Issue: 1571, Date: April 10, 2026

The Massachusetts Register

Published by:
The Secretary of the Commonwealth,
William Francis Galvin, Secretary

$15.00

Issue: 1571, Date: 4/10/2026

THE COMMONWEALTH OF MASSACHUSETTS

Secretary of the Commonwealth - William Francis Galvin

The Massachusetts Register

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MASSACHUSETTS REGISTER (THE) (ISSN-08963681) is published biweekly for $300.00 per year by the Secretary of the Commonwealth, State House, Boston, MA 02133. Second Class postage is paid at Boston, MA. POSTMASTER: Send address change to: Massachusetts Register, State Bookstore, Room 116, State House, Boston, MA 02133.

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OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS

STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

By Her Excellency
MAURA T. HEALEY
GOVERNOR

EXECUTIVE ORDER NO. 654

TO SECURE MASSACHUSETTS' ENERGY FUTURE BY ESTABLISHING AN ENERGY SUPPLY PLAN THAT DRIVES AFFORDABILITY AND RELIABILITY

WHEREAS, to reduce energy bills for Massachusetts residents, promote energy independence, strengthen community resilience and meet growing electricity needs, Massachusetts must rapidly increase its energy resources;

WHEREAS, Massachusetts will need additional, diverse energy supplies, storage, and tools for reducing peak electricity and gas use to meet this growing demand sustainably, reliably, and affordably;

WHEREAS, Massachusetts must take action in response to the federal government's tariffs and various policies that impede the development of clean energy resources, despite growing affordability and reliability concerns;

WHEREAS, Massachusetts is actively procuring additional energy resources, including energy storage, hydroelectric power, renewable and zero-carbon energy, and associated transmission from within Massachusetts and from other New England states and Canada;

WHEREAS, Massachusetts is actively working to give energy consumers more options to control their energy usage to reduce bills and rein in utility spending;

WHEREAS, immediate action is needed to maximize the federal tax credits that clean energy projects in Massachusetts are eligible to receive prior to their expiration under new accelerated deadlines set by federal law;

WHEREAS, constructing new clean energy resources, and securing the benefit of federal tax credits for such resources, will help reduce electricity bills for Massachusetts residents and avoid future price spikes;

WHEREAS, Massachusetts has worked to counteract the loss of federal incentives for solar by implementing the updated Solar Massachusetts Renewable Target incentive program and convening a Solar Summit, on September 29, 2025, to identify actionable solutions;

WHEREAS, in addition to promoting wind and solar generation, Massachusetts has the opportunity to leverage relatively untapped energy resources, including geothermal and other non-fossil thermal energy solutions, advanced nuclear fission and fusion energy technologies, hydroelectric power, and other resources;

WHEREAS, building and connecting new energy supplies and responsibly maintaining efficient, existing assets ensure good paying jobs and supports economic opportunity, a resilient grid, and growth throughout communities in Massachusetts;

WHEREAS, the Department of Public Utilities recently approved a new natural gas supply contract that will reduce future bills for gas ratepayers without burdening them with additional infrastructure costs;

WHEREAS, the Everett Marine Terminal Liquified Natural Gas ("LNG") Facility ("Everett Marine Terminal"), an LNG import and storage facility, is a strategic energy asset for Massachusetts and the New England region, capable of meeting up to ten percent of the region's natural gas supply needs on the coldest days, and gas storage and delivery capabilities, in general, are critical to meeting peak winter energy demand;

NOW, THEREFORE, I, Maura T. Healey, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

Section 1. Increasing Energy Supply

The Commonwealth will bring ten gigawatts ("GW") of new energy resources online, under contract, or under development by the end of 2035.

This will include four new GW of solar, two-and-a-half GW of new energy supply into the New England power grid connecting to Massachusetts customers, and three-and-a-half new GW from demand management, such as virtual power plants.

To give energy consumers more opportunities to control their energy usage, maintain connectivity and reduce energy bills, three-and-a-half GW of the ten GW goal should be achieved from new load management strategies, such as virtual power plants, electric vehicle charging management, energy efficiency and demand response programs. To support these strategies, the Department of Energy Resources ("DOER") shall publish a review of existing demand and customer supply programs offered in the Commonwealth by September 1, 2026.

Further, to facilitate the integration of additional electricity supply, alleviate grid constraints, and reduce peak energy demand, there shall be an additional goal of five GW of energy storage online or under development within Massachusetts by the end of 2035.

These goals shall be subject to further evaluation 1) by DOER in terms of resource adequacy and resource integration needs and 2) in the Massachusetts 2035 Clean Energy and Climate Plan ("CECP") to be published in 2028.

Section 2. Expanding and Diversifying Energy Sources and Storage

To reach the goals identified in Section 1, the Executive Office of Energy and Environmental Affairs ("EEA") and its relevant Departments shall:

(a.) Take the following steps to support solar, energy storage, and wind:

i. review and expedite existing and planned initiatives to support the deployment of new solar, energy storage, and wind resources;

ii. advance recommendations from the September 2025 Solar Summit, including, but not limited to:

   a. improving DOER's policies to reduce barriers to deployment and increase the output of existing facilities;

   b. partnering with the utilities to implement improvements to the interconnection and other utility processes and programs related to solar; and

   c. expediting, to the extent practicable, Department of Public Utilities ("DPU") proceedings related to solar deployment.

iii. coordinate with the Department of Fire Services to support the development of Commonwealth-wide safety and education initiatives for energy storage technologies;

iv. support the expansion of wind generation;

v. advance more microgrids and other local sources of energy that ensure communities are better and more quickly able to respond to severe weather events and power outages.

vi. Take the following steps to support nuclear, geothermal, and other non-fossil thermal energy sources:

a. expedite existing and planned initiatives to sustain the region's existing nuclear generation, advance the recommendations made in the Advanced Nuclear and Fusion Energy Roadmap Report, and work with other New England states and Canadian partners; and

b. accelerate deployment of geothermal and other non-fossil thermal energy systems by identifying viable thermal resources, speeding up licensing and certification pathways, developing clear regulatory and permitting models, expanding training, and working with gas utilities, labor organizations, and industry to meet workforce and supply-chain needs.

(b.) In addition to the DPU's recent approval of a new natural gas supply contract, take the following steps to review the adequacy and use of existing assets and opportunities in the region for natural gas and oil storage capacity and delivery capabilities to promote energy affordability and reliability:

i. Review existing natural gas and oil storage capacity and utilization and coordinate with gas utilities, fossil fuel generation facilities, and other New England states to develop greater clarity on how the Everett Marine Terminal and other fuel storage assets may contribute to meeting regional energy supply needs and maintaining system reliability, aligned with Section 4, and identify whether additional, strategically located storage capacity or delivery capabilities could provide reliability and affordability benefits to all ratepayers and align with existing regulations; and

ii. Based on the review findings, propose recommendations to ensure adequate natural gas and oil storage capacity and delivery capabilities that promote reliability and affordability, avoid unnecessary spending and adding charges to customer bills, and are aligned with existing regulations.

Section 3. Connecting Energy Faster, Reducing Bills, and Building Resilience

To advance grid readiness, affordability, and support the goals outlined in Section 1, the DPU shall:

(a.) Require each electric distribution company ("EDC") to file a plan for managing the expected influx of interconnection requests before the phaseout of Inflation Reduction Act ("IRA") tax credits and allowing for planned generation projects to interconnect to the electric distribution grid in order to maximize access to the IRA tax credits.

