking certain additional payment add-ons and adjustments to submit reports demonstrating their eligibility and/or compliance, but this is not a new requirement.
No	Will small businesses have to implement additional recordkeeping procedures? Certain additional payment add-ons and adjustments require nursing facilities to maintain up-to-date records on eligibility and/or compliance, but there are no new requirements as a result of this regulation.
No	Will small businesses have to provide additional administrative oversight? The regulation does not require additional administrative oversight.
No	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Compliance does not require hiring other professionals.
No	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Compliance does not require hiring other professionals.
No	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? The regulation does not require purchases or capital investments.
No	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.) Performance standards are not more appropriate than design or operational standards.
No	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations duplicate or conflict with the proposed regulation.
Yes	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?

Write Yes or No	Explain Briefly
	The regulation requires MassHealth-enrolled nursing facilities to comply with audits and produce records requested by EOHHS, but this is not a new requirement. The regulation does not distinguish between small and other businesses.
No	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? The regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
No	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? The regulation establishes new and updated payment methodologies for MassHealth-enrolled nursing facility providers and is unlikely to deter the formation of small businesses.
No	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? The regulation establishes new and updated payment methodologies for MassHealth-enrolled nursing facility providers and is unlikely to encourage the formation of small businesses.
No	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation does not distinguish between small and other businesses.
No	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The regulation does not distinguish between small and other businesses.
No	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulation does not distinguish between small and other businesses.
No	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? Distinguishing small businesses from other businesses would not be practicable for this regulation.
No	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? Payment methodologies for nursing facilities are required by statute to be established through regulation.