

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 16, 2026, at 10 a.m., relative to the emergency adoption of amendments to the following regulations.

101 CMR 316.00: Rates for Surgery and Anesthesia Services

101 CMR 317.00: Rates for Medicine Services

101 CMR 318.00: Rates for Radiology Services

The proposed amendments to 101 CMR 316.00, 101 CMR 317.00, and 101 CMR 318.00 add certified professional midwives (CPMs) as an eligible provider type, consistent with Chapter 186 of the Acts of 2024. The proposed amendments also establish codes S8415 (home delivery supply kit) and S4005 (interim labor) to support eligible low-risk MassHealth members who elect planned home birth services. The proposed rate for code S8415 is \$500 per pregnancy based on market research to cover essential home birth supplies for eligible low-risk pregnancies. The proposed rate for code S4005 is set at individual consideration (IC) based on the rate for the same code established in 101 CMR 355.00: *Rates for Freestanding Birth Centers*.

In order to promote access to CPM services for eligible MassHealth members and ensure consistency with recent updates to state law (i.e., Chapter 186 of the Acts of 2024), the proposed amendments described above were adopted on an emergency basis on September 25, 2026, with rates effective for dates of service on and after October 1, 2026.

EOHHS is proposing these changes, subject to federal approval, to ensure that payments are consistent with efficiency, economy, and quality of care and satisfy the requirements of M.G.L. 118E, sections 13C and 13D. It is estimated that annual aggregate MassHealth expenditures will increase by \$47,000 as a result of the proposed amendments. There is no fiscal impact on cities and towns. The proposed amendments are not anticipated to impose new costs on small businesses, and any impact on small business providers will vary based on the volume of services provided.

[Register to testify and get instructions](https://www.mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings) to join the hearing at 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 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 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, 1 Enterprise Drive, 5th Floor, Quincy, MA 02171. Written testimony will be accepted through 5 p.m. on October 16, 2026. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

You can [review the emergency regulation](http://www.mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings) at www.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, 5th Floor, Quincy, MA 02171.

[Email the Disability Accommodations Ombudsman](mailto:ADAAccommodations@mass.gov) 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](http://mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings) will be posted on the MassHealth website at mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings.

Date of Newspaper Ad: September 25, 2026

Small Business Impact Statement

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

CMR No and Title: 101 CMR 316.00: *Rates for Surgery and Anesthesia Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently approximately 20,000 providers of physician services, including medicine, surgery and anesthesia, and radiology services. This number includes physicians and midlevel provider types (e.g., certified nurse practitioner).

- **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.
- **Will small businesses have to implement additional recordkeeping procedures?**
No. The proposed amendments will not require small businesses to implement additional recordkeeping procedures.
- **Will small businesses have to provide additional administrative oversight?**
No. The proposed amendments will not require small businesses to provide additional administrative oversight.
- **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 in order to comply with the proposed regulation.
- **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 to comply with the regulation.
- **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 in order to comply with the regulation.
- **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 establishing rates for EOHHS health care services as the proposed regulation is required by statute under M.G.L. Chapter 118E, Section 13D.
- **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?**

No. The regulation does not require cooperation with additional audits, inspections or other regulatory enforcement activities.

- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**

No. The proposed amendments will 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 is unlikely to deter or encourage the formation of small businesses in Massachusetts. This regulation governs payments for surgery and anesthesia services provided to publicly aided individuals and is applied uniformly among providers.

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

No. The regulation is unlikely to deter or encourage the formation of small businesses in Massachusetts. This regulation governs payments for surgery and anesthesia services provided to publicly aided individuals and is applied uniformly among providers.

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

No. The regulation does not provide for less stringent compliance or reporting requirements for small businesses. These requirements are applied uniformly to all surgery and anesthesia service providers to maintain consistency in the care provided to publicly aided individuals.

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

No. The regulation does not provide for less stringent schedules or deadlines for compliance or reporting requirements for small businesses. These requirements are applied uniformly to all surgery and anesthesia service providers to maintain consistency in the care provided to publicly aided individuals.

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

No. This regulation does not consolidate or simplify compliance or reporting requirements for small businesses. These requirements are applied uniformly to all surgery and anesthesia service providers to maintain consistency in the care provided to publicly aided individuals.

- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**

No. The regulation establishes uniform program requirements and conditions of payment for the provision of surgery and anesthesia 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.

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

No. The regulation does not have an adverse impact on small businesses and governs payments for surgery and anesthesia services provided to publicly aided individuals. It is applied uniformly regardless of whether the provider is a small business.

Small Business Impact Statement

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

CMR No and Title: 101 CMR 317.00: *Rates for Medicine Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently approximately 20,000 providers of physician services, including medicine, surgery and anesthesia, and radiology services. This number includes physicians and midlevel provider types (e.g., certified nurse practitioner).

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- **Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?**
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No. The proposed amendments will not require small businesses to purchase a product or make any other capital investments in order to comply with the regulation.
- **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 establishing rates for EOHHS health care services as the proposed regulation is required by statute under M.G.L. Chapter 118E, Section 13D.
- **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?**
 No. The regulation does not require cooperation with additional audits, inspections or other regulatory enforcement activities.
- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**
 No. The proposed amendments will 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 is unlikely to deter or encourage the formation of small businesses in Massachusetts. This regulation governs payments for medicine services provided to publicly aided individuals and is applied uniformly among providers.
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- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**
 No. The regulation establishes uniform program requirements and conditions of payment for the provision of medicine 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.

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

No. The regulation does not have an adverse impact on small businesses and governs payments for medicine services provided to publicly aided individuals. It is applied uniformly regardless of whether the provider is a small business.

Small Business Impact Statement

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

CMR No and Title: 101 CMR 318.00: *Rates for Radiology Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently approximately 20,000 providers of physician services, including medicine, surgery and anesthesia, and radiology services. This number includes physicians and midlevel provider types (e.g., certified nurse practitioner).

- **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.
- **Will small businesses have to implement additional recordkeeping procedures?**
No. The proposed amendments will not require small businesses to implement additional recordkeeping procedures.
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- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**

No. The proposed amendments will 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 is unlikely to deter or encourage the formation of small businesses in Massachusetts. This regulation governs payments for radiology services provided to publicly aided individuals and is applied uniformly among providers.

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

No. The regulation does not provide for less stringent compliance or reporting requirements for small businesses. These requirements are applied uniformly to all radiology service providers to maintain consistency in the care provided to publicly aided individuals.

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No. The regulation does not provide for less stringent schedules or deadlines for compliance or reporting requirements for small businesses. These requirements are applied uniformly to all radiology service providers to maintain consistency in the care provided to publicly aided individuals.

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

No. This regulation does not consolidate or simplify compliance or reporting requirements for small businesses. These requirements are applied uniformly to all radiology service providers to maintain consistency in the care provided to publicly aided individuals.

- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**

No. The regulation establishes uniform program requirements and conditions of payment for the provision of radiology 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.

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

No. The regulation does not have an adverse impact on small businesses and governs payments for radiology services provided to publicly aided individuals. It is applied uniformly regardless of whether the provider is a small business.