

**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 Tuesday, April 22, 2025, at 1:00 p.m. relative to the adoption of amendments to the following regulation.

101 CMR 430.00: Rates for Program of Assertive Community Treatment Services

The proposed regulation contains rates effective for dates of service on or after July 1, 2025. There is no fiscal impact on cities and towns.

101 CMR 430.00 governs the payment rates paid by governmental units for the Program of Assertive Community Treatment services provided to publicly aided individuals. Services with rates established by this regulation are purchased by the Department of Mental Health (DMH).

Pursuant to M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), EOHHS is required to establish the rates to be paid by governmental units for social service programs. In accordance with this statutory requirement, the rates in 101 CMR 430.00 are being updated to include an increase by a cost adjustment factor (CAF) of 3.25%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Fall 2024 Forecast, baseline scenario data. The CAF reflects the period between the rates' base period (fiscal year 2025 Q4) and the prospective period of fiscal years 2026 and 2027.

The rates for this DMH service have been updated with the programmatic cost benchmarks to either similar services' programmatic expenses, the Uniform Financial Statements and Independent Auditor's Report (UFR), or the purchasing agency's recommendation. The staff salaries have been benchmarked to the Massachusetts Bureau of Labor Statistics (BLS) wages at the 53rd percentile as dated May 2023. The tax and fringe rate has been benchmarked to 24.97%. This benchmark is derived from the MA Comptroller's FY25 approved rate less terminal leave and retirement. The language in the Severability section has also been updated for consistency across EOHHS rate regulations.

The total projected annualized cost to state government from the increase in rates effective July 1, 2025, is approximately \$1.36 million, which represents an increase of 8.37% over FY24 spending of approximately \$16.3 million. The increase in spending in FY26 will be covered through the Chapter 257 Reserve Account.

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 Tuesday, April 22, 2025. 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. To view or download related supporting materials, go to www.mass.gov/info-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/info-details/executive-office-of-health-and-human-services-public-hearings.

March 29, 2025

Small Business Impact Statement

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

CMR No: 101 CMR 430.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 17

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Yes. Providers of certain social service program services, including those that are small businesses, will have to create, file, and issue reports as a result of the proposed regulation. The reporting requirement is applied uniformly to all providers to enable EOHHS to develop accurate rates that reflect cost data from all providers.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Yes. Providers of certain social service program services, including those that are small businesses, will have responsibilities to keep records as a result of the proposed regulation. The recordkeeping 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"/>	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required by this proposed regulation to provide additional administrative oversight. The proposed regulation establishes the rates to be paid by governmental units for certain social service program services.
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 proposed regulation does not require small businesses to hire additional employees to remain in compliance. The proposed regulation establishes the rates to be paid by governmental units for certain social service program services.
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 proposed regulation to hire other professionals. The proposed regulation establishes the rates to be paid by governmental units for certain social service program services.
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 proposed regulation does not require small businesses to purchase any particular product or make any capital investments. The proposed regulation establishes the rates to be paid by governmental units for certain social service program services.
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 proposed regulation is required by statute under M.G.L. Chapter 118E, Section 13D to establish 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? This proposed regulation requires that providers of certain social service program services, including those that are small businesses, periodically file financial statements, cost reports, and additional information as required to ensure compliance with the rates as set by this proposed regulation. 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 proposed regulation does not require small businesses to provide educational services to keep up to date with the proposed 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 proposed regulation is not likely to deter or encourage the formation of small businesses in Massachusetts as this proposed 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 proposed regulation is not likely to deter or encourage the formation of small businesses in Massachusetts as this proposed 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 proposed regulation contains requirements to report cost data to EOHHS to enable EOHHS to develop rates that are reasonable and adequate to meet the costs incurred by efficiently and economically operated social service program providers. 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 proposed regulation contains requirements to report cost data to EOHHS to enable EOHHS to develop rates that are reasonable and adequate to meet the costs that are incurred by efficiently and economically operated social service program providers. This 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 compliance and reporting requirements are 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"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? N/A. This proposed regulation satisfies EOHHS's statutory obligation under M.G.L. Chapter 118E, Section 13D to establish, by regulation, the rates to be paid by governmental units to providers of certain social service program 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 proposed regulation does not have an adverse impact on small businesses. The proposed regulation establishes rates paid to certain social service providers when their 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.