(b.) Require each EDC with proposed or active Capital Investment Projects under the Provisional System Planning Program that have not already done so to amend the relevant tariffs to offer payment plans that allow solar developers to pay for grid interconnection costs over time and secure such payments by means of a letter of credit or posting a bond. The payment plans offered by each EDC should provide similar options and payment timing with pricing set based on the specific project milestones;

(c.) Direct each EDC to file a comprehensive flexible interconnection program, which shall be reviewed by DPU for expeditious implementation of approved plans;

(d.) Investigate strategies to ensure energy independence and affordability for Massachusetts electric customers and promote safe and reliable operation of the electric grid with the growth of large commercial customers. Such investigation should be informed by the parameters identified by EEA and the Executive Office of Economic Development below;

(e.) Expedite the review of proposals that can unlock the benefits of time-of-use electricity rates, distributed energy resources, energy efficiency, and virtual power plants and direct the EDCs to expeditiously implement all approved measures.

The Office of Environmental Justice and Equity within EEA shall:

(f.) Develop models to proliferate community energy resilience hubs, including but not limited to resources and frameworks to deploy community microgrids. Such models shall be developed in coordination with DOER, the Municipal Vulnerability Preparedness program, and the Massachusetts Clean Energy Center, incorporate lessons learned from the Green Communities and Municipal Vulnerability Preparedness programs, and seek and include community input; and

(g.) Conduct analysis into the energy system and resilience benefits that accrue to residents of Burdened Areas, with a particular focus on programs specifically designed to convey benefits to low- or moderate-income customers, in consultation with the Office of Climate Science. The objectives of said analysis shall be to better understand: (1) whether eligibility gaps in said programs exist for Burdened Areas; and (2) whether the identified benefits sufficiently address energy burden.

Further, EEA and Executive Office of Economic Development shall:

(h.) develop recommendations, including identifying policy, regulatory and legislative changes, to establish Clean Energy Ready Zones that have the energy infrastructure and supply available to accelerate economic development and opportunity across Massachusetts.

Last, EEA shall examine pathways to lower the cost to ratepayers of transmission infrastructure necessary to meet energy needs in alignment with other states throughout the New England region.

Section 4. Meeting Winter Energy Needs Reliably and Affordably

The EEA's Office of Energy Transformation, in coordination with DOER and the Everett Marine Terminal Focus Area Working Group, shall:

(a.) Identify opportunities to accelerate demand reduction in strategic locations served by the Everett Marine Terminal, including, but not limited to, geotargeting of energy efficiency and demand reduction incentives, and targeted supply-side or gas distribution system related interventions to enable elimination of future reliance on the terminal for Massachusetts gas utilities and meet winter energy needs affordably and reliably.

(b.) Identify options to fund ongoing operation of the Everett Marine Terminal in a manner that does not overly burden gas utility ratepayers and maximizes the use of the asset while it is operational and relied on by the gas utilities for supply and system reliability.

Section 5. Other Matters

Nothing in this Executive Order shall be construed to require action inconsistent with any applicable state or federal law.

This Executive Order shall not be construed to create any cause of action, right to judicial review, or a basis to challenge a regulatory or administrative matter involving the compliance or noncompliance of any state agency, its officers or employees, or any other person with this Executive Order.

This Executive Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.

Given in Winchester this 16th day of March in the year two thousand and twenty-six, and of the Independence of the United States of America two hundred and fifty.

MAURA T. HEALEY
Governor
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

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MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

By Her Excellency
MAURA T. HEALEY
GOVERNOR

EXECUTIVE ORDER NO. 655

AMENDING EXECUTIVE ORDER NO. 650 TO STRENGTHEN PROTECTIONS FOR PLACES OF WORSHIP

Executive Order No. 650 is hereby amended by inserting, after the first paragraph of Section 4, the following paragraph:

The Governor's Deputy Chief of Staff for Access and Opportunity, in collaboration with the Office for Refugees and Immigrants, is immediately directed to assist places of worship seeking to adopt policies for: (i) interacting with federal immigration officers; and (ii) requiring a judicial warrant or judicial order for entry by federal immigration officers. The Governor's Deputy Chief of Staff for Access and Opportunity, in collaboration with the Office for Refugees and Immigrants, shall also: (i) provide resources and model policies to assist such places of worship; and (ii) offer trainings and other support, as appropriate, to such places of worship to promote safety in Massachusetts' communities.

Given in Boston this 18th day of March in the year two thousand and twenty-six, and of the Independence of the United States of America two hundred and fifty.

MAURA T. HEALEY
Governor
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

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Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

By Her Excellency

MAURA T. HEALEY

GOVERNOR

EXECUTIVE ORDER NO. __ 656

Establishing A Statewide Strategy To Support Adults With Profound Autism

WHEREAS, Massachusetts has a long-standing commitment to supporting individuals with disabilities and their families;

WHEREAS, Massachusetts is committed to advancing equity, dignity, and opportunity for individuals with autism spectrum disorder and Intellectual and Developmental Disabilities (IDD) and their families;

WHEREAS, autism and IDD affects individuals throughout their lives in diverse ways, with varying strengths, needs, and support requirements, contributing to and enriching families and communities throughout the state;

WHEREAS, adults with autism and IDD need access to housing, health care, employment supports, and other services that promote stability, independence, inclusion, and quality of life;

WHEREAS, adults who have both autism and IDD, known as Adults with Profound Autism who may require lifelong, 24/7 support due to significant cognitive, behavioral, and medical complexity — represent a highly vulnerable population in Massachusetts;

WHEREAS, prevalent data indicate that the population of Adults with Profound Autism in Massachusetts is growing;

WHEREAS, the needs of Adults with Profound Autism intersect across multiple public systems, including health care, housing, human services, and workforce development, and require thoughtful coordination among state agencies and providers;

WHEREAS, demographic trends and evolving understandings of profound autism underscore the importance of forward-looking planning to ensure that state systems are prepared to meet the needs of Adults with Profound Autism now and in the future; and

WHEREAS, Massachusetts has a strong history of innovation in disability services and seeks to build on that foundation by strengthening cross-agency collaboration, promoting person-centered approaches, and supporting innovative models that improve outcomes and long-term sustainability;

NOW, THEREFORE, I, MAURA T. HEALEY, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth, hereby order as follows:

SECTION 1. PURPOSE AND SCOPE

This Executive Order establishes a framework for the development of a Statewide Strategy to Support Adults with Profound Autism, with the goal of improving coordination, promoting innovation, and advancing outcomes for Adults with Profound Autism and their families across the Commonwealth.

SECTION 2. DEFINITIONS

For purposes of this Order, "Adults with Profound Autism" shall mean individuals age 22 and over, who, consistent with the definition recognized by the Lancet Commission on Autism, have autism spectrum disorder and require 24-hour support and assistance due to a significant intellectual disability and limited to no language skills.

SECTION 3. STATEWIDE STRATEGY FOR ADULTS WITH PROFOUND AUTISM

The Executive Office of Health and Human Services (EOHHS) shall convene and coordinate an interagency and stakeholder advisory group (the "Advisory Council"), to support the development and implementation of the Strategy, facilitate information sharing, and elevate perspectives from individuals with lived experience. The members of the Advisory Council shall include the Commissioner of the Department of Developmental Services, or their designee; the Commissioner of the Department of Mental Health, or their designee; the Medicaid Director, or their designee; the Secretary of the Executive Office of Housing and Livable Communities, or their designee; the Secretary of the Executive Office for Administration and Finance, or their designee; the Chairs of the Joint Committee on Children, Families, and Persons with Disabilities, or their designees; and up to 10 subject matter experts including individuals appointed by the Governor who represent families of Adults with Profound Autism, providers, clinicians, and advocates.

