

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 Thursday 11/6/25, at 10 a.m. relative to the adoption of amendments to the following regulation.

101 CMR 347.00: *Rates for Freestanding Ambulatory Surgery Centers*

Effective for dates of service on or after April 1, 2026, EOHHS is proposing to maintain current rates for all FASC services established in 101 CMR 347.00. The proposed amendments include updates to FASC procedure codes. In addition, EOHHS is proposing to expand service coverage by adding 12 procedure codes as payable codes to Subchapter 6 of the MassHealth FASC program regulation, 130 CMR 423.000. This proposed coverage expansion for the MassHealth FASC program does not require changes to 101 CMR 347.00, as the newly covered procedure codes already exist, with rates in 101 CMR 347.00.

There is no fiscal impact associated with the proposed changes to 101 CMR 347.00, but the proposed coverage of additional services has an estimated \$26,000 aggregate annual fiscal impact. There is no fiscal impact on cities and towns.

EOHHS is proposing these amendments, subject to federal approval and in accordance with M.G.L. c. 118E, §13D, to ensure that payments are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities.

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. 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 11/6/25. 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 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 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.

October 10, 2025

Small Business Impact Statement

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

CMR No: 101 CMR 347.00

Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently 43 freestanding ambulatory surgery centers (FASCs) participating in the MassHealth program.

Select Yes or No and Briefly Explain

Yes ☐	No ☒	Will small businesses have to create, file, or issue additional reports? No. The proposed amendments will not require small businesses to create, file, or issue additional reports.
Yes ☐	No ☒	Will small businesses have to implement additional recordkeeping procedures? No. The proposed amendments will not require small businesses to implement additional recordkeeping procedures.
Yes ☐	No ☒	Will small businesses have to provide additional administrative oversight? No. The proposed amendments will not require small businesses to provide additional administrative oversight.
Yes ☐	No ☒	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. The proposed amendments will not require small businesses to hire additional employees.
Yes ☐	No ☒	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. The proposed amendments will not require small businesses to hire other professionals.
Yes ☐	No ☒	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 amendments will not require small businesses to purchase a product or make any other capital investments.
Yes ☐	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.) No. The regulation is required by statute under M.G.L. Chapter 118E, Section 13C, and establishes the rates to be paid by governmental units to providers of noninstitutional health care services.
Yes ☐	No ☒	Do any other regulations duplicate or conflict with the proposed regulation? No. No other regulations duplicate or conflict with the regulation or its proposed amendments.
Yes ☒	No ☐	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes. The regulation continues to require providers to periodically comply with audits, inspections, and other regulatory activities.

Yes ☐	No ☒	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. The proposed amendments do not require small businesses to provide educational services to keep up with regulatory requirements.
Yes ☐	No ☒	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No. The proposed amendments are unlikely to deter or encourage the formation of small businesses in Massachusetts.
Yes ☐	No ☒	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No. The proposed amendments are unlikely to deter or encourage the formation of small businesses in Massachusetts.
Yes ☐	No ☒	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The proposed amendments do not distinguish between small and other businesses.
Yes ☐	No ☒	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. The proposed amendments do not distinguish between small and other businesses.
Yes ☐	No ☒	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. The proposed amendments do not distinguish between small and other businesses. This regulation requires providers to submit documentation requested by the Commonwealth for purposes of utilization and provider review to ensure compliance with requirements, including the timelines for reporting, and the regulation is applied uniformly among all providers.
Yes ☐	No ☒	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. This regulation and its proposed amendments establish uniform conditions of payment for the provision of FASC services to publicly aided individuals. These requirements are applied uniformly, regardless of the size of the provider's business, to maintain consistency in the care provided to publicly aided individuals.
Yes ☐	No ☒	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. This regulation does not have an adverse impact on small businesses and governs payments for FASC services provided to publicly aided individuals. It is applied uniformly regardless of whether the provider is a small business.