

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) will hold a remote public hearing on Friday, February 16, 2024, at 10:00 am relative to the emergency adoption of amendments to the following regulation.

130 CMR 419.000: Day Habilitation Center Services

The regulation went into effect as an emergency on January 19, 2024. There is no fiscal impact on cities and towns.

The proposed amendments to 130 CMR 419.000 update, clarify, and reorder day habilitation program regulations to:

- Add transportation services and requirements for providing those services;
- Add record keeping requirements for transportation services provided to members; and
- Clarify and update definitions to reflect the above changes.

These program regulations will be aligned with 101 CMR 348.00: Rates for Day Habilitation Services.

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/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 5:00 p.m. on February 16, 2024. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the emergency regulation may, go to www.mass.gov/service-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 final, revised version of the emergency 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/masshealth-public-hearings.

January 26, 2024

Small Business Impact Statement <i>(As required by M.G.L. c. 30A §§ 2, 3 & 5)</i>		
CMR No: 130 CMR 419.000		
Estimate of the Number of Small Businesses Impacted by the Regulation: 160 Day Habilitation Providers		
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 administrative 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 purpose of the regulation is to establish MassHealth provider eligibility, member eligibility, clinical authorization process and criteria for MassHealth payment, and conditions of payment for day habilitation services.
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, this regulation does require small businesses to cooperate with audits, inspections or other regulatory enforcement activities. This requirement is applied uniformly to all providers to enable EOHHS and MassHealth to ensure program integrity and efficient and appropriate provision of services.
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 checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No. The regulation is not likely to deter the formation of small businesses in Massachusetts as this regulation establishes MassHealth provider eligibility, member eligibility, clinical authorization process and criteria for MassHealth payment, and conditions of payment for day habilitation services.
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 encourage the formation of small businesses in Massachusetts as this regulation establishes MassHealth provider eligibility, member eligibility, clinical authorization process and criteria for MassHealth payment, and conditions of payment for day habilitation services.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? N/A. This regulation establishes MassHealth provider eligibility, member eligibility, clinical authorization process and criteria for MassHealth payment, and conditions of payment for day habilitation services. Any compliance and reporting requirements are applied uniformly to all providers to enable EOHHS and MassHealth to ensure program integrity and efficient and appropriate provision of services.
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? N/A. This regulation establishes MassHealth provider eligibility, member eligibility, clinical authorization process and criteria for MassHealth payment, and conditions of payment for day habilitation services. Any schedules or deadlines for compliance or reporting requirements are applied uniformly to all providers to enable EOHHS and MassHealth to ensure program integrity and efficient and appropriate provision of services.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? N/A. This regulation establishes MassHealth provider eligibility, member eligibility, clinical authorization process and criteria for MassHealth payment, and conditions of payment for day habilitation services. Compliance and reporting requirements are applied uniformly to all providers to enable EOHHS and MassHealth to ensure program integrity and efficient and appropriate provision of services.
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? N/A. This regulation establishes MassHealth provider eligibility, member eligibility, clinical authorization process and criteria for MassHealth payment, and conditions of payment for day habilitation services.
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 MassHealth provider eligibility, member eligibility, clinical authorization process and criteria for MassHealth payment, and conditions of payment for day habilitation services. This regulation is applied uniformly to all providers to enable EOHHS and MassHealth to ensure program integrity and efficient and appropriate provision of services.