The Strategy shall be informed by stakeholder engagement, including individuals with autism, families, advocates, providers, and subject matter experts from across the Commonwealth, and shall seek to:

- Report on the prevalence of Adults with Profound Autism in Massachusetts;
- Strengthen coordination across state systems serving adults with Profound Autism, including exploring eligibility requirements across service systems;
- Promote person-centered, strengths-based approaches that recognize the needs of Adults with Profound Autism;
- Identify opportunities to improve access to stable housing, health care, community-based services, and meaningful daily activities;
- Encourage innovative residential living and service models that support safety, stability, and quality of life;
- Improve the use of data to understand population needs, service utilization, outcomes, and efficient use of state resources over time;
- Support a sustainable and well-trained workforce responsive to level of care and support needs; and
- Inform future policy and budget planning in a manner consistent with the Commonwealth's long-term fiscal responsibility.

The Strategy shall be presented to the Governor as a written report to inform policy and budgetary decisions regarding services and supports for Adults with Profound Autism.

SECTION 4. INNOVATION AND LEARNING OPPORTUNITIES

As part of the Strategy, EOHHS may identify opportunities to test, learn from, and evaluate innovative approaches to supporting Adults with Profound Autism, including place-based or integrated models that bring together housing, services, and health care in new ways, consistent with state and federal law.

Any such initiatives shall be designed to inform future policy decisions and shall emphasize learning, collaboration, and continuous improvement.

SECTION 5. COORDINATION AND ADVISORY STRUCTURE

The Advisory Council shall support the development and implementation of the Strategy, facilitate information sharing, and elevate perspectives from individuals with lived experience.

All members of the Advisory Council shall serve in an advisory capacity, without compensation, and shall not supplant the statutory authority of any agency.

SECTION 6. EFFECTIVE DATE

This Executive Order shall take effect immediately and shall continue to be in effect until amended, superseded, or revoked by subsequent Executive Order.

Given in Boston this 23rd day of March in the year two thousand and twenty-six, and of the Independence of the United States of America two hundred and fifty.

MAURA T. HEALEY
Governor
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
COMMONWEALTH OF MASSACHUSETTS
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MassHealth

MAURA T. HEALEY
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KIAME MAHANIAH, MD, MBA
SECRETARY

MIKE LEVINE
UNDERSECRETARY
FOR MASSHEALTH

Administrative Bulletin 26-07

101 CMR 323.00: *Rates for Hearing Services*

Effective January 1, 2026

2026 CPT Code Updates

Summary

In accordance with 101 CMR 323.01(5): *Coding Updates and Corrections*, the Executive Office of Health and Human Services (EOHHS) is adding new codes, deleting outdated codes, and cross-walking deleted codes to replacement codes. These changes are effective for dates of service provided on or after January 1, 2026. Rates listed in this administrative bulletin are applicable until revised rates are issued by EOHHS. Deleted codes are not available for use for dates of service provided after December 31, 2025.

Added Codes

Code	Description
92628	Evaluation for hearing aid candidacy, unilateral or bilateral, including review and integration of audiologic function tests, assessment, and interpretation of hearing needs (eg, speech-in-noise, suprathreshold hearing measures), discussion of candidacy results, counseling on treatment options with report, and, when performed, assessment of cognitive and communication status; first 30 minutes
92629	Evaluation for hearing aid candidacy, unilateral or bilateral, including review and integration of audiologic function tests, assessment, and interpretation of hearing needs (eg, speech-in-noise, suprathreshold hearing measures), discussion of candidacy results, counseling on treatment options with report, and, when performed,

Code	Description
	assessment of cognitive and communication status; each additional 15 minutes (List separately in addition to code for primary procedure)
92631	Hearing aid selection services, unilateral or bilateral, including review of audiologic function tests and hearing aid candidacy evaluation, assessment of visual and dexterity limitations, and psychosocial factors, establishment of device type, output requirements, signal processing strategies and additional features, discussion of device recommendations with report; first 30 minutes
92632	Hearing aid selection services, unilateral or bilateral, including review of audiologic function tests and hearing aid candidacy evaluation, assessment of visual and dexterity limitations, and psychosocial factors, establishment of device type, output requirements, signal processing strategies and additional features, discussion of device recommendations with report; each additional 15 minutes (List separately in addition to code for primary procedure)
92634	Hearing aid fitting services, unilateral or bilateral, including device analysis, programming, verification, counseling, orientation, and training, and, when performed, hearing assistive device, supplemental technology fitting services; first 60 minutes
92635	Hearing aid fitting services, unilateral or bilateral, including device analysis, programming, verification, counseling, orientation, and training, and, when performed, hearing assistive device, supplemental technology fitting services; each additional 15 minutes (List separately in addition to code for primary procedure)
92636	Hearing aid post-fitting follow-up services, unilateral or bilateral, including confirmation of physical fit, validation of patient benefit and performance, sound quality of device, adjustment(s) (eg, verification, programming adjustment[s], device connection[s], and device training), as indicated, and, when performed, hearing assistive device, supplemental technology fitting services; first 30 minutes
92637	Hearing aid post-fitting follow-up services, unilateral or bilateral, including confirmation of physical fit, validation of patient benefit and performance, sound quality of device, adjustment(s) (eg, verification, programming adjustment[s], device connection[s], and device training), as indicated, and, when performed, hearing assistive device, supplemental technology fitting services; each additional 15 minutes (List separately in addition to code for primary procedure)
92638	Behavioral verification of amplification including aided thresholds, functional gain, speech-in-noise, when performed (List separately in addition to code for primary procedure)
92639	Hearing-aid measurement, verification with probe-microphone (List separately in addition to code for primary procedure)
92641	Hearing device verification, electroacoustic analysis

Code	Description
92641-52	Hearing device verification, electroacoustic analysis (modifier 52 – reduced services)
92642	Hearing assistive device, supplemental technology fitting services (eg, personal frequency modulation [FM]/digital modulation [DM] system, remote microphone, alerting devices)

Deleted Codes

Code	Description
92590	Hearing aid examination and selection; monaural
92591	Hearing aid examination and selection; binaural
92592	Hearing aid check; monaural
92593	Hearing aid check; binaural
92594	Electroacoustic evaluation for hearing aid; monaural
92595	Electroacoustic evaluation for hearing aid; binaural

Cross-walked Codes

Deleted Code	Replacement Code(s)
92590	92631
92591	92631
92590, 92591	92632
92592	92636
92593	92636
92592, 92593	92637
92594	92641-52
92595	92641

Rates for New Codes

Code	Rate
92628	IC
92629	IC
92631	$35.23
92632	$17.62

Code	Rate
92634	IC
92635	IC
92636	$28.75
92637	$14.38
92638	IC
92639	IC
92641	$82.32
92641-52	$41.64
92642	IC

NOTICE OF BASE RATE FOR COMMERCIAL GROUND TRANSPORTATION SERVICES AT BOSTON-LOGAN INTERNATIONAL AIRPORT

On March 19, 2026 the Massachusetts Port Authority (the "Authority") adopted the following rate (also referred to as "Trip Fees") for conducting Commercial Ground Transportation Services at Boston-Logan International Airport, effective April 20, 2026.

