

**Commonwealth of Massachusetts
Executive Office of Health and Human Services**

NOTICE OF PUBLIC HEARING

Under the authority 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 remote public hearing on March 8, 2024, at 9:30 a.m., relative to the adoption of amendments to the following regulation.

101 CMR 361.00: *Rates for Continuous Skilled Nursing Agency and Independent Nursing Services*

The proposed amendments to 101 CMR 361.00 update payment rates used by state governmental units for continuous skilled nursing (CSN) agency services delivered by eligible CSN agency and independent nurse providers to publicly aided individuals in accordance with M.G.L. c. 118E, § 13D, which requires EOHHS to establish rates for health care services to be paid by governmental units. Specifically, the proposed amendments increase the CSN rates through a multistep analysis process. This process includes rebasing CSN rates to the average of the Massachusetts 2022 Bureau of Labor Statistics 50th and 75th percentile wages, including an additional 15% increase for licensed practical nurse (LPN) wages to account for the role of LPNs in the CSN workforce. It also includes increasing base rates by 13% to align with hospital nursing salary increases that were adopted in a bargaining unit agreement and will be effective July 1, 2024. Finally, the analysis applies a fringe benefit markup and administrative markups and applies a prospective cost adjustment factor to all rates. The proposed amendments also establish a high-tech rate add-on for CSN services.

The proposed amended regulation contains rates effective for dates of service on or after August 16, 2024. The estimated aggregate annual fiscal impact of the proposed amendments is \$38.8 million. There is no fiscal impact on cities and towns.

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/executive-office-of-health-and-human-services-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 ehs-regulations@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 March 8, 2024. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current draft of the proposed actions, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-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.

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.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

February 16, 2024