

Division of Medical Assistance

**Commonwealth of Massachusetts
Office of Medicaid**

NOTICE OF PROPOSED NEW REGULATION

Under the authority of M.G.L. c. 118E, ss. 7 and 12 and in accordance with M.G.L. c. 30A, the Division of Medical Assistance (the Division) proposes to adopt the following new regulation.

130 CMR 464.000: Program of Assertive Community Treatment Services

It is anticipated that this new regulation will not go into effect before September 1, 2025. There is no fiscal impact on cities and towns.

The proposed new regulation, 130 CMR 464.000, sets forth the requirements for programs of assertive community treatment (PACT) providers to enroll as MassHealth providers and establishes PACT providers as a new provider type. Providers participating as PACT providers have been billing the Department of Mental Health. PACT providers will instead now bill MassHealth for fee-for-service members.

The purpose of this new regulation is to regulate and enroll PACT providers into the MassHealth fee-for-service program. The regulation will accomplish the following.

1. Establish PACT providers as a provider type that may bill MassHealth for services.
2. Define PACT services.
3. Establish the following payable services: intake; initial assessment and initial treatment planning; comprehensive assessment; Program of Assertive Community Treatment services; employment and vocational services; housing services and supports; pharmacotherapy; referral services, including crisis intervention referrals; and discharge planning.
4. Establish program administration and programmatic requirements including member and provider eligibility, nonpayable services, nonpayable circumstances, telehealth, staffing and supervision requirements, recordkeeping requirements, and maximum allowable fees.

There may be costs to operationalize new providers under this new regulation to permit PACT providers to begin to bill MassHealth for PACT services. These costs may include costs associated with complying with reporting and staffing requirements.

To submit data, views, or arguments concerning this proposed new regulation, please email them 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 submissions must include the sender's full name, mailing address, and

organization or affiliation, if any. Individuals who are unable to submit comments by email should mail comments to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Comments will be accepted through 5:00 p.m. on Friday, May 30, 2025. The Division specifically invites comments as to how the new regulation may affect beneficiary access to care.

All persons desiring to review the current draft of the proposed new regulation may go to www.mass.gov/info-details/masshealth-public-notice or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

The Division may adopt a revised version of the proposed new regulation taking into account relevant comments and any other practical alternatives that come to its attention.

May 9, 2025

Small Business Impact Statement

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

CMR No: 130 CMR 464.000

Estimate of the Number of Small Businesses Impacted by the Regulation: 15

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. Small businesses may have to create, file, or issue additional reports as a result of the proposed new chapter, 130 CMR 464.000.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? Yes. Small businesses may have additional responsibilities to keep records as a result of the proposed new chapter, 130 CMR 464.000.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. Small businesses will not be required by 130 CMR 464.000 to provide additional administrative oversight.
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. 130 CMR 464.000 will not require small businesses to hire additional employees to remain in compliance.
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 will not be required by 130 CMR 464.000 to hire other professionals.
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. 130 CMR 464.000 will not require small businesses to purchase any products or make any capital investments.
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. Performance standards are not more appropriate than design or operational standards to accomplish the regulatory objective of establishing provider participation requirements for EOHHS healthcare services, as the proposed regulation is required by statute under M.G.L. Chapter 118E, Sections 7 and 12.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other 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? Yes. Small businesses will need to cooperate with audits, inspections, or other regulatory enforcement activities.
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. Small businesses will not be required to provide educational services to keep up to date with the 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. 130 CMR 464.000 is not likely to deter or encourage the formation of small businesses in Massachusetts as the proposed regulation establishes provider participation requirements for PACT providers.
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. 130 CMR 464.000 is not likely to deter or encourage the formation of small businesses in Massachusetts as the proposed regulation establishes provider participation requirements for PACT providers.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. 130 CMR 464.000 will not distinguish between small and other businesses.
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. 130 CMR 464.000 will not distinguish between small and other businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. 130 CMR 464.000 establishes uniform provider participation requirements for the provision of PACT services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by PACT providers to MassHealth members.
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? No. Distinguishing small businesses from other businesses would not be practicable to implement the proposed regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. 130 CMR 464.000 will not have an adverse impact on small businesses.