

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

**NOTICE OF PUBLIC HEARING**

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, a public hearing will be held on Tuesday, May 14, 2019, at 10:00 a.m. in the First Floor Conference Room, 100 Hancock Street, Quincy, MA relative to the adoption of:

**101 CMR 358.00: Rates of Payment for Applied Behavior Analysis**

101 CMR 358.00 governs the rates of payment used by all governmental units for certain outpatient applied behavior analysis services provided by community-based providers. The proposed amendments maintain the current payment rates under the regulation. The proposed amendments also update the service code descriptions; add new reporting requirements for the eligible providers; and update the penalty language for noncompliance with reporting requirements.

EOHHS is proposing these amendments to ensure that payment rates are consistent with efficiency, economy, and quality of care, and to satisfy the requirements of M.G.L. c. 118E, §§ 13C and 13D. It is estimated that annual aggregate MassHealth expenditures will not change as a result of the proposed amendments. There is no fiscal impact on cities and towns.

The proposed regulation is planned to go into effect no sooner than August 9, 2019.

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/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings). Individuals may also submit written testimony by emailing [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 email 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 email 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 Tuesday, May 14, 2019. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

All persons desiring to review the current draft of the proposed actions may go to [www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings) 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 email at [ADAAccommodations@state.ma.us](mailto:ADAAccommodations@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.

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](http://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings).

April 23, 2019