

**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 16, 2026, at 1:00 p.m. relative to the emergency adoption of amendments to the following regulation.

101 CMR 351.00: Rates for Certain Adult Foster Care Services

The proposed amendments establish a new billing modifier and reduce the reimbursement rate for the one-time adult foster care (AFC) intake and assessment services when the Public Assessor Option (PAO), rather than the AFC provider, completes the initial member assessment.

The rate for the modified Intake and Assessment Services is proposed at \$100. The reduced intake and assessment rate will compensate AFC providers for the remaining pre-admission and admission activities they will continue to perform when the PAO conducts the initial member assessment.

The purpose of this amendment is to promote service quality by standardizing AFC intake and assessment practices to align with the entire Long-Term Services and Supports (LTSS) program network. The addition of a modifier for intake and assessment services ensures that providers are compensated for their preadmission and admission activities that they will continue to perform after the implementation of the PAO. The anticipated effective date of the proposed amendment is on or after October 5, 2026.

All other rates are proposed to remain at their current levels. The estimated aggregate annual fiscal impact associated with the proposed amendments is a decrease in spending on AFC services of \$1.27M.

[Register to testify and get instructions](https://mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings) 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](mailto:ehs-regulations@mass.gov) 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. on October 16, 2026. EOHHS specifically invites comments as

to how the amendments may affect member access to care for MassHealth-covered services.

You can [review the emergency regulation](#) at mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings. You can also 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.

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 351.00: *Rates for Certain Adult Foster Care Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: 195 Adult Foster Care Providers and 112 Group Adult Foster Care Providers

- **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 record keeping 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 to remain in compliance.
- **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.
- **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.
- **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, §§ 13C and 13D, and establishes the rates to be paid by governmental units to providers of non-institutional health care services, including certain adult foster care services.
- **Do any other regulations duplicate or conflict with the proposed regulation?**
No other regulations duplicate or conflict with this regulation.
- **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.
- **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 to date with the regulatory requirements.
- **Is the regulation likely to deter the formation of small businesses in Massachusetts?**
No. The proposed amendments are unlikely to deter or encourage the formation of small businesses in Massachusetts.

- **Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?**
No. The proposed amendments are unlikely to deter or encourage the formation of small businesses in Massachusetts.
- **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 contains requirements to report cost data to EOHHS upon request to enable EOHHS to develop rates for certain adult foster care services and is applied uniformly regardless of whether the provider is a small business.
- **Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**
No. The proposed amendments do not distinguish between small businesses and other businesses. This regulation requires providers to submit documentation requested by the Commonwealth for the 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.
- **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 certain adult foster care 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 certain adult foster care services provided to publicly aided individuals. It is applied uniformly regardless of whether the provider is a small business.