

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 June 27, 2025, at 12:00 p.m. relative to the adoption of amendments to the following regulation.

130 CMR 422.000: Personal Care Attendant Services

The proposed regulation is planned to go into effect no sooner than January 1, 2026. There is no fiscal impact on cities and towns.

The proposed amendments to 130 CMR 422.000 update and clarify certain requirements of the MassHealth Personal Care Attendant (PCA) program. The proposed amendments:

- establish email requirements for consumers, PCAs, surrogates, and administrative proxies due to the expectations of Electronic Visit Verification (EVV);
- establish criteria for complex care payment and prior authorization surrounding complex care;
- update the holidays observed for purposes of PCA rates;
- establish the expectation for consumers, PCAs, surrogates, and administrative proxies to submit accurate and true attestations in relation to EVV exemption requests;
- specifically remind providers of parental responsibility in relation to PCA services for minors;
- establish PCA employment rules stating that a PCA must be at least 16 years old;
- establish PCA employment rules stating that a PCA must not be a MassHealth member currently receiving PCA services;
- establish a PCA weekly hour limit for consumer safety. PCAs may not work more than 66 hours per week in the aggregate;
- implement the use of a PCP Summary Form as a requirement for prior authorization for PCA services;
- clarify the requirements for a qualified surrogate or administrative proxy; and
- clarify and update definitions to reflect the above changes.

The proposed revisions will not change or affect the total number of hours of PCA services a member is authorized to receive. The effective date of the proposed

amendments is January 1, 2026. These program regulations are aligned with 101 CMR 309.00: *Rates for Certain Services for the Personal Care Attendant Program*.

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/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 June 27, 2025. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current draft of the proposed regulation, 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 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/masshealth-public-hearings.

June 6, 2025

Small Business Impact Statement

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

CMR No: 130 CMR 422.000

Estimate of the Number of Small Businesses Impacted by the Regulation: 17 Personal Care Management Agencies and 1 Fiscal Intermediary.

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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 this regulation.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No. This regulation does not require small businesses to implement additional recordkeeping procedures.
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 regulation to provide additional administration oversight as a result of the proposed amendments to this regulation.
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 regulation does 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 are not required by this regulation 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. This regulation does not require small businesses to purchase any particular product 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. The purpose of the regulation is to provide program requirements and conditions of payment for the provision of personal care attendant services to MassHealth members.
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? Yes. This regulation requires personal care management agencies to submit documentation requested by MassHealth for purposes of utilization and review to ensure compliance with MassHealth requirements for the provision of personal care management functions. This requirement is applied uniformly among all such organizations to maintain consistency in the functions performed by these organizations for MassHealth members.
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 regulation does not require small businesses 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. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts as this regulation governs MassHealth providers of personal care attendant services and provides program requirements and conditions of payment for the provision of personal care attendant services to MassHealth members, and is applied uniformly among all such MassHealth 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. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts as this regulation governs MassHealth providers of personal care attendant services and provides program requirements and conditions of payment for the provision of personal care attendant services to MassHealth members, and is applied uniformly among all such MassHealth 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. This regulation requires providers of personal care attendant services to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, and is applied uniformly among all such MassHealth 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. This regulation requires providers of personal care attendant services 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 such MassHealth providers.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. This regulation requires providers of personal care attendant services 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 the regulation is applied uniformly among all such MassHealth 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? No. This regulation establishes uniform program requirements and conditions of payment for the provision of personal care attendant services to MassHealth members. These requirements are applied uniformly to all MassHealth providers of personal care attendant services to maintain consistency in the care provided to MassHealth members.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. This regulation governs MassHealth providers of personal care attendant services and provides program requirements and conditions of payment for the provision of personal care attendant services to MassHealth members, and is applied uniformly among all such MassHealth providers.