

**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, November 13, 2026, at 10:00 a.m.** on the emergency adoption of amendments to the following regulation.

101 CMR 206.00: Standard Payments to Nursing Facilities

The regulation will go into effect as an emergency on October 1, 2026. The proposed amendments implement fiscal year 2027 (FY27) budget requirements. The following adjustments are being made to the rates, consistent with the FY27 budget.

- Updating standard nursing, operating, capital, pediatric, and other facility-specific rates for rate year 2027. The amendments apply a 7.04% cost adjustment factor to both nursing and operating standard payments and updates the patient-driven payment model (PDPM) nursing standard payment amounts accordingly. The operating cost standard payment increases to \$128.14 per day. The capital cost adjustment factor is also updated to 6.65%.
- Revising financial statement reporting requirements.
- Revising the substance use disorder (SUD) add-on and replacing the SUD induction-period add-on with a medication for opioid use disorder (MOUD) add-on, including new eligibility, staffing, and compliance requirements.
- Reducing the bariatric add-on from \$300 to \$200 per member per day and clarifying its applicability with other add-ons.
- Strengthening staffing incentives by establishing an 8% downward adjustment for facilities at or below 3.00 hours per patient day (HPPD), while exempting facilities maintaining at least 4.00 HPPD from the direct care cost quotient (DCC-Q) downward adjustment.
- Removing expired COVID-19 preparedness payments and the prior rate year's \$25 million statewide supplemental payment.
- Making annual conforming and technical updates to dates, reporting periods, quality measures, PDPM references, and other payment provisions.

The estimated annual fiscal impact of these amendments is \$29,670,000 for rate-related amendments.

Register to testify and get instructions on how to join the hearing online at mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings. You can join by phone at (646) 558-8656. The meeting ID is 935 397 8200#.

You can submit written testimony instead of, or in addition to, live testimony. Submit written testimony to ehs-regulations@mass.gov as an attached Word or PDF document or as text within the body of the email. Put 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. You can also mail written testimony to EOHHS, c/o D. Briggs, 1 Enterprise Drive, 4th Floor, Quincy, MA 02171. Written testimony will be accepted until 5:00 p.m. November 13, 2026. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

You can review the emergency regulation at mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings or request a copy in writing from MassHealth Publications, 1 Enterprise Drive, 4th Floor, Quincy, MA 02171.

Email the Disability Accommodations Ombudsman at ADAACcommodations@mass.gov to make special accommodation requests. You can also call (617) 847-3468 (TTY: [617] 847-3788). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a revised version of the emergency regulation after considering 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 mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings.

September 23, 2026

Small Business Impact Statement

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

CMR No and Title: 101 CMR 206.00: *Standard Payments to Nursing Facilities*

Estimate of the Number of Small Businesses Impacted by the Regulation: The regulation applies to all licensed nursing facilities in Massachusetts. There are approximately 300 such entities subject to the proposed emergency amendments, and some of those are small businesses.

- Will small businesses have to create, file, or issue additional reports?
No. The regulation requires nursing facilities to submit cost and financial statements, but this is not a new requirement. It 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.
- Will small businesses have to implement additional recordkeeping procedures?
No. 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.
- Will small businesses have to provide additional administrative oversight?
No. The regulation does not require additional administrative oversight.
- Will small businesses have to hire additional employees in order to comply with the proposed regulation?
No. Compliance does not require hiring additional employees.
- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
No. Compliance does not require hiring other professionals.
- 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 regulation does not require purchases or capital investments.
- 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.
- Do any other regulations duplicate or conflict with the proposed regulation?
No other regulations duplicate or conflict with the proposed regulation.
- Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?
Yes. The regulation requires MassHealth-enrolled nursing facilities to comply with audits and produce records requested by the Executive Office of Health and Human Services (EOHHS), but this is not a new requirement. The regulation does not distinguish between small businesses and other businesses.
- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?

No. The regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.

- Is the regulation likely to deter the formation of small businesses in Massachusetts?

No. The regulation establishes new and updated payment methodologies for MassHealth-enrolled nursing facility providers and is unlikely to deter or encourage the formation of small businesses.

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- No. The regulation establishes new and updated payment methodologies for MassHealth-enrolled nursing facility providers and is unlikely to deter or encourage the formation of small businesses.

- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?

- No. The regulation does not distinguish between small businesses and other businesses.

- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?

- No. The regulation does not distinguish between small businesses and other businesses.

- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?

- No. The regulation does not distinguish between small businesses and other businesses.

- 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 for this regulation.

- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?

- No. Payment methodologies for MassHealth-enrolled nursing facilities are required by statute to be established through regulation.