The Rate applies to each pick-up (each, a "Trip").

This notice is made in accordance with 740 Code of Massachusetts Regulations 23.03(1)(d).

COMMERCIAL GROUND TRANSPORTATION SERVICE AND BASE RATE (EFFECTIVE APRIL 20, 2026)

Scheduled HOV Shuttle/Van (10-15 Passengers), Base Rate (each Trip) - $1.50

Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128-2909

THE COMMONWEALTH OF MASSACHUSETTS

Secretary of the Commonwealth - William Francis Galvin

NOTICES OF PUBLIC REVIEW OF PROSPECTIVE REGULATIONS PUBLISHED IN COMPLIANCE WITH M.G.L. c. 30A, §§ 2 AND 3

April 10, 2026

Attorney General, Office of the	940 CMR 40.00	4/29/26 @ 1:00 P.M. Written comments accepted until 5/1/26 by 5:00 P.M.
Environmental Protection, Department of	310 CMR 5.00	5/5/26 @ 10:00 A.M. & 5/6/26 @ 6:00 P.M. Written comments accepted until 5/22/26 by 5:00 P.M.
Gaming Commission, Massachusetts	205 CMR 133.00 & 147.00	4/21/26 @ 9:30 A.M. Written comments received until 4/20/26 by 5:00 P.M.
Health and Human Services, Executive Office of	101 CMR 361.00	4/28/26 @ 10:00 A.M. Written testimony accepted until 4/29/26 by 5:00 P.M.
Medical Assistance, Division of	130 CMR 414.000 & 438.000	4/27/26 @ 9:00 A.M (414.000) and 10:30 A.M. (438.000). Written testimony accepted until 4/29/26 by 5:00 P.M.
Midwifery, Board of Registration in	274 CMR 3.00	4/23/26 @ 2:00 P.M. Written comments accepted until 4/23/26 by 5:00 P.M.
Public Employee Retirement Administration Commission	840 CMR 6.00	5/21/26 @ 10:00 A.M - 11:00 A.M. Written comments accepted until 5/22/26 by 5:00 P.M.
Public Health, Department of	105 CMR 168.000	4/27/26 @ 1:00 P.M. Written comments accepted until 4/27/26 by 5:00 P.M.

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Notice of Public Hearing and Comment Period

Notice is hereby given pursuant to M.G.L. c.93A §2(c), that the Office of the Attorney General (AGO) will hold a public hearing and comment period on the following proposed regulation:

940 C.M.R. 40.00 (promulgated pursuant to M.G.L. c. 93A, § 2(c))

The proposed regulations will promote the protection, health and well-being of residents of assisted living residences. The draft regulations describe certain unfair or deceptive acts or practices, and necessary disclosures, in the context of operating an assisted living residence in Massachusetts.

A hybrid public hearing will be held on Wednesday, April 29, 2026, at 1:00 pm in the Conference Room located on the 2nd Floor of One Hundred Cambridge St, Boston, MA 02108 and virtually using this link:
https://teams.microsoft.com/meet/2930902373510?p=PeNgPOCqaL0b2ucqMQ.

Individuals who provide notice of their intent to testify will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to provide notice of their intent to testify by emailing the address below with the subject line: "Regulation Hearing Comment – 940 CMR 40.00." Written comments will be accepted starting April 6th until 5:00 p.m. on May 1st. **All written comments submitted to the AGO are a public record in their entirety and will be provided in response to a public records request.**

Email: AGOregs@mass.gov.
Postal Mail: Massachusetts Office of the Attorney General
Attn: Policy & Government Affairs Division
One Ashburton Place, 20th Floor
Boston, MA 02108

A copy of the proposed regulations 940 CMR 40.00 may be obtained by contacting the above address or email address or by visiting: https://www.mass.gov/doc/940-cmr-40-assisted-living-residences/download.

To request interpretive services, please submit your request at least five (5) business days prior to the public hearing.

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

Small Business Impact Statement *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
940 CMR 40.00		
Estimate of the Number of Small Businesses Impacted by the Regulation: About 250		
Yes ☐	**No** ☒	**Will small businesses have to create, file, or issue additional reports?**
Yes ☐	**No** ☒	**Will small businesses have to implement additional recordkeeping procedures?**
Yes ☐	**No** ☒	**Will small businesses have to provide additional administrative oversight?**
Yes ☐	**No** ☒	**Will small businesses have to hire additional employees in order to comply with the proposed regulation?**
Yes ☐	**No** ☒	**Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?**
Yes ☐	**No** ☒	**Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?**
Yes ☐	**No** ☒	**Are performance standards more appropriate than design or 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.)**
Yes ☐	**No** ☒	**Do any other regulations duplicate or conflict with the proposed regulation?**
Yes ☐	**No** ☒	**Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?**
Yes ☐	**No** ☒	**Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**
Yes ☐	**No** ☒	**Is the regulation likely to *deter* the formation of small businesses in Massachusetts?**
Yes ☐	**No** ☒	**Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?**

Yes ☐	**No** ☒	**Does the regulation provide for less stringent compliance or reporting requirements for small businesses?**
Yes ☐	**No** ☒	**Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**
Yes ☐	**No** ☒	**Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**
Yes ☐	**No** ☒	**Are there alternative regulatory methods that would minimize the adverse impact on small businesses?**

Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs

Department of Environmental Protection

Address: 100 Cambridge Street, Suite 900, Boston MA 02114 | **Phone**: 617-292-5500

Maura T. Healey	**Kim Driscoll**	**Rebecca Tepper**	**Bonnie Heiple**
Governor	Lieutenant Governor	Secretary	Commissioner

PUBLIC HEARING NOTICE

This Public Hearing Notice is available in alternative languages (Español, Português, Ayisyen Kreyòl, 繁體中文, □体中文, □□□□□□□□□□ □□, Việt, Kriolu Kabuverdianu, Русский, العربية , Français) on MassDEP's website at: https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities

The Massachusetts Department of Environmental Protection (MassDEP), under the authority of M.G.L. c. 21A, §16, will hold public hearings in accordance with M.G.L. Chapter 30A on proposed amendments to 310 CMR 5.00, *Administrative Penalties*. The proposed amendments implement amendments to M.G.L. c. 21A, § 16 that allow MassDEP to use electronic notices of noncompliance and to serve penalty notices using electronic means as provided in the 2020 amendments. Public hearings will be held online and via telephone:

May 5, 2026 at 10 a.m.
Register in advance for this hearing: https://us06web.zoom.us/meeting/register/d7-UebskSOme1fyD5v2zEA

May 6, 2026 at 6 p.m.
Register in advance for this hearing: https://us06web.zoom.us/meeting/register/Ws5d7DJpQW2cPXTu7Uqygg

The proposed amendments and hearing registration links are available on MassDEP's website at: MassDEP Public Hearings & Comment Opportunities .

Please join the public hearing from your computer, tablet, or smartphone. You can also dial in using your phone. Testimony may be presented orally at the public hearing, or written comments may be submitted until 5:00 PM on **May 22, 2026**. Written comments must be submitted by email to Jennifer Davis, jennifer.davis@mass.gov or by mail to Jennifer Davis, Office of General Counsel, MassDEP, 100 Cambridge Street, Suite 900, Boston, MA 02114.

