

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 Tuesday, September 12, 2023, at 11 a.m. relative to the adoption of amendments to the following regulation.

130 CMR 457.000: Freestanding Birth Center Services

The proposed regulation is planned to go into effect no sooner than January 5, 2024. There is no fiscal impact on cities and towns.

The proposed regulation 130 CMR 457.000 is a standalone provider regulation for freestanding birth center (FBC) services that sets forth the requirements, conditions, and limitations for MassHealth-covered FBC services. It includes, among other things, provisions regarding the following areas:

- Provider eligibility requirements to enroll as a MassHealth provider of such services;
- Conditions of payment for such services;
- Member eligibility requirements for the receipt of such services;
- Requirements and limitations for the delivery of such services;
- Administrative requirements related to the delivery of such services; and
- Other requirements related to the provision of such services, including recordkeeping.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/service-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 September 12, 2023. 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/service-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/service-details/masshealth-public-hearings.

August 18, 2023

Small Business Impact Statement

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

CMR No: 130 CMR 457.000: Freestanding Birth Center (FBC) Services

Estimate of the Number of Small Businesses Impacted by the Regulation: There is currently one FBC enrolled with MassHealth.

Select Yes or No and Briefly Explain

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| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Will small businesses have to create, file, or issue additional reports? No. The proposed regulation does not require small businesses to create, file, or issue additional reports. |
| Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Will small businesses have to implement additional recordkeeping procedures? Yes. Providers seeking to participate in the MassHealth FBC Services program created through this regulation must comply with the recordkeeping requirements set forth in this regulation, as well as those that apply to all MassHealth providers. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Will small businesses have to provide additional administrative oversight? No. The proposed regulation does not require small businesses 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. Compliance with the proposed regulation does not require hiring additional employees. |
| 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. Compliance with the proposed regulation does not require hiring 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. The proposed regulation does not require purchases or 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. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Do any other regulations duplicate or conflict with the proposed regulation? No. No other regulations duplicate or conflict with the proposed 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. Providers seeking to participate in the MassHealth FBC Services program created through this proposed regulation must cooperate with the audit, inspection, and other regulatory enforcement activities set forth in this regulation, as well as those that apply to all MassHealth providers. |
| 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? |

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|---------------------------------|---|---|
| | | No. The proposed regulation does not require small businesses to provide educational services to keep up to date with 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 proposed regulation is unlikely to deter or encourage the formation of small businesses. |
| 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 proposed regulation is unlikely to deter or encourage the formation of small businesses. |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The proposed regulation does 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. The proposed regulation does 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. The proposed regulation does not distinguish between small and other businesses. |
| 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 for this 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. The proposed regulation is required by statutes and its goals could not be achieved through alternative methods. |