

**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 14, 2025, at 10:00 a.m. relative to the adoption of amendments to the following regulation.

101 CMR 349.00: Rates for Early Intervention Program Services

The proposed regulation contains rates effective for dates of service on or after July 1, 2026. There is no fiscal impact on cities and towns.

101 CMR 349.00 governs rates of payment to be used by all governmental units making payments to eligible providers for Early Intervention program services provided to publicly assisted clients.

Services with rates established by this regulation are purchased by the Department of Public Health (DPH) and MassHealth (MH). Pursuant to M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), EOHHS is required to establish by regulation and biennially review the rates to be paid by governmental units for social service programs, which includes Early Intervention program services. In accordance with this requirement, the rates for Early Intervention program services are being updated to include an increase by a cost adjustment factor (CAF) of 2.37%. The CAF is based on Global Insight's spring 2025 cost projections data, at the baseline level. The CAF is prospective and calculated from FY26, quarter 4, and projects through the prospective period of CY26 and CY27. In addition to the CAF, the proposed rates incorporate staff salaries benchmarked to the most recent, May 2024, Bureau of Labor Statistics at the 53rd percentile. The occupancy expenses are benchmarked to the FY24 Uniform Financial Statements and Independent Auditor's Report (UFR), and the other programmatic expenses are based on the purchasers' recommendation and/or the prior benchmark inclusive of previous CAFs. The administrative allocation is benchmarked to 12% and the tax and fringe rate has been benchmarked to 24.97%. This benchmark is derived from the MA Comptroller's FY25 approved rate less terminal leave and retirement.

The total estimated FY27 annualized fiscal impact of the proposed amendment is \$6.14 million (based upon FY25 spending of \$64.9M). The estimated fiscal impact to MassHealth is \$2.97 million and the estimated fiscal impact to DPH is \$3.17 million. These amendments represent an increase of approximately 9.46% over FY25 spending. The increases to DPH spending will be covered through the Chapter 257 Reserve Account.

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 Friday, November 14, 2025. 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. To view or download related supporting materials, go to www.mass.gov/info-details/proposed-regulations-supporting-materials.

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 24, 2025

Small Business Impact Statement

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

CMR No and Title: 101 CMR 349.00: *Rates for Early Intervention Program Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: 64

Write Yes or No	Explain Briefly
No	Will small businesses have to create, file, or issue additional reports? No. Small businesses will not have to create, file, or issue additional reports as a result of the proposed amendments to this regulation.
No	Will small businesses have to implement additional recordkeeping procedures? No. Small businesses will not have additional responsibilities to keep records as a result of the proposed amendments to this regulation.
No	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required by this regulation to provide additional administrative oversight as a result of the proposed amendments to this regulation.
No	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. This regulation does not require small businesses to hire additional employees to remain in compliance.
No	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. Small businesses are not required by this regulation to hire other professionals.
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. This regulation does not require small businesses to purchase any particular product or make any capital investments.
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 13D and establishes the specific rates to be paid by governmental units for social service programs.
No	Do any other regulations duplicate or conflict with the proposed regulation? No regulations duplicate or conflict with this regulation.
Yes	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes, the regulation requires that providers periodically provide cost data to enable EOHHS to develop rates that are reasonable and adequate to meet the costs incurred by providers in providing services with rates governed by this regulation. The requirement to report cost data is applied uniformly to enable EOHHS to timely develop accurate rates that reflect cost data from all providers.
No	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. This regulation does not require small businesses to provide educational services to keep up to date with the regulatory requirements.
No	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts as this regulation establishes rates by which providers of certain social service programs are to be paid when purchased by governmental units.
No	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?

Write Yes or No	Explain Briefly
	No. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts as this regulation establishes rates by which providers of certain social service programs are to be paid when purchased by governmental units.
No	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The regulation contains requirements to report cost data to CHIA to enable EOHHS to develop rates for the social service programs governed by this regulation. This cost reporting requirement is applied uniformly to all providers to enable EOHHS to develop accurate rates that reflect cost data from all providers.
No	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. The regulation contains requirements to periodically provide cost data to CHIA to enable EOHHS to develop future rates for the social service programs governed by this regulation. The time frame for cost reporting is applied uniformly to all providers to enable EOHHS to timely develop accurate rates that reflect cost data from all providers.
No	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. The proposed amendments only update the rates to be paid by governmental units for certain social service programs, and as required by statute.
No	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. This regulation satisfies EOHHS statutory obligation under M.G.L. Chapter 118E, Section 13D to establish, by regulation, the rates to be paid by governmental units to providers of certain social service program services.
No	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. The regulation establishes uniform rates to be paid by governmental units to providers of certain social service programs, and as required by statute.