

**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 28, 2026, at 10 a.m. relative to the adoption of amendments to the following regulation.

**101 CMR 361.00: Rates for Continuous Skilled Nursing Agency and Independent Nursing Services**

The proposed regulation contains rates effective for dates of service on or after September 15, 2026. There is no fiscal impact on cities and towns.

The proposed rates comply with M.G.L. Chapter 118E, §13C, which requires that rates established by EOHHS for health care services be “adequate to meet the costs incurred by efficiently and economically operated facilities providing care and services in conformity with applicable state and federal laws and regulations and quality and safety standards and which are within the financial capacity of the Commonwealth.”

The proposed amendments to 101 CMR 361.00 establish a rate for licensed practical nurse (LPN) supervisory in-person visits for complex care assistant services. Currently, complex care assistant visits can only be supervised by an RN. The proposed amendments also establish separate fee tables in 101 CMR 361.00 to specify rates for continuous skilled nursing (CSN) training time. CSN training time was implemented in June 2024 through provider bulletins for when a nurse requires in-home, member-specific training to provide appropriate CSN services to the member. These bulletins referred to the corresponding CSN agency and independent nurse service codes and rates currently established in 101 CMR 361.00 to bill for these training times.

EOHHS proposes to maintain all other rates at the current levels. The proposed amendments also update outdated citations, update terminology, enhance consistency with other EOHHS regulations, and otherwise increase clarity.

EOHHS is proposing these amendments, subject to federal approval, to ensure that payment rates are consistent with efficiency, economy, and quality of care, and to satisfy the requirements of M.G.L. 118E, sections 13C and 13D. The estimated aggregate annual fiscal impact associated with the proposed amendments to 101 CMR 361.00 is a savings of \$15,000. The proposed amendments are not anticipated to impose new costs on small businesses, and any impact on small business providers will vary based on the volume of services provided.

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](http://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](mailto: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, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on April 29, 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](http://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, 6<sup>th</sup> Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at [ADAAccommodations@mass.gov](mailto: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](http://www.mass.gov/info-details/executive-office-of-health-and-human-services-public-hearings).

March 27, 2026

## Small Business Impact Statement

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

**CMR No and Title:** 101 CMR 361.00: *Rates for Continuous Skilled Nursing Agency and Independent Nursing Services*

**Estimate of the Number of Small Businesses Impacted by the Regulation:** There are 63 continuous skilled nursing (CSN) agencies and 782 independent nurse providers enrolled with MassHealth.

- **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 101 CMR 361.00.
- **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 101 CMR 361.00.
- **Will small businesses have to provide additional administrative oversight?**  
**No.** Small businesses are not required by 101 CMR 361.00 to provide additional administrative oversight as a result of the proposed amendments to this regulation.
- **Will small businesses have to hire additional employees in order to comply with the proposed regulation?**  
**No.** 101 CMR 361.00 does not require small businesses to hire additional employees to remain in compliance.
- **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 101 CMR 361.00 to hire other 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 purpose of the proposed amendment is to establish the rates to be paid by governmental units for CSN agency and independent nursing services in accordance with M.G.L. Chapter 118E, Section 13D.
- **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.)  
**Yes.** This regulation requires that providers periodically file cost data, which is required in order for the Executive Office of Health and Human Services (EOHHS) to develop and establish rates for these 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.

- **Do any other regulations duplicate or conflict with the proposed regulation?**  
 No regulations duplicate or conflict with this regulation.
- **Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?**  
**No.** 101 CMR 361.00 does not require small businesses to provide educational services to keep up to date with the regulatory requirements.
- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**  
**No.** 101 CMR 361.00 does not require small businesses to provide educational services to keep up to date with the regulatory requirements.
- **Is the regulation likely to deter 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 it establishes uniform governmental rates of payment for CSN agency and independent nursing services for MassHealth members.
- **Is the regulation likely to encourage 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 it establishes uniform governmental rates of payment for CSN agency and independent nursing services for MassHealth members.
- **Does the regulation provide for less stringent compliance or reporting requirements for small businesses?**  
**No.** The regulation establishes uniform program requirements and conditions of payment, including cost reporting, for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN providers to MassHealth members.
- **Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?**  
**No.** The regulation establishes uniform program requirements and conditions of payment for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN agencies and independent nurse providers to MassHealth members.
- **Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**  
**No.** The regulation establishes uniform program requirements and conditions of payment for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN agencies and independent nurse providers to MassHealth members.
- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory**

**objective?**

**No.** The regulation establishes uniform program requirements and conditions of payment for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN agencies and independent nurse providers to MassHealth members.

- **Are there alternative regulatory methods that would minimize the adverse impact on small businesses?**

**No.** The regulation establishes uniform program requirements and conditions of payment for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN agencies and independent nurse providers to MassHealth members.