For special accommodations for these hearings, please call the EEA Diversity Office at 617-626-1282. TTY# MassRelay Service 1-800-439-2370. This information is available in alternate format upon request. MassDEP provides language access interpreter/translation services to limited English proficient individuals free of charge. If you need an interpreter to participate in this meeting, translation services can be found at the following link: https://www.mass.gov/info-details/massdep-language-translation-assistance.

Amended Small Business Impact Statement *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
CMR No: 310 CMR 5.00		
Estimate of the Number of Small Businesses Impacted by the Regulation: None		
Select Yes or No and Briefly Explain		
Yes ☐	No ☒	Will small businesses have to create, file, or issue additional reports? The regulation does not require the creation, filing or issuance of reports.
Yes ☐	No ☒	Will small businesses have to implement additional recordkeeping procedures? The regulation does not require recordkeeping.
Yes ☐	No ☒	Will small businesses have to provide additional administrative oversight? The regulation will not require additional administrative oversight.
Yes ☐	No ☒	Will small businesses have to hire additional employees in order to comply with the proposed regulation? The regulation will not require the hiring of additional employees.
Yes ☐	No ☒	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? The regulation will not require the hiring of other professionals.
Yes ☐	No ☒	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? The regulation does not require any purchases.
Yes ☐	No ☒	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.) The regulation only provides for service of notices by electronic means; there is no requirement for regulated parties to meet.
Yes ☐	No ☒	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations duplicate or conflict with the regulation.
Yes ☒	No ☐	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? All of MassDEP's regulations require that small businesses and other regulated parties cooperate with audits, inspections and other regulatory enforcement actions.

Yes ☐	No ☒	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? The regulation does not require the provision of educational services.
Yes ☐	No ☒	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? The regulation is not likely to deter the formation of small businesses.
Yes ☐	No ☒	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? The regulation is not likely to encourage the formation of small businesses.
Yes ☐	No ☒	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation does not require any compliance or reporting.
Yes ☐	No ☒	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The regulation does not establish any schedules or deadlines for compliance or reporting.
Yes ☐	No ☒	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulation only relates to providing delivery by MassDEP of electronic notices.
Yes ☐	No ☒	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? The regulation does not establish any design or operational standards or performance standards.
Yes ☐	No ☒	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? The regulation does not impose compliance requirements on small businesses.

Legal Division

Notice of Public Hearing

Notice is hereby provided that in accordance with G.L. c. 30A, § 2, the Massachusetts Gaming Commission ("Commission") will convene a public hearing for purposes of gathering comments, ideas, and information relative to the proposed adoption of regulations. The regulations were promulgated pursuant to G.L. c. 23K, §§ 2, 4(37), 5, and 45(f) as part of the Commission's regulatory process, and concern the following regulations:

205 CMR 133.02: ***Placement on the Self-exclusion List***
This section is being amended to remove a reference to a "GameSense" advisor, one of the types of designated agents authorized to administer the Commission's responsible gaming program, and replace it with "player health" advisor.

205 CMR 147.03: ***Notice and Patron Access***
This section is being amended to remove reference to the "Game Sense" area, the place within the casino where the rules of all authorized table games are kept, and replace it with reference to a "player health resource and information center."

Scheduled hearing date and time:

Tuesday, April 21, 2026, at 9:30 AM EST

Pursuant to chapter 2 of the session acts of 2025, Governor Healey extended a limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission will conduct this hearing utilizing remote collaboration technology.

CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 714 1207

A complete copy of the draft regulations referenced above may be downloaded by visiting www.massgaming.com, clicking on 'Regulations and Compliance' and selecting the 'Proposed Rulemaking' section. Anyone wishing to offer comments can email Jenna.Hentoff@massgaming.gov and request the virtual hearing link to appear and speak. Alternatively, written comments may also be submitted to the same email address with 'Regulation Comment' in the subject line. **Written comments must be received by 5:00 PM EST on April 20, 2026.**

Additionally, please find the Small Business Impact Statements in accordance with M.G.L. c. 30A, § 2 attached.

Massachusetts Gaming Commission
101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

<u>**SMALL BUSINESS IMPACT STATEMENT**</u>

The Massachusetts Gaming Commission ("Commission") hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, § 2 relative to the proposed amendment to **205 CMR 133: Voluntary Self-Exclusion, specifically 205 CMR 133.02: Placement on the Self-Exclusion List**, notice of which was filed with the Secretary of the Commonwealth.

This regulation was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth and governs the administration of the Voluntary Self-Exclusion program. The amendment to the regulation replaces the reference to a "GameSense" advisor with a general reference to a "player health" advisor. The regulation is authorized by G.L. c. 23K, § 45(f).

The amendment applies directly to licensed gaming establishments in the Commonwealth and those individuals administering the Voluntary Self-Exclusion program. Accordingly, the proposed amendment is not likely to have an impact on small businesses. In accordance with G.L. c. 30A, § 2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

   To the extent that any small businesses are involved in the administration of the Voluntary Self-Exclusion program, they may be marginally impacted by the proposed amendment. However, the Commission does not anticipate that the proposed amendment would impact a greater number than the current version of the regulation.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

   There are no projected reporting, recordkeeping and other administrative costs created by the amendments to this regulation that would affect small businesses.

3. State the appropriateness of performance standards versus design standards:

   The proposed amendment to this regulation utilizes a design standard as it specifies one of several types of individuals who may act as a designated agent for purposes of the Voluntary Self-Exclusion program outlined in the regulation.

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

Massachusetts Gaming Commission
101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

   The amendment to this regulation is unlikely to deter or encourage the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission
By:

_/s/ Jenna Hentoff________________
Jenna Hentoff
Deputy General Counsel

Dated: March 12, 2026

Massachusetts Gaming Commission
101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission ("Commission") hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, § 2 relative to the proposed amendment to **205 CMR 147: Uniform Standards of Rules of the Games, specifically 205 CMR 147.03: Notice and Patron Access**, notice of which was filed with the Secretary of the Commonwealth.

This regulation was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth and governs the authorization of the rules of the game for table games offered for play. The amendment to the regulation replaces a reference to the "Game Sense" area with a general reference to a "player health resource and information center" as the location where the authorized rules must be maintained. The regulation is authorized by G.L. c. 23K, §§ 2, 4(37) and 5.

The amendment applies directly to licensed gaming establishments in the Commonwealth. Accordingly, the proposed amendment is not likely to have an impact on small businesses. In accordance with G.L. c. 30A, § 2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

   There are no small businesses that would be impacted by the amendment to this regulation.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

   There are no projected reporting, recordkeeping and other administrative costs created by the amendments to this regulation that would affect small businesses.

3. State the appropriateness of performance standards versus design standards:

   The amendment to this regulation utilizes a design standard as it places a specific requirement on gaming licensees to maintain the authorized rules for table games in the specified area in the establishment.

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

   The amendment to this regulation is unlikely to deter or encourage the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission
By:

__/s/ Jenna Hentoff_______________
Jenna Hentoff
Deputy General Counsel

Dated: March 12, 2026

Massachusetts Gaming Commission
101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

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 Tuesday, April 28, 2026, at 10 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 regulation contains rates effective for dates of service on or after September 15, 2026. There is no fiscal impact on cities and towns.

The proposed rates comply with M.G.L. Chapter 118E, §13C, which requires that rates established by EOHHS for health care services be "adequate to meet the costs incurred by efficiently and economically operated facilities providing care and services in conformity with applicable state and federal laws and regulations and quality and safety standards and which are within the financial capacity of the Commonwealth."

