

**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, May 29, 2026, at 1:00 p.m. on the adoption of amendments to the following regulation.

101 CMR 320.00: Rates for Clinical Laboratory Services

The proposed regulation contains rates effective for dates of service on or after October 1, 2026. There is no fiscal impact on annual aggregate MassHealth expenditures as a result of the proposed amendments. There is also no fiscal impact on cities and towns.

Under M.G.L. Chapter 118E, Sections 13C and 13D, the Executive Office of Health and Human Services (EOHHS) is required to establish and periodically review the rates to be paid by governmental units for noninstitutional health care services, including rates of payment for independent clinical laboratory services, provided under the MassHealth program.

The proposed amendments, effective October 1, 2026, maintain all rates at their current levels. The current rates for the vast majority of the codes established in 101 CMR 320.00 are set at 88.19% of their corresponding 2023 Medicare rates, and Medicare rates did not increase or decrease for 2025.

The regulation will also be amended to update applicable codes for surgical pathology services and laboratory services containing a professional component.

EOHHS is proposing these changes, subject to federal approval, to ensure that payments are consistent with efficiency, economy, and quality of care and satisfy the requirements of M.G.L. 118E, Sections 13C and 13D.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to mass.gov/service-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. May 29, 2026. EOHHS specifically invites comments on how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the current draft of the proposed regulation, go to mass.gov/service-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 mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

May 8, 2026

Small Business Impact Statement

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

CMR No and Title: 101 CMR 320.00: Rates for Clinical Laboratory Services

Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently 121 providers enrolled as independent clinical laboratories in the MassHealth network.

- **Will small businesses have to create, file, or issue additional reports?**
No. The proposed amendments will not require small businesses to create, file, or issue additional reports.
- **Will small businesses have to implement additional recordkeeping procedures?**
No. The proposed amendments will not require additional recordkeeping procedures.
- **Will small businesses have to provide additional administrative oversight?**
No. The proposed amendments will not require small businesses to provide additional administrative oversight.
- **Will small businesses have to hire additional employees in order to comply with the proposed regulation?**
No. The proposed amendments will not require small businesses to hire additional employees in order 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. The proposed amendments will not require small businesses to hire other professionals to comply with the regulation.
- **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 proposed amendments will not require small businesses to purchase a product or make any other capital investments in order to comply with the regulation.
- **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. M.G.L. c. 118E §§ 13C and 13D require EOHHS to establish and periodically review rates to be paid by governmental units for noninstitutional health care services, including clinical laboratory services.
- **Do any other regulations duplicate or conflict with the proposed regulation?**
No. No other regulations duplicate or conflict with the proposed regulation.
- **Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?**
Yes. The regulation continues to require providers to periodically comply with audits, inspections, and other regulatory activities.
- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**
No. The proposed amendments will 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 proposed amendments are unlikely to deter or encourage the formation of small businesses in Massachusetts, as this regulation governs payments for clinical laboratory services provided to publicly aided individuals and is applied uniformly among providers.
- **Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?**

No. The proposed amendments to the regulation are unlikely to deter or encourage the formation of small businesses in Massachusetts, as this regulation governs payments for clinical laboratory services provided to publicly aided individuals and is applied uniformly among providers.

- **Does the regulation provide for less stringent compliance or reporting requirements for small businesses?**

No. The proposed amendments do not distinguish between small businesses and other businesses.

- **Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?**

No. The proposed amendments do not distinguish between small businesses and other businesses.

- **Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**

No. The proposed amendments do not distinguish between small businesses and other businesses.

- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**

No. Distinguishing small businesses from other businesses would not be practical to implement the proposed regulation.

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

No. The regulation is required by statute and does not have an adverse impact on small businesses.