

**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, February 23, 2024, at 2:00 p.m. relative to the adoption of amendments to the following regulation.

101 CMR 413.00: Payments for Youth Intermediate-term Stabilization Services

The proposed regulation contains rates effective for dates of service on or after January 1, 2024. There is no fiscal impact on cities and towns.

Pursuant to M.G.L. Chapter 118E, Section 13D, EOHHS is required to establish and biennially review rates to be paid by governmental units to providers of social service programs. In accordance with this requirement, the rates for youth intermediate-term stabilization services are being updated to include an increase by cost adjustment factor (CAF) of 2.71%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2023 Forecast, optimistic scenario data. The CAF reflects the period between the rates' base period (calendar year 2023 Q4) and the prospective period of calendar years 2024 and 2025. As part of the workforce initiative, all staff salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) median wages as dated May 2022 at the 53rd percentile. The tax and fringe rate has been benchmarked to 27.38% and the administrative allocation has been benchmarked to 12%.

The total estimated FY24 annualized cost to state government from the increase in rates established by these proposed amendments is \$8,425,434, which represents an increase of 20.71% over FY23 spending of approximately \$40.6 million. These costs will not be realized until January 1, 2024, at which point the FY24 fiscal impact to state government will be approximately \$4.2M for the increase to existing rates. The increase in spending in FY24 will be covered through a combination of the Chapter 257 Reserve Account and the purchasing agency's FY24 budget.

Additionally, certain congregate care rates are being updated to reflect the intended rates effective July 1, 2023. These rates were included in the previous public hearing on these regulations, but were not incorporated into the final version of the rate due to a technical error in the filing process. Note: The fiscal impact of these congregate care updates has already been accounted for in the previous regulatory amendment process, and no further state costs will be incurred.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/service-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, February 23, 2024. 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/service-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/service-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/service-details/executive-office-of-health-and-human-services-public-hearings.

February 2, 2024

Small Business Impact Statement

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

CMR No: 101 CMR 413.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 19

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 this regulation. |
| 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 responsibilities to keep records as a result of the proposed amendments to this regulation. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Will small businesses have to provide additional administrative oversight? No. Small businesses are not required by this regulation to provide additional administration oversight as a result of the proposed amendments to this regulation. |
| 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. This regulation does not require small businesses to hire additional employees to remain in compliance. |
| 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. Small businesses are not required by this regulation 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. This regulation 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. 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 certain social service programs. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Do any other regulations duplicate or conflict with the proposed regulation? No regulations 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. The regulation requires providers to periodically file cost data. This cost reporting requirement is applied uniformly to all providers to enable EOHHS to develop accurate rates that reflect cost data from all providers. |
| 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. This regulation does not require small businesses to provide educational services to keep up to date with the regulatory requirements. |
| Yes <input type="checkbox"/> | No <input type="checkbox"/> | Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? |

| | | |
|---------------------------------|---|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Is the regulation likely to <i>encourage</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. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The regulation contains requirements to report cost data to EOHHS to enable EOHHS to develop rates for certain social services. This cost reporting requirement is applied uniformly to all providers to enable EOHHS to develop accurate rates that reflect cost data from all providers. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | 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 to enable EOHHS to develop rates for certain social services. 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. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. The agency did not consolidate or simplify compliance or reporting requirements for small businesses. The requirement to report cost data to EOHHS is applied uniformly to enable EOHHS to timely develop accurate rates that reflect cost data from all providers. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. The establishment of rates for certain social service providers by regulation is a statutory requirement under M.G.L. Chapter 118E, Section 13D. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | 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 rates by which certain social service providers are to be paid when services are purchased by governmental units. The establishment of rates for these social services by regulation is a statutory requirement under M.G.L. Chapter 118E, Section 13D. |