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Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

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of Health & Human Services

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Secretary, Executive Office
of Aging & Independence

Notice of Public Hearing

Pursuant to M.G.L. c. 30A, § 2, M.G.L. c. 19A, § 6, and M.G.L. c. 19D, a public hearing will be held on Thursday, February 26, 2026, at 10:00 A.M., relative to the adoption of proposed amendments to:

651 CMR 12.00: Certification Procedures and Standards for Assisted Living Residences.

The Executive Office of Aging & Independence (AGE) proposes amendments to the assisted living regulations pursuant to the statutory requirements at Chapter 197 of the Acts of 2024, secs. 2 through 11, inclusive, including the addition of Basic Health Services certification requirements, which would permit ALRs to seek and obtain separate certification to directly provide Basic Health Services. Basic Health Services include all of the following: (i) injections; (ii) the application or replacement of simple non-sterile dressings; (iii) the management of oxygen on a regular and continuing basis; (iv) specimen collection and the completion of a home diagnostic test, including, but not limited to COVID-19, influenza, warfarin, prothrombin or international normalized ratio testing and glucose testing; provided that such home diagnostic test or monitoring is approved by the United State Food and Drug Administration for home use; and (v) application of ointments or drops. Other proposed amendments ensure the health, safety, and welfare of Residents, including to enhance fire and other safety requirements, update staff training related to emergency equipment and medications, as well as ensure related policies of the use of such equipment and medications are maintained by the Residence. The amendments also update general setting requirements, such as requiring a communal activity area. The proposed amendments update the ALR application process, including updating requirements to ensure the identification of owners or others with interest. Additionally, the amendments align with the new statutory authority for AGE to issue fines for a Residence's failure to comply with regulatory provisions. Further, the amendments clarify staffing requirements as well as AGE's authority relating to compliance reviews and findings of noncompliance.

This hearing will be conducted remotely. To join the hearing online or by phone, see below.

Join Zoom Meeting

<https://zoom.us/j/92619475104?pwd=QTWcajz9XcLPPaVpcetlqbrrCDvWiC.1>

Meeting ID: 926 1947 5104

Passcode: 375797

Dial by your location

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- +1 309 205 3325 US
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- +1 646 558 8656 US (New York)
- +1 646 931 3860 US

Meeting ID: 926 1947 5104

Passcode: 375797

Find your local number: <https://zoom.us/j/92619475104>

To register to testify at the hearing, please email AGElegal@mass.gov.

Written testimony and public comments from interested parties may be submitted. All written submissions must be submitted to: AGElegal@mass.gov. Written testimony may also be submitted to the following address:

Executive Office of Aging & Independence
One Ashburton Place, 10th Floor
Boston, MA 02108
Attention: P. Sullivan

Please submit electronic testimony via email as an attached Word or PDF file with the name of the regulation in the subject line. All submissions must include the sender's full name, mailing address, and organization or affiliation, if any. All written testimony, whether submitted via the Postal Service or electronically, must be received by 5:00 p.m. on Friday, March 6, 2026.

To review the current draft of the proposed amended regulations, visit www.mass.gov/orgs/executive-office-of-aging-independence-age or request a copy in writing from the address noted above.

Reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please allow as much time as possible. Requests made close to the hearing date may not be possible to fulfill. Please allow two weeks' advance notice to schedule sign language interpreters. To submit a request for a reasonable accommodation, please e-mail AGElegal@mass.gov.

AGE may adopt a revised version of the proposed regulations taking into account relevant comments and any other practical alternatives that come to its attention.

Small Business Impact Statement

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

CMR No: 651 CMR 12.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 268

- **Will small businesses have to create, file, or issue additional reports?**
Yes, small businesses will have to create, file, or issue additional reports. An Assisted Living Residence (Residence) will be required to maintain a census of current Residents. The regulations apply equally to all such Residences, regardless of size, to ensure the health, safety, and welfare of the residents and pursuant to statutory requirements at M.G.L. Chapter 19D.
- **Will small businesses have to implement additional recordkeeping procedures?**
Yes, small businesses will have to implement additional recordkeeping procedures related to the provision of services and safety-related actions. The regulations apply equally to all such Residences, regardless of size, to ensure the health, safety, and welfare of the residents and pursuant to statutory requirements at M.G.L. Chapter 19D.
- **Will small businesses have to provide additional administrative oversight?**
Yes, small businesses will have to provide additional administrative oversight related to updated staffing qualifications and training requirements. The regulations apply equally to all such Residences, regardless of size, to ensure the health, safety, and welfare of the residents and pursuant to statutory requirements at M.G.L. Chapter 19D.
- **Will small businesses have to hire additional employees in order to comply with the proposed regulation?**
Yes, small businesses will need to hire additional employees in order to comply with the proposed regulation related to additional staffing oversight. The regulations apply equally to all such Residences, regardless of size, to ensure the health, safety, and welfare of the residents and pursuant to statutory requirements at M.G.L. Chapter 19D.
- **Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?**
Yes, compliance with the regulation does require small businesses to hire other professionals related to additional clinical staffing requirements. The regulations apply equally to all such Residences, regardless of size, to ensure the health, safety, and welfare of the residents and pursuant to statutory requirements at M.G.L. Chapter 19D.
- **Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?**
Yes, the regulation does require small businesses to purchase a product or make other capital investments in order to comply with the regulation amendments pertaining to emergency equipment or medications. The regulations apply equally to all such Residences, regardless of size, to ensure the health, safety, and welfare of the residents and pursuant to statutory requirements at M.G.L. Chapter 19D.
- **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/operational standards to accomplish the regulatory objective.
- **Do any other regulations duplicate or conflict with the proposed regulation?**
No, 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 regulatory amendments require small businesses to cooperate with audits, inspections or other regulatory enforcement activities. The regulations apply equally to all such Residences, regardless of size, to ensure the health, safety, and welfare of the residents and pursuant to statutory requirements at M.G.L. Chapter 19D.

- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**
No, the regulations do 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 not likely to deter the formation of small businesses in Massachusetts.
- **Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?**
No, the regulation is not likely to encourage the formation of small businesses in Massachusetts.
- **Does the regulation provide for less stringent compliance or reporting requirements for small businesses?**
No, the regulatory amendments do not provide for less stringent compliance or reporting requirements for small businesses.
- **Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?**
No, the regulatory amendments do not establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
- **Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**
No, the regulatory amendments do not consolidate or simplify compliance or reporting requirements for small businesses.
- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**
No, regulatory amendments are required.
- **Are there alternative regulatory methods that would minimize the adverse impact on small businesses?**
No, there are no alternative regulatory methods that would minimize the adverse impact on small businesses. Regulatory amendments are required pursuant to statutory requirements at M.G.L. Chapter 19D, including as amended pursuant to Chapter 197 of the Acts of 2024.