



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health will hold a public hearing and comment period on the proposed promulgations of 105 CMR 95.00 *Requirements Applicable to All Health Care Facilities and Providers Licensed by the Department of Public Health*.

In January 2026, Governor Healey announced that the administration would be advancing regulations regarding restrictions on medical debt reporting to consumer protection agencies. 105 CMR 95.00 lays out requirements applicable to all health care facilities (e.g., hospitals, clinics, long-term care facilities, etc.).

The public hearing will be held on **July 27, 2026, at 10:00a.m.** The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **888-843-7181**
Participant Passcode: **4187342**

A copy of the proposed regulations 105 CMR 95.00 may be viewed on the Department's website at <http://mass.gov/dph/proposed-regulations> or requested from the Office of the General Counsel by calling 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral testimony. The Department encourages all interested parties to submit written testimony electronically to Reg.Testimony@mass.gov, or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. Please submit electronic testimony as an attached Word document and type "*Medical Debt Reporting Requirements for Facilities*" in the subject line of the email. All submitted testimony must include the sender's full name and address.

The Department will post all electronic testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on July 27, 2026.** All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing or are a person with a disability who requires accommodation, please contact Stacy Hart at least 5 days before the hearing at Tel #857-274-1120, or email Stacy.Hart@mass.gov.

Small Business Impact Statement

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

Agency: Department of Public Health

CMR No: 105 CMR 95.000: Requirements Applicable to All Health Care Facilities and Providers Licensed by the Department of Public Health

- **Estimate of the Number of Small Businesses Impacted by the Regulation:**
 - The Department licenses approximately 800-1,000 health care facilities (including clinics, long-term care facilities, and non-acute hospitals). While many belong to larger networks, the individual license-holding entities often operate as distinct business units.
 - There are approximately 3,000+ Licensed Alcohol and Drug Counselors (LADCs) and similar providers licensed directly by the Department who often operate as solo practitioners or within small private clinics.
- **Estimated Small Businesses Impacted:** Approximately 3,500 - 4,500 entities.
- **Will small businesses have to create, file, or issue additional reports?**

No, small businesses will not be required to create, file, or issue any additional reports, as the regulation focuses on the prohibition of a specific activity rather than the creation of new reporting obligations.
- **Will small businesses have to implement additional recordkeeping procedures?**

No. No additional recordkeeping procedures are required by this regulation, as providers will continue to manage patient billing and financial records under existing licensure standards.
- **Will small businesses have to provide additional administrative oversight?**

Yes. Small businesses may need to provide a minimal amount of administrative oversight to ensure that internal billing practices and any external debt collection contracts are updated to reflect the prohibition on credit reporting.
- **Will small businesses have to hire additional employees in order to comply with the proposed regulation?**

No. The Department does not anticipate that small businesses will need to hire additional employees, as compliance can be integrated into the existing administrative and billing workflows of a practice.
- **Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?**

No. Compliance does not mandate the hiring of outside professionals; however, some small businesses may choose to have existing legal counsel perform a routine review of their third-party debt collection agreements.
- **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 the purchase of any products or any capital investments.
- **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. Operational standards are more appropriate here. To ensure the Governor's mandate is met uniformly, the regulation must specify the exact action (prohibiting reporting) rather than leaving the outcome open to interpretation.
- **Do any other regulations duplicate or conflict with the proposed regulation?**

No. There are no other state regulations that duplicate or conflict with this proposal.
- **Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?**

Yes. Compliance will be monitored through the Department's existing facility inspection and licensure renewal processes.

Yes, small businesses and licensed individuals must continue to cooperate with the Department's existing oversight to ensure compliance.

- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
No, this regulation does not require businesses to provide educational services.
- Is the regulation likely to *deter* the formation of small businesses in Massachusetts?
No. The regulation is not expected to deter the formation of small businesses, as it does not impose significant costs or burdensome operational requirements on new health care facilities or practices.
- Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?
No. While the regulation is primarily protective of consumers, it may indirectly encourage business formation by fostering a more stable financial environment for residents, thereby ensuring a healthier patient base.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
No. The regulation does not provide for less stringent requirements for small businesses, as uniform application is essential to support every Massachusetts resident receiving equal protection from medical debt reporting.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
No. The regulation does not establish different compliance schedules for small businesses, as the transition involves a straightforward adjustment to billing and contracting policies.
- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
No. This is a new, straightforward requirement that does not add to a complex reporting burden.
- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
No. Using performance standards could lead to inconsistent protection for consumers if facilities adopt varying interpretations of "restricting" debt reporting.
- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
No. There are no viable alternative methods, as formal regulation is the only way to ensure the requirement is legally binding for both the licensed professionals or facilities, and the third-party debt collectors they employ.