

**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 Friday, November 1, 2019, at 10:00 a.m. in the First Floor Conference Room, 100 Hancock Street, Quincy, MA relative to the adoption of:

101 CMR 206.00: Standard Payments to Nursing Facilities

The Executive Office of Health and Human Services (EOHHS) is adopting, on an emergency basis, amendments to 101 CMR 206.00: Standard Payments to Nursing Facilities. The amendments will update the nursing, operating, and capital components of the nursing facility rates, as well as add-ons to those rates. These amendments will be effective October 1, 2019.

Goals, Objectives, and Description of Methodology

The amendments will update nursing facility payment rates by: (1) rebasing nursing rates from 2007 cost reports to 2014 cost reports; and (2) implementing (a) an adjustment to nursing standard payment groups, RS and T, for MassHealth members whose MMQ score is 225 minutes or higher; (b) a Three Star Plus Add-on for nursing facilities that have an overall Centers for Medicare and Medicaid Services Nursing Home Compare 5-star rating of 3 or more stars as of July 1, 2019; (c) a High Medicaid Occupancy Add-on for facilities with a Medicaid occupancy of 75 per cent or greater; and (d) a Cape and the Islands Add-on for facilities that are located in geographically isolated communities.

The amendments will also revise the capital payment methodology by implementing: (1) four standard regional rates; (2) a maximum loss cap for nursing facilities whose capital payments are greater than a standard regional rate; and (3) rate adjustments to the facilities that are: (a) in the process of completing their determination-of-need projects; or (b) new facilities, reconstructed facilities, and facilities that relocate to a newly constructed building.

In addition, the amendments will: (1) revise the eligibility for the Quality Achievement and Improvement Add-on and the High Medicaid Quality Achievement and Improvement Add-on to reflect the most recent CMS and DPH quality data; (2) change direct care payments from a lump sum to a per diem add-on; (3) incorporate historic user fee add-on payments into the operating component of the standard nursing facility rate; (4) clarify eligibility criteria for the PASRR Level II add-on; (5) set conditions for MassHealth payments on behalf of individuals that must be temporarily evacuated from a disaster-struck facility to another facility; and (6) make technical corrections to enhance the clarity of the regulation.

EOHHS is making these changes, subject to federal approval, to implement applicable provisions of the FY2020 state budget and to ensure that payments are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities. EOHHS expects the amendments to increase annual aggregate MassHealth expenditures by \$52.9 million.

Copies of the amended regulation and rates are available at EOHHS or may be viewed at EOHHS's website at <https://www.mass.gov/regulations/101-CMR-20600-standard-payments-to-nursing-facilities>.

The proposed amended regulation contains rates effective for dates of service on or after October 1, 2019. There is no fiscal impact on cities and towns.

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. Individuals may also submit written testimony by emailing 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, 6th Floor, Quincy, MA 02171. Written testimony must be submitted by 5:00 p.m. on Friday, November 1, 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 or request a copy in writing or in person 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@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.

October 4, 2019