

**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 October 31, 2025, at 1 p.m. relative to the emergency adoption of amendments to the following regulation.

101 CMR 614.00: Health Safety Net Payments and Funding

The regulation went into effect as an emergency on September 30, 2025. There is no fiscal impact on cities and towns.

Proposed emergency amendments to 101 CMR 614.00: *Health Safety Net Payments and Funding* update HSN payment methodologies to enable EOHHS to pay less than 85% of demand to acute hospitals designated as disproportionate share hospitals (DSH) for HSN purposes for HSN FY25. This is a necessary adjustment due to the significant shortfall in FY2025. The amendments are also necessary to remove references to the now repealed HSN payor surcharge. Finally, the amendments improve clarity and readability, which will make compliance easier for regulated parties. The amendments do not change the structure of HSN payments to community health centers.

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 p.m. on October 31, 2025. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the emergency 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 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/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 614.00: *Health Safety Net Payments and Funding*

Estimate of the Number of Small Businesses Impacted by the Regulation: The proposed amendments apply to all acute hospitals (about 60 entities) and community health centers (CHCs) (about 35 entities) participating in the Health Safety Net (HSN).

Select Yes or No and Briefly Explain

Yes ☐	No ☒	Will small businesses have to create, file, or issue additional reports? No. The regulated entities will not have to create, file, or issue additional reports due to the proposed amendments.
Yes ☐	No ☒	Will small businesses have to implement additional recordkeeping procedures? No. There are no additional recordkeeping procedures for small business or other regulated parties required through these proposed amendments.
Yes ☐	No ☒	Will small businesses have to provide additional administrative oversight? No. There are no additional administrative oversight requirements for small business or other regulated parties through these proposed amendments.
Yes ☐	No ☒	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. Neither small business nor other regulated parties will need to hire additional employees to comply with these proposed amendments.
Yes ☐	No ☒	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. Neither small business nor other regulated parties will need to hire other professionals to comply with these proposed amendments.
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. Neither small business nor other regulated parties will need to purchase products or make capital investments to comply with these proposed amendments.
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. Performance standards are not more appropriate than design or operational standards to accomplish the regulatory objective of these proposed amendments. Regulations are required by statute to implement HSN payments and funding.
Yes ☐	No ☒	Do any other regulations duplicate or conflict with the proposed regulation? No. There are no other regulations that duplicate or conflict with these proposed amendments.
Yes ☒	No ☐	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes. The regulations being amended contain reasonable provisions ensuring EOHHS has the right to audit submissions from acute hospitals and CHCs.

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 or other regulated parties to provide educational services to keep up to date 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 not likely 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 not likely 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 businesses 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 businesses 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.
Yes ☐	No ☒	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. Distinguishing between small and other businesses would not be practicable to implement the proposed amendments.
Yes ☐	No ☒	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. The proposed amendments do not have an adverse impact on small businesses. Regulatory amendments are required to update payment processes for acute hospitals through the HSN, and to remove references to the HSN payor surcharge, which was repealed and replaced under M.G.L. c. 118E, sec. 68.