The proposed amendments to 101 CMR 361.00 establish a rate for licensed practical nurse (LPN) supervisory in-person visits for complex care assistant services. Currently, complex care assistant visits can only be supervised by an RN. The proposed amendments also establish separate fee tables in 101 CMR 361.00 to specify rates for continuous skilled nursing (CSN) training time. CSN training time was implemented in June 2024 through provider bulletins for when a nurse requires in-home, member-specific training to provide appropriate CSN services to the member. These bulletins referred to the corresponding CSN agency and independent nurse service codes and rates currently established in 101 CMR 361.00 to bill for these training times.

EOHHS proposes to maintain all other rates at the current levels. The proposed amendments also update outdated citations, update terminology, enhance consistency with other EOHHS regulations, and otherwise increase clarity.

EOHHS is proposing these amendments, subject to federal approval, to ensure that payment rates are consistent with efficiency, economy, and quality of care, and to satisfy the requirements of M.G.L. 118E, sections 13C and 13D. The estimated aggregate annual fiscal impact associated with the proposed amendments to 101 CMR 361.00 is a savings of $15,000. The proposed amendments are not anticipated to impose new costs on small businesses, and any impact on small business providers will vary based on the volume of services provided.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to www.mass.gov/info-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 April 29, 2026. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the current draft of the proposed regulation, go to www.mass.gov/info-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 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/info-details/executive-office-of-health-and-human-services-public-hearings.

March 27, 2026

Small Business Impact Statement

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

CMR No and Title: 101 CMR 361.00: *Rates for Continuous Skilled Nursing Agency and Independent Nursing Services*

Estimate of the Number of Small Businesses Impacted by the Regulation: There are 63 continuous skilled nursing (CSN) agencies and 782 independent nurse providers enrolled with MassHealth.

Write Yes or No	Explain Briefly
No	Will small businesses have to create, file, or issue additional reports? No. Small businesses will not have to create, file, or issue additional reports as a result of the proposed amendments to 101 CMR 361.00.
No	Will small businesses have to implement additional recordkeeping procedures? No. Small businesses will not have additional responsibilities to keep records as a result of the proposed amendments to 101 CMR 361.00.
No	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required by 101 CMR 361.00 to provide additional administrative oversight as a result of the proposed amendments to this regulation.
No	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. 101 CMR 361.00 does not require small businesses to hire additional employees to remain in compliance.
No	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. Small businesses are not required by 101 CMR 361.00 to hire other professionals.
No	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 purpose of the proposed amendment is to establish the rates to be paid by governmental units for CSN agency and independent nursing services in accordance with M.G.L. Chapter 118E, Section 13D.
Yes	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.) Yes. This regulation requires that providers periodically file cost data, which is required in order for the Executive Office of Health and Human Services (EOHHS) to develop and establish rates for these services. This cost reporting requirement is applied uniformly to all providers to enable EOHHS to develop accurate rates that reflect cost data from all providers.
No	Do any other regulations duplicate or conflict with the proposed regulation? No regulations duplicate or conflict with this regulation.

Write Yes or No	Explain Briefly
No	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No. 101 CMR 361.00 does not require small businesses to provide educational services to keep up to date with the regulatory requirements.
No	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. 101 CMR 361.00 does not require small businesses to provide educational services to keep up to date with the regulatory requirements.
No	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? No. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts, as it establishes uniform governmental rates of payment for CSN agency and independent nursing services for MassHealth members.
No	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? No. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts, as it establishes uniform governmental rates of payment for CSN agency and independent nursing services for MassHealth members.
No	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The regulation establishes uniform program requirements and conditions of payment, including cost reporting, for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN providers to MassHealth members.
No	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. The regulation establishes uniform program requirements and conditions of payment for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN agencies and independent nurse providers to MassHealth members.
No	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. The regulation establishes uniform program requirements and conditions of payment for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN agencies and independent nurse providers to MassHealth members.
No	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. The regulation establishes uniform program requirements and conditions of payment for the provision of CSN agency and independent nursing services to MassHealth members. These

Write Yes or No	Explain Briefly
	requirements are applied uniformly in order to maintain consistency in the care provided by CSN agencies and independent nurse providers to MassHealth members.
No	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. The regulation establishes uniform program requirements and conditions of payment for the provision of CSN agency and independent nursing services to MassHealth members. These requirements are applied uniformly in order to maintain consistency in the care provided by CSN agencies and independent nurse providers to MassHealth members.

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 Monday, April 27, 2026, at the respective times listed below relative to the adoption of amendments to the following regulations.

The proposed regulations are planned to go into effect no sooner than September 15, 2026. There is no fiscal impact on cities and towns.

(1) 9:00 a.m.: 130 CMR 414.000: Independent Nurse

The following amendments are proposed for 130 CMR 414.000: add requirements related to provider eligibility; add provider responsibilities; establish continuous skilled nursing (CSN) training time allowances; expand temporary increases to CSN services; establish discharge and transfer processes; update recordkeeping requirements; and clarify and reorganize sections of the regulations.

(2) 10:30 a.m.: 130 CMR 438.000: Continuous Skilled Nursing Agency

The following amendments are proposed for 130 CMR 438.000: updates to certain definitions; establishing new provider eligibility requirements; adding requirements for continuous skilled nursing (CSN) training time; expanding allowances for temporary increases to CSN services; allowing unused hours for complex care assistant services to be utilized during the remainder of the prior authorization period; updating supervision and intake requirements for complex care assistant services; enhancing discharge and transfer requirements; and clarifying regulatory language.

To register to testify at either hearing and to get instructions on how to join the hearing online, go to www.mass.gov/info-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 April 29, 2026. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

To review the current drafts of the proposed regulations, go to www.mass.gov/info-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 regulations 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/info-details/masshealth-public-hearings.

March 27, 2026

Small Business Impact Statement

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

CMR No and Title: 130 CMR 438.000: Continuous Skilled Nursing Agency

Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently 63 MassHealth-enrolled CSN agency service locations.

Write Yes or No	Explain Briefly
No	Will small businesses have to create, file, or issue additional reports? No. Small businesses will not have to create, file, or issue additional reports.
No	Will small businesses have to implement additional recordkeeping procedures? No. Small businesses will not have to implement additional recordkeeping procedures.
No	Will small businesses have to provide additional administrative oversight? No. Small businesses will not have to provide additional administrative oversight.
No	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. Small businesses will not have to hire additional employees to comply with the proposed regulation.
No	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. Small businesses are not required by this regulation to hire other professionals.
Yes	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? Continuous skilled nursing (CSN) agencies will be required to maintain professional liability insurance to protect against claims of negligence, damage, or injury by any CSN agency employee to a MassHealth member or their property.
No	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. The purpose of the regulation is to provide program requirements and conditions of payment for the provision of CSN and complex care assistant (CCA) services by CSN agency providers to MassHealth members.
No	Do any other regulations duplicate or conflict with the proposed regulation?

Write Yes or No	Explain Briefly
	No regulations duplicate or conflict with this regulation.
Yes	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes. This regulation requires CSN agency providers to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements for the provision of CSN and CCA services.
No	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No, the proposed regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
No	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? No. The regulation is not likely to deter the formation of small businesses in Massachusetts, as it governs MassHealth CSN agency providers, provides program requirements and conditions of payment for the provision of CSN and CCA services by CSN agencies to MassHealth members, and it is applied uniformly among all such MassHealth providers.
No	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? No. The regulation is not likely to encourage the formation of small businesses in Massachusetts, as it governs MassHealth CSN agency providers, provides program requirements and conditions of payment for the provision of CSN and CCA services by CSN agencies to MassHealth members, and is applied uniformly among all such MassHealth providers.
No	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. This regulation requires CSN agencies to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, and it is applied uniformly among all MassHealth providers of CSN and CCA services.
No	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. This regulation requires CSN agencies to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, and it is applied uniformly among all MassHealth providers of CSN and CCA services.
Yes	Did the agency consolidate or simplify compliance or reporting requirements for small businesses?

