



EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE

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 **Executive Office for Administration and Finance**, together with the **Drug Control Program** within the Department of Public Health (Department), will hold a public hearing on amendments to the following regulation: **801 CMR 4.02 (775): Fees for Licenses, Permits, and Services to be Charged by State Agencies.**

The proposed amendments implement the fee requirements for the new role of certified medication aide, as set out in M.G.L. c. 111, § 72W½, as inserted by section 16 of Chapter 197 of the Acts of 2024: *An Act to Improve Quality and Oversight of Long-Term Care*. The hearing will be concurrent with the Drug Control Program's public hearing on the new regulation establishing the profession of certified medication aides, 105 CMR 775: *Certified Medication Aides in Long-Term Care Facilities*.

The public hearing will be held at **10:00 am on Monday, August 11, 2025**. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: 800-857-4849
Participant Passcode: 7189063

A copy of the proposed regulation **801 CMR 4.02: Fees for Licenses, Permits, and Services to Be Charged by State Agencies** may be viewed on the Department's website at www.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 testimony electronically to the following address: 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. All submissions must include the sender's full name and address. When electronically submitting comments, type "DCP Regulations" in the subject line and attach a Word document with your comments or type your comments in the body of your email. All submissions must include the sender's full name and address.

The Department will post all testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on Monday, August 11, 2025.** 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 Alex Gomez at least 5 days before the hearing at Tel # 617-624-5928, Fax # 617-624-5075, email Alex.Gomez@mass.gov, or TTY # 617-624-6001.



Small Business Impact Statement
801 CMR 4.02: *Rates (Certified Medication Aides)*

CMR No: 801 CMR 4.02

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

There are currently 58 rest homes and 350 nursing homes in Massachusetts.

Select Yes or No and Briefly Explain

Yes	No X	Will small businesses have to create, file, or issue additional reports? <i>The amended regulation does not contain any requirements to create, file or issue additional reports.</i>
Yes	No X	Will small businesses have to implement additional recordkeeping procedures? <i>The amended regulation does not contain any requirements to create, file or issue additional recordkeeping procedures.</i>
Yes	No X	Will small businesses have to provide additional administrative oversight? <i>The amended regulation does not contain any requirements to provide additional administrative oversight.</i>
Yes	No X	Will small businesses have to hire additional employees in order to comply with the proposed regulation? <i>The amended regulation does not contain requirements to hire additional employees.</i>
Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? <i>The amended regulation does not contain requirements to hire other professionals.</i>
Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? <i>The amended regulation does not contain requirements for small businesses to purchase additional products or make any other capital investments.</i>
Yes	No X	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.) <i>No. The proposed changes must be made through regulation to implement a statutory mandate under M.G.L. c. 111, § 72W½(d)(iii) to assign fees to the certification and renewal processes for medication aides in long-term care facilities.</i>

Yes	No X	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p><i>There are no other regulations that duplicate or conflict with the proposed amendments to this regulation.</i></p>
Yes	No X	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p><i>The amended regulation does not contain requirements for small businesses to cooperate with audits, inspections, or other enforcement activities.</i></p>
Yes	No X	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p><i>The amended regulation does not contain requirements for additional educational services.</i></p>
Yes	No X	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p><i>The amended regulation is not likely to deter the formation of small businesses in Massachusetts.</i></p>
Yes	No X	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p><i>The amended regulation is not likely to encourage the formation of small businesses in Massachusetts.</i></p> <p><i>However, certified medication aides in long-term care facilities will be viewed as allowing for a more efficient use of licensed nursing staff, with an ultimate outcome of improving the overall quality and safety of resident care, as well as significantly increasing staff satisfaction. Certified medication aides will also allow nurses to spend more time on resident clinical assessments, treatments, and other necessary skilled nursing services.</i></p>
Yes	No X	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p><i>The proposed regulation implements a statutory mandate and is not expected to impact compliance and reporting requirements.</i></p>
Yes	No X	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p><i>The proposed regulation implements a statutory mandate and is not expected to impact reporting requirements.</i></p>

Yes	No X	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p><i>The proposed regulation implements a statutory mandate and is not expected to impact compliance and reporting requirements.</i></p>
Yes	No X	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p><i>No. The proposed amendment implements fees for training and certification of certified medication aides.</i></p>
Yes	No X	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p><i>No. The proposed amendment implements fees for training and certification of certified medication aides.</i></p>