

Division of Medical Assistance
Commonwealth of Massachusetts
Office of Medicaid

NOTICE OF PUBLIC HEARING

Under the authority of M.G.L. c. 6A, section 16 and in accordance with M.G.L. c. 30A, the Division of Medical Assistance (the Division) proposes to amend its regulations. The Division will hold a remote public hearing on Friday, December 13, 2024, at 10:00 a.m., relative to the adoption of amendments to the following regulations.

130 CMR 411.000: *Psychologist Services*

130 CMR 462.000: *Licensed Independent Clinical Social Worker Services* (to be renamed *Licensed Independent Behavioral Health Clinician Services*)

The Division is required to establish regulations for all MassHealth providers, including the services covered by these regulations.

130 CMR 411.000

130 CMR 411.000 governs MassHealth providers of psychological services, including by establishing program requirements and conditions of payment for the provision of psychological services to MassHealth members. These amendments have a proposed effective date of April 1, 2025, to align with amendments to the rates for psychological and licensed independent behavioral health clinician services (101 CMR 329: *Rates for Psychological and Independent Clinical Social Work Services*) and the program requirements for licensed independent behavioral health clinician services (130 CMR 462: *Licensed Independent Clinical Social Worker Services*).

The proposed amendments for providers of psychological services would (1) amend definitions of neuropsychological assessment to include developmental assessments as a potential component and (2) include new definitions for multiple-family group therapy and developmental assessment.

130 CMR 462.000

130 CMR 462.000 governs MassHealth providers of licensed independent clinical social worker services, including by establishing program requirements and conditions of payment for the provision of licensed independent clinical social worker (LICSW) services. These amendments have a proposed effective date of April 1, 2025, to align with the amendments to the rates for psychological and independent behavioral health clinician services (101 CMR 329: *Rates for Psychological and Independent Clinical Social Work Services*) and the program requirements for psychologist services (130 CMR 411.000: *Psychologist Services*).

The proposed amendments to this regulation expand and align the regulation to include licensed mental health counselors (LMHCs) and licensed marriage and family therapists (LMFTs) as clinicians eligible to bill MassHealth for outpatient behavioral health services under this regulation. The amendments also change the title and language of the regulation to refer collectively to the regulated clinicians as licensed independent behavioral health clinicians. Finally, the amendments update program administration and program requirements, including establishing provider eligibility requirements for LMHCs and LMFTs and amending the provider eligibility requirements for LICSWs and clarifying language related to recordkeeping and reporting requirements.

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/masshealth-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 masshealthpublicnotice@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 December 13 at 5:00 p.m. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current draft of the proposed actions, go to www.mass.gov/info-details/masshealth-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.

The Division may adopt a revised version of the proposed actions 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/masshealth-public-hearings.

November 22, 2024

Small Business Impact Statement

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

CMR No.: 130 CMR 411.000: *Psychologist Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: 1,620

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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 130 CMR 411.000.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No. Small businesses will not have additional recordkeeping responsibilities as a result of the proposed amendments to 130 CMR 411.00.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. 130 CMR 411.000 does not require small businesses to provide additional administrative oversight.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. 130 CMR 411.000 does not require small businesses to hire additional employees.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. 130 CMR 411.000 does not require small businesses to hire other professionals.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No. 130 CMR 411.000 does not require small businesses to purchase any particular product or make any capital investments.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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 provider participation requirements for healthcare services through the Executive Office of Health and Human Services (EOHHS), since the proposed regulation is required by M.G.L Chapter 118E, Section 13C.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No. There are no regulations that duplicate or conflict with this regulation.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes. Small businesses must cooperate with audits, inspections, and/or other regulatory enforcement activities.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. Small businesses are not required to provide educational services to keep up to date with the regulatory requirements.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>No. The proposed regulation is not likely to deter or encourage the formation of small businesses in Massachusetts; it establishes provider participation requirements for psychologist services.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>No. The proposed regulation is not likely to deter or encourage the formation of small businesses in Massachusetts; it establishes provider participation requirements for psychologist services.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>No. The proposed regulation does not distinguish between small businesses and other businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>No. The proposed regulation does not distinguish between small businesses and other businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p>No. The proposed regulation establishes uniform provider participation requirements for providing psychologist services to MassHealth members. These requirements are applied uniformly to maintain consistency in the care provided by psychologists to MassHealth members.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p>No. Distinguishing small businesses from other businesses would not be a practicable way to implement the proposed regulation.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>No. The regulation does not have an adverse impact on small businesses.</p>

Small Business Impact Statement

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

CMR No.: 130 CMR 462.000: *Licensed Independent Behavioral Health Clinician Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: 414

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to create, file, or issue additional reports?</p> <p>Yes. Small businesses may have to create, file, and/or issue additional reports as a result of the proposed amendments to 130 CMR 462.00.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to implement additional recordkeeping procedures?</p> <p>Yes. Small businesses may have additional recordkeeping responsibilities as a result of the proposed amendments to 130 CMR 462.00.</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to provide additional administrative oversight?</p> <p>No. 130 CMR 462.000 does not require small businesses to provide additional administrative oversight.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p>No. 130 CMR 462.000 does not require small businesses to hire additional employees.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p>No. 130 CMR 462.000 does not require small businesses to hire other professionals.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p>No. 130 CMR 462.000 does not require small businesses to purchase any particular product or make any capital investments.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?</p> <p>(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.)</p> <p>No. Performance standards are not more appropriate than design or operational standards to accomplish the regulatory objective of establishing provider participation requirements for healthcare services through the Executive Office of Health and Human Services (EOHHS), since the proposed regulation is required by M.G.L. Chapter 118E, Section 13C.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p>No. There are no regulations that duplicate or conflict with this regulation.</p>

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p>Yes. Small businesses must cooperate with audits, inspections, and/or other regulatory enforcement activities.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>No. Small businesses are not required to provide educational services to keep up to date with the regulatory requirements.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>No. The proposed regulation is not likely to deter or encourage the formation of small businesses in Massachusetts; it expands existing provider participation requirements for licensed independent behavioral health clinician services.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>No. The proposed regulation is not likely to deter or encourage the formation of small businesses in Massachusetts; it expands existing provider participation requirements of payment for licensed independent behavioral health clinician services.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>No. The proposed regulation does not distinguish between small businesses and other businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>No. The proposed regulation does not distinguish between small businesses and other businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p>No. The proposed regulation establishes uniform provider participation requirements for providing licensed independent behavioral health clinician services to MassHealth members. These requirements are applied uniformly to maintain consistency in the care provided by licensed independent behavioral health clinician services to MassHealth members.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p>No. Distinguishing small businesses from other businesses would not be a practicable way to implement the proposed regulation.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>No. The regulation does not have an adverse impact on small businesses.</p>