Write Yes or No	Explain Briefly
	Yes. The proposed regulation amendments would no longer require CSN agencies to submit an annual report on fiscal soundness; instead, agencies will be required to report on their fiscal soundness upon request by the MassHealth agency.
No	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No, 130 CMR 438.000 establishes uniform program requirements and conditions of payment for the provision of CSN and CCA services by CSN agencies to MassHealth members. These requirements are applied uniformly to maintain consistency in the care provided by CSN agency providers to MassHealth members.
No	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. This regulation does not have an adverse impact on small businesses. This regulation governs MassHealth CSN agency providers, provides program requirements and conditions of payment for the provision of CSN and CCA services by CSN agencies to MassHealth members, and is applied uniformly among all such MassHealth providers.

Small Business Impact Statement

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

CMR No and Title: 101 CMR 414.000: *Independent Nurse*

Estimate of the Number of Small Businesses Impacted by the Regulation: There are 782 independent nurse providers enrolled with MassHealth.

Write Yes or No	Explain Briefly
No	Will small businesses have to create, file, or issue additional reports? No. Small businesses will not have to create, file, or issue additional reports.
Yes	Will small businesses have to implement additional recordkeeping procedures? Yes. Independent nurses will need to document discharge and transfer processes, if applicable, in MassHealth members' medical records.
No	Will small businesses have to provide additional administrative oversight? No. Small businesses will not have to provide additional administrative oversight.
No	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. Small businesses will not have to hire additional employees to comply with the proposed regulation.
No	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. Small businesses are not required by this regulation to hire other professionals.
Yes	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? Independent nurses will be required to maintain professional liability insurance to protect against claims of negligence, damage, or injury to a MassHealth member or their property.
No	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. The purpose of the regulation is to provide program requirements and conditions of payment for the provision of continuous skilled nursing (CSN) services provided by independent nurse providers to MassHealth members.
No	Do any other regulations duplicate or conflict with the proposed regulation? No regulations duplicate or conflict with this regulation.
Yes	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?

Write Yes or No	Explain Briefly
	Yes. This regulation requires independent nurse providers to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements for the provision of CSN services.
No	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No, the proposed regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
No	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? No. The regulation is not likely to deter the formation of small businesses in Massachusetts, as it governs MassHealth independent nurse providers, provides program requirements and conditions of payment for the provision of CSN services by independent nurses to MassHealth members, and is applied uniformly among all such MassHealth providers.
No	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? No. The regulation is not likely to encourage the formation of small businesses in Massachusetts, as it governs MassHealth independent nurse providers, and provides program requirements and conditions of payment for the provision of CSN services by independent nurses to MassHealth members and is applied uniformly among all such MassHealth providers.
No	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. This regulation requires independent nurses to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, and it is applied uniformly among all MassHealth independent nurse providers of CSN services.
No	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. This regulation requires independent nurse providers to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, including the timelines for reporting, and is applied uniformly among all MassHealth independent nurse providers of CSN services.
No	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. This regulation requires independent nurse providers to submit documentation requested by MassHealth for purposes of utilization and provider review to ensure compliance with MassHealth requirements, including the timelines for reporting, and is applied uniformly among all MassHealth independent nurse providers of CSN services.
No	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No, 130 CMR 414.000 establishes uniform program requirements and conditions of payment for the provision of CSN services by independent nurses to MassHealth members. These requirements are applied uniformly to maintain consistency in the care provided by independent nurse providers to MassHealth members.

Write Yes or No	Explain Briefly
No	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. This regulation does not have an adverse impact on small businesses. This regulation governs MassHealth independent nurse providers, provides program requirements and conditions of payment for the provision of CSN services by independent nurses to MassHealth members, and is applied uniformly among all such MassHealth providers.

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Board of Registration in Midwifery
250 Washington Street, Boston, MA 02108-4619
617-624-6000 | mass.gov/dph

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Kiame Mahaniah, MD, MBA
Secretary

Robert Goldstein, MD, PhD
Commissioner

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2 that the Board of Registration in Midwifery ("Midwifery Board"), within the Department of Public Health, will hold a public hearing regarding a new regulation: **274 CMR 3.00: *Licensed Certified Professional Midwife Licensure Requirements.***

The proposed regulation implements the requirements stated in M.G.L. c. 112, **§§ 290-297** as inserted by section 38 of Chapter 186, of the Acts of 2024 *An Act Promoting Access To Midwifery Care And Out-Of-Hospital Birth Options*, establishing the licensure requirements for the new health care profession of Licensed Certified Professional Midwife.

The public hearing will be held at **2:00 p.m. on Thursday, April 23, 2026**. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

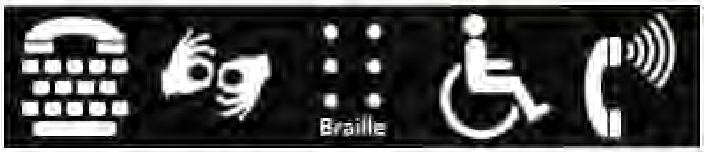
Dial-in Telephone Number:**1-888-982-4493**
Participant Code: **5561604**

A copy of the proposed regulation **274 CMR 3.00: *Licensed Certified Professional Midwife Licensure Requirements*** may be viewed on the Department's website at www.mass.gov/dph/proposed-regulations or requested from the Office of the General Counsel by calling 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral testimony. The Department encourages all interested parties to submit testimony electronically to the following address: Reg.Testimony@mass.gov, or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. All submissions must include the sender's full name and address. When electronically submitting comments, type "BRMW Regulations" in the subject line and attach a Word document with your comments or type your comments in the body of your email. All submissions must include the sender's full name and address.

The Department will post all testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on Thursday, April 23, 2026**. All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact the DPH ADA Coordinator Stacy Hart at least 5 days before the hearing at Tel #857-274-1120?, email stacy.hart@mass.gov.



