

**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, March 20, 2026, at 9 a.m. relative to the adoption of amendments to the following regulation.

101 CMR 446.00: COVID-19 and Public Health Emergency Payment Rates for Certain Community Health Care Providers

EOHHS proposes to rescind the regulation effective for dates of service on or after September 11, 2026. There is no fiscal impact on cities and towns.

EOHHS proposes rescinding 101 CMR 446.00 in its entirety. EOHHS adopted 101 CMR 446.00 to establish COVID-19 and public health emergency payment rates for certain community health care providers.

As described below, the codes with payment rates in 101 CMR 446.00 are either no longer covered by a governmental payer or are now set in other EOHHS pricing regulations, so 101 CMR 446.00 is no longer needed. No government payer is currently paying for remote patient monitoring using the rates in 101 CMR 446.00. Rates for COVID-19 vaccines, vaccine administration, and treatment are set under 101 CMR 317.00: *Rates for Medicine Services*. Rates for over-the-counter (OTC) COVID-19 tests and formula dispensed by pharmacies will be set under 101 CMR 322.00: *Rates for Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment*. Finally, in-home vaccination services and waste-prevention vaccinations are not currently covered by MassHealth or any other governmental payer.

EOHHS anticipates adding delivery fees for prescribed drugs to 101 CMR 331.00: *Prescribed Drugs*, at the same rate, but this has not yet been formally proposed. If delivery fees are not added to 101 CMR 331.00, EOHHS will retain the delivery-fee provisions currently in 101 CMR 446.00.

EOHHS expects aggregate MassHealth fiscal savings of \$63,000 annually because this change will eliminate the minimum payment of \$12.00 per OTC COVID-19 test, with prices instead set at wholesale acquisition cost.

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 March 20, 2026. 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.

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.

February 27, 2026

Small Business Impact Statement

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

CMR No and Title: 101 CMR 446.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 250

- Will small businesses have to create, file, or issue additional reports?
No. Small businesses will not have to create, file, or issue additional reports.
- Will small businesses have to implement additional recordkeeping procedures?
No. Small businesses will not have to implement additional recordkeeping procedures.
- Will small businesses have to provide additional administrative oversight?
No, small businesses will not have to provide additional administrative oversight.
- Will small businesses have to hire additional employees in order to comply with the proposed regulation?
No. Compliance does not require hiring additional employees.
- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
No. Compliance with the recission does not require hiring professionals.
- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
No. The regulation recission does not require purchases or capital investments.
- 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?
Yes. This regulation is duplicative of guidance established in 101 CMR 317.00: Rates for Medicine Services and 101 CMR 322.00: Rates for Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment, which is why it is being rescinded.
- Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?
No. The regulation recission does not require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities.
- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
No. The regulation recission does not require small businesses to provide educational services to keep up with regulatory requirements.
- Is the regulation likely to deter the formation of small businesses in Massachusetts?
No. The regulation recission is unlikely to deter or encourage the formation of small businesses in Massachusetts.

- Is the regulation likely to encourage the formation of small businesses in Massachusetts?
No. The regulation rescission is unlikely to deter or encourage the formation of small businesses in Massachusetts.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
No. The regulation rescission does not distinguish between small and other businesses but instead seeks to apply uniform standards.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
No. The regulation rescission does not distinguish between small and other businesses but instead seeks to apply uniform standards.
- 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.
- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
No. Performance standards cannot be used without hindering delivery of the regulatory objective.
- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
No. The goals of the regulation rescission could not be achieved through alternative methods that would minimize the adverse impact on small businesses.