



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
One Ashburton Place, Room 1109  
Boston, Massachusetts 02108

CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

MARYLOU SUDDERS  
Secretary

Tel: (617) 573-1600  
Fax: (617) 573-1891  
[www.mass.gov/eohhs](http://www.mass.gov/eohhs)

## NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, the Executive Office of Health and Human Services (EOHHS) will hold a public hearing on Friday, December 18, 2015, at 10:00 a.m., in the First Floor Conference Room, 100 Hancock Street, Quincy, MA relative to the adoption of:

### **101 CMR 415.00: *Rates for Community-Based Day Support Services***

and the repeal of:

### **114.4 CMR 15.00: *Rates for Community-Based Day Support Services***

These actions are being taken in order to comply with c. 224 of the Acts of 2012, which transferred authority for this regulation from the Division of Health Care Finance and Policy (DHCFP) in M.G.L. c. 118G to the Executive Office of Health and Human Services (EOHHS) in M.G.L. c. 118E. 101 CMR 415.00 replaces 114.4 CMR 15.00 as the regulation governing rates for community-based day supports provided to publicly aided individuals by governmental units, and contains amendments as well. The proposed regulation, with amendments, is being promulgated by EOHHS pursuant to c. 257 of the Acts of 2008, which requires EOHHS to establish and biennially update the rates to be paid by governmental units for social service programs.

The proposed regulation updates existing rates with the addition of a cost adjustment factor (CAF) of 2.05%. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Spring 2015 Forecast, optimistic scenario data. The CAF reflects the period between the rates base year (FY2014 Quarter 2) and the prospective period (Calendar Year 2016 through the end of Calendar Year 2017). The proposed regulation also establishes rates for a new service, Nursing Facility Active Treatment, a social service program supported by the Department of Developmental Services. The proposed effective date for the new regulation is January 1, 2016.

EOHHS is proposing this regulation and amendments to ensure that payment rates are consistent with efficiency, economy, and quality of care. It is estimated that annual aggregate state expenditures will increase by \$999,351 as a result of these amendments. There is no fiscal impact on cities and towns. The amendments do not impose new costs on small businesses; the impact on small business providers will vary based on the volume of services provided.

Individuals who notify EOHHS of their intent to testify at the hearing will be afforded an earlier opportunity to speak. Speakers may notify EOHHS of their intention to testify at the hearing by registering online at [www.mass.gov/eohhs/gov/laws-regs/hhs/public-hearings.html](http://www.mass.gov/eohhs/gov/laws-regs/hhs/public-hearings.html). Individuals may also submit written testimony by e-mailing [ehs-regulations@state.ma.us](mailto:ehs-regulations@state.ma.us). Please submit electronic



testimony as an attached Word document or as text within the body of the e-mail with the name of the regulation in the subject line. All submissions must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by e-mail should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171. Written testimony must be submitted by 5:00 p.m. on Thursday, December 31, 2015.

All persons desiring to review the current draft of the proposed actions may go to [www.mass.gov/eohhs/gov/laws-regs/hhs/public-hearings.html](http://www.mass.gov/eohhs/gov/laws-regs/hhs/public-hearings.html) or request a copy in writing or in person from MassHealth Publications, 100 Hancock Street, 6<sup>th</sup> Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by e-mail at [masshealthhelp@ehs.state.ma.us](mailto:masshealthhelp@ehs.state.ma.us) 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.

EOHHS may adopt a revised version of the proposed actions taking into account relevant comments and any other practical alternatives that come to its attention.

November 27, 2015