



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

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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 (the Department) will hold a public hearing and comment period on the proposed amendments to the Executive Office for Administration and Finance regulation 801 CMR 4.00: *Rates*. The proposed rate amendment was filed on June 23, 2025.

Architectural Plan Review is the review of construction documents for new health care facilities and for additions and renovations to existing licensed health care facilities, prior to the start of the construction. The Department reviews and approves construction documents to ensure that licensed health care facilities meet the applicable physical plant requirements. A collected fee associated with Architectural Plan Review is deposited into a retained revenue account (4510-0712) to support the Plan Review operations.

In September 2024, *An Act to improve quality and oversight of long-term care* was passed with changes to improve oversight and standards at long-term care facilities (LTCFs), including the Department's promulgation of regulations for the establishment of small house nursing homes. The implementation of this requirement will increase the Health Care Facility Architectural Plan Review (Architectural Plan Review) activities of the Department, and the Department proposes increasing the fee for Architectural Plan Review accordingly. The Department proposes increasing the Architectural Plan Review fee from \$8.25 to \$10.50 per \$1,000 of construction costs; the current minimum of \$1,500 is not being updated. Renovations of less than \$50,000 for licensed facilities would remain exempt from paying the fee.

The public hearing will be held on **July 28, 2025 at 1:00PM**. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **800-475-0389**

Participant Passcode: **7346502**

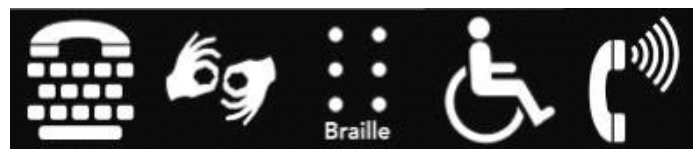
To Testify Press: ***1**

A copy of the proposed amendments to 801 CMR 4.00 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 “801 CMR 4.00: Executive Office of Administration and Finance Rates Regulations” 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 28, 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 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: Executive Office for Administration and Finance****CMR No.: 801 CMR 4.000: Rates**

Estimate of the Number of Small Businesses Impacted by the Regulation: There are approximately 2,600 licensed health care facilities that may need to receive Plan Review approval for renovations to existing facilities. Any new health care facility would be required to receive Plan Review approval for construction of the facility. It is likely that some of these licensed health care facilities may qualify as a small business.

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No X	Will small businesses have to create, file, or issue additional reports? <i>The regulation to be amended solely addresses fees and does not require small businesses to create, file or issue additional reports.</i>
Yes <input type="checkbox"/>	No X	Will small businesses have to implement additional recordkeeping procedures? <i>The regulation to be amended solely addresses fees and does not require small businesses to implement additional recordkeeping procedures.</i>
Yes <input type="checkbox"/>	No X	Will small businesses have to provide additional administrative oversight? <i>The regulation to be amended solely addresses fees and does not require small businesses to provide additional administrative oversight.</i>
Yes <input type="checkbox"/>	No X	Will small businesses have to hire additional employees in order to comply with the proposed regulation? <i>The regulation to be amended solely addresses fees and does not require small businesses to hire additional employees.</i>
Yes <input type="checkbox"/>	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? <i>The regulation to be amended solely addresses fees and does not require small businesses to hire other professionals.</i>
Yes <input type="checkbox"/>	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 regulation to be amended solely addresses fees and does not require small businesses to purchase a product or make capital investments.</i>
Yes <input type="checkbox"/>	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>The regulation to be amended solely addresses fees.</i>
Yes <input type="checkbox"/>	No X	Do any other regulations duplicate or conflict with the proposed regulation? <i>There are no duplicative or conflicting fee regulations.</i>
Yes <input type="checkbox"/>	No X	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? <i>The fee amendments do not increase any requirements to cooperate with audits, inspections or other regulatory enforcement activities.</i>
Yes <input type="checkbox"/>	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? <i>The fee amendments do not require small businesses to provide educational services to keep up to date with regulatory requirements.</i>
Yes	No	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?

<input type="checkbox"/>	X	<i>The fee amendments are not likely to deter the formation of small businesses.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? <i>The fee amendments are not likely to encourage the formation of small businesses.</i>
Yes <input type="checkbox"/>	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? <i>The regulation to be amended solely addresses fees.</i>
Yes <input type="checkbox"/>	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? <i>The regulation to be amended solely addresses fees and does not establish less stringent schedules or deadlines for compliance or reporting.</i>
Yes <input type="checkbox"/>	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? <i>The regulation to be amended solely addresses fees.</i>
Yes <input type="checkbox"/>	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? <i>The regulation to be amended solely addresses fees, which must be set by regulation or statute.</i>
Yes <input type="checkbox"/>	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? <i>The regulation to be amended solely addresses fees, which must be set by regulation or statute.</i>