

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 Monday, April 27, 2026, at the respective times listed below relative to the adoption of amendments to the following regulations.

The proposed regulations are planned to go into effect no sooner than September 15, 2026. There is no fiscal impact on cities and towns.

(1) 9:00 a.m.: 130 CMR 414.000: Independent Nurse

The following amendments are proposed for 130 CMR 414.000: add requirements related to provider eligibility; add provider responsibilities; establish continuous skilled nursing (CSN) training time allowances; expand temporary increases to CSN services; establish discharge and transfer processes; update recordkeeping requirements; and clarify and reorganize sections of the regulations.

(2) 10:30 a.m.: 130 CMR 438.000: Continuous Skilled Nursing Agency

The following amendments are proposed for 130 CMR 438.000: updates to certain definitions; establishing new provider eligibility requirements; adding requirements for continuous skilled nursing (CSN) training time; expanding allowances for temporary increases to CSN services; allowing unused hours for complex care assistant services to be utilized during the remainder of the prior authorization period; updating supervision and intake requirements for complex care assistant services; enhancing discharge and transfer requirements; and clarifying regulatory language.

To register to testify at either hearing and to get instructions on how to join the hearing online, go to www.mass.gov/info-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 April 29, 2026. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current drafts of the proposed regulations, go to www.mass.gov/info-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 revised version of the proposed regulations 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/masshealth-public-hearings.

March 27, 2026

Small Business Impact Statement

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

CMR No and Title: 130 CMR 414.000: *Independent Nurse*

Estimate of the Number of Small Businesses Impacted by the Regulation: There are 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.
- Will small businesses have to implement additional recordkeeping procedures?
Yes. Independent nurses will need to document discharge and transfer processes, if applicable, in MassHealth members' medical records.
- Will small businesses have to implement additional recordkeeping procedures?
Yes. Independent nurses will need to document discharge and transfer processes, if applicable, in MassHealth members' medical records.
- 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. Small businesses will not have to hire additional employees to comply with the proposed regulation.
- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
No. Small businesses will not have to hire additional employees to comply with the proposed regulation.
- 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
- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
Independent nurses will be required to maintain professional liability insurance to protect against claims of negligence, damage, or injury to a MassHealth member or their property.
- 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 provide program requirements and conditions of payment for the provision of continuous skilled nursing (CSN) services provided by independent nurse providers to MassHealth members.
- 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, the proposed regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
- Is the regulation likely to *deter* the formation of small businesses in Massachusetts?
No. The regulation is not likely to deter the formation of small businesses in Massachusetts, as it governs MassHealth independent nurse providers, provides program requirements and

conditions of payment for the provision of CSN services by independent nurses to MassHealth members, and is applied uniformly among all such MassHealth providers.

- Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?
No. The regulation is not likely to encourage the formation of small businesses in Massachusetts, as it governs MassHealth independent nurse providers, and provides program requirements and conditions of payment for the provision of CSN services by independent nurses to MassHealth members and is applied uniformly among all such MassHealth providers.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
No. This regulation requires independent nurses to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, and it is applied uniformly among all MassHealth independent nurse providers of CSN services.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
No. This regulation requires independent nurse providers to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, including the timelines for reporting, and is applied uniformly among all MassHealth independent nurse providers of CSN services.
- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
No. This regulation requires independent nurse providers to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, including the timelines for reporting, and is applied uniformly among all MassHealth independent nurse providers of CSN services.
- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
No, 130 CMR 414.000 establishes uniform program requirements and conditions of payment for the provision of CSN services by independent nurses to MassHealth members. These requirements are applied uniformly to maintain consistency in the care provided by independent nurse providers to MassHealth members.
- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
No. This regulation does not have an adverse impact on small businesses. This regulation governs MassHealth independent nurse providers, provides program requirements and conditions of payment for the provision of CSN services by independent nurses to MassHealth members, and is applied uniformly among all such MassHealth providers

Small Business Impact Statement

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

CMR No and Title: 130 CMR 438.000: Continuous Skilled Nursing Agency

Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently 63 MassHealth-enrolled CSN agency service locations.

- 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. Small businesses will not have to hire additional employees to comply with the proposed regulation.
- 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.
- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
Continuous skilled nursing (CSN) agencies will be required to maintain professional liability insurance to protect against claims of negligence, damage, or injury by any CSN agency employee to a MassHealth member or their property.
- 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 provide program requirements and conditions of payment for the provision of CSN and complex care assistant (CCA) services by CSN agency providers to MassHealth members.
- 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?
Yes. This regulation requires CSN agency providers to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements for the provision of CSN and CCA services.
- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
No, the proposed regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.

- Is the regulation likely to deter the formation of small businesses in Massachusetts?
No. The regulation is not likely to deter the formation of small businesses in Massachusetts, as it governs MassHealth CSN agency providers, provides program requirements and conditions of payment for the provision of CSN and CCA services by CSN agencies to MassHealth members, and it is applied uniformly among all such MassHealth providers.
- Is the regulation likely to encourage the formation of small businesses in Massachusetts?
No. The regulation is not likely to encourage the formation of small businesses in Massachusetts, as it governs MassHealth CSN agency providers, provides program requirements and conditions of payment for the provision of CSN and CCA services by CSN agencies to MassHealth members, and is applied uniformly among all such MassHealth providers.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
No. This regulation requires CSN agencies to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, and it is applied uniformly among all MassHealth providers of CSN and CCA services.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
No. This regulation requires CSN agencies to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, and it is applied uniformly among all MassHealth providers of CSN and CCA services.
- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
Yes. The proposed regulation amendments would no longer require CSN agencies to submit an annual report on fiscal soundness; instead, agencies will be required to report on their fiscal soundness upon request by the MassHealth agency.
- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
No, 130 CMR 438.000 establishes uniform program requirements and conditions of payment for the provision of CSN and CCA services by CSN agencies to MassHealth members. These requirements are applied uniformly to maintain consistency in the care provided by CSN agency providers to MassHealth members.
- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
No. This regulation does not have an adverse impact on small businesses. This regulation governs MassHealth CSN agency providers, provides program requirements and conditions of payment for the provision of CSN and CCA services by CSN agencies to MassHealth members, and is applied uniformly among all such MassHealth providers.