Small Business Impact Statement (As required by M.G.L. c. 30A §§ 2, 3 & 5)		
CMR No: 274 CMR 3.00		
Estimate of the Number of Small Businesses Impacted by the Regulation: Establishment of the new license will expand access to midwifery care in birth centers. At present, there is only one community birth center in Massachusetts.		
Select Yes or No and Briefly Explain		
Yes	No X	Will small businesses have to create, file, or issue additional reports? *The proposed regulation does not require small businesses to create, file or issue additional supports.*
Yes	No X	Will small businesses have to implement additional recordkeeping procedures? *The proposed regulation does not require small businesses to implement additional recordkeeping procedures.*
Yes	No X	Will small businesses have to provide additional administrative oversight? *The proposed regulation implements a statutory authorization and is not expected to adversely impact small businesses.*
Yes	No X	Will small businesses have to hire additional employees in order to comply with the proposed regulation? *The proposed regulation will not require small businesses to* provide additional administrative oversight.
Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? *The proposed regulation implements a statutory authorization and is not expected to impact small businesses.*
Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? *The proposed regulation will not require small businesses to purchase a product or make any other capital investments in order to comply with the regulation.*
Yes	No X	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.) *The proposed changes must be made through regulation to codify the statutory requirement for temporary licensure.*
Yes	No X	Do any other regulations duplicate or conflict with the proposed regulation? *There are no other regulations that duplicate or conflict with this proposed regulation.*
Yes	No X	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? *The proposed regulation does not require small businesses to cooperate with audits, inspections or other regulatory enforcement activities.*

Yes	No X	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? *The proposed regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.*
Yes	No X	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? *The proposed regulation implements a statutory authorization designed in part to encourage the formation of small businesses in Massachusetts.*
Yes X	No	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? *Establishment of the new license will expand access to midwifery care, birth centers, and home births, which may lead to increased demand for midwife services and practices.*
Yes	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? *The proposed does not provide for less stringent compliance or reporting requirements for small businesses.*
Yes	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? *The proposed regulation does not establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses.*
Yes	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? *The agency did not consolidate or simplify compliance or reporting requirements for small businesses.*
Yes	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? *The proposed changes must be made through regulation to codify the statutory requirement for temporary licensure.*
Yes	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? *The proposed changes must be made through regulation to codify the statutory requirement for temporary licensure and the changes are not expected to impact small businesses.*

PURSUANT TO SECTION 50 of Chapter 7 of the General Laws, the Public Employee Retirement Administration Commission (PERAC) is promulgating regulations relating to the Standard Rules for Disclosure of Information (840 CMR 6.00) by PERAC and the 104 Retirement Boards. The Commission hereby provides notice of a public comment period regarding the Commission's proposed new regulations. A Remote hearing regarding the proposal will be held on **Thursday, May 21, 2026, at 10:00 a.m. – 11:00 a.m.** Directions to access the hearings can be located at PERAC's website http://www.mass.gov/perac. The Commission will accept written comments through **Friday May 22, 2026 at 5:00 p.m.** Comments may be sent to PERAC, 10 Cabot Road, Suite 300, Medford, MA 02155 or electronically by email to Doreen.m.duane@mass.gov. Copies of the draft regulations may be obtained by contacting Doreen at 617-666- 4446 ext. 954 or Doreen.m.duane@mass.gov.

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chair*

WILLIAM T. KEEFE, *Executive Director*

Auditor DIANA DIZOGLIO | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES J. GUIDO | RICHARD MACKINNON, JR. | JENNIFER F. SULLIVAN, ESQ.

March 25, 2026

Secretary William Galvin
Office of the Secretary of the Commonwealth
State Publications and Regulations Division
State House, Room 117
Boston, MA 02133

Dear Secretary Galvin:

This statement, in accordance with M.G.L. c. 30A §§ 2 and 5, accompanies the filing by the Public Employee Retirement Administration Commission of a proposed amended regulation, 840 CMR 6.00 Standard Rules for Disclosure of Information.

The Commission has determined that the regulations do not have an impact on small businesses as the regulations relate only to public employee retirement systems in Massachusetts. There will be no costs to small businesses as they are not subject to these regulations. This regulation does not set performance or design standards for small businesses as the regulation only relates to public retirement systems and the disclosure of information. The regulations do not conflict with any other regulations. These regulations do not regulate private businesses and therefore will not deter or encourage small business formation.

Please direct any inquiries regarding this regulation to the Commission's Assistant Deputy Director, Patrick M. Charles, (617) 666-4446, Ext 914. Thank you for your consideration in this matter.

Sincerely,

Bill Keefe

William T. Keefe
Executive Director

Enclosures

JWP/pmc

10 CABOT ROAD, SUITE 300 | MEDFORD, MA 02155
PH 617 666 4446 | FAX 617 628 4002 | WWW.MASS.GOV/PERAC

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619
617-624-6000 | mass.gov/dph

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Kiame Mahaniah, MD, MBA
Secretary

Robert Goldstein, MD, PhD
Commissioner

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health (the Department) will hold a public hearing and comment period on the proposed amendments to Department of Public Health Regulation 105 CMR 168.000, *Licensure of Alcohol and Drug Counselors.* The proposed amendment wasfiled on March 27, 2026.

105 CMR 168.000 governs the licensure of alcohol and drug counselors by the Department, which includes licensed alcohol and drug counselor I (LADC I), licensed alcohol and drug counselor II (LADC II), and licensed alcohol and drug counselor assistant (LADC Assistant). This will be the first amendment to the regulation since its promulgation in 2004. In addition to updating the regulation to align with industry standards and best practices, the regulation is updated in accordance with changes made to M.G.L. c. 111J pursuant to Chapter 285 of the Acts of 2024.

Among other things, the purposes of the amendments are to:

- Modernize regulatory language to align with current industry standards, best practices, and where applicable, with 105 CMR 164.000 *Licensure of Substance Use Disorder Treatment Programs*;
- Reorganize sections for cohesion and continuity;
- Implement a new Standards of Practice section that supports the continuum of substance use disorder treatment and recovery-oriented services in the Commonwealth.

The Department is proposing significant revisions to 105 CMR 168.000 to align with current industry standards and best practices.

The public hearing will be held on **April 27, 2026 at 1:00PM.** The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

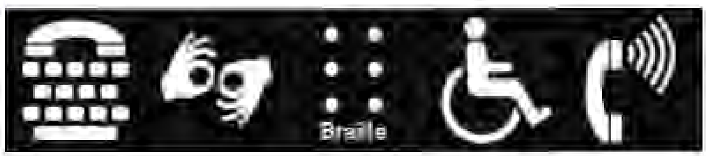
Dial-in Telephone Number:	**888-603-7042**
Participant Passcode:	**4279486**
To Testify Press:	***1**

A copy of the proposed amendments to 105 CMR 168.000 may be viewed on the Department's website at http://mass.gov/dph/proposed-regulations or requested from the Office of the General Counsel by calling 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral testimony. The Department encourages all interested parties to submit written testimony electronically to Reg.Testimony@mass.gov, or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. Please submit electronic testimony as an attached Word document and type “105 CMR 168: Department of Public Health Licensure of Alcohol and Drug Counselors” in the subject line of the email. All submitted testimony must include the sender’s full name and address.

The Department will post all electronic testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on April 27, 2026** All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact Stacy Hart at least 5 days before the hearing at Tel #**857-274-1120**, or email Stacy.Hart@mass.gov.



Small Business Impact Statement *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
Agency: Department of Public Health		
CMR No: 105 CMR 168.000: Licensure of Alcohol and Drug Counselors		
Estimate of the Number of Small Businesses Impacted by the Regulation: There are approximately 1634 Licensed Alcohol and Drug Counselors, which include approximately 1152 LADC Is who have the ability to practice independently and may operate their own small businesses.		
Select Yes or No and Briefly Explain		
Yes ☒	No ☐	Will small businesses have to create, file, or issue additional reports? *Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses will be required to submit data and information in a manner prescribed by the Department in accordance with 105 CMR 168.020. LADC Is who practice independently and operate their own businesses will also be required to submit Required Notifications to the Department in the event of the licensee or businesses name change, change of contact information, or upon the initiation of legal proceedings against the Licensee under 105 CMR 168.011.*
Yes ☒	No ☐	Will small businesses have to implement additional recordkeeping procedures? *Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses are required to establish record keeping procedures for patient records in accordance with 105 CMR 168.027 and 105 CMR 168.029 Records Storage and Access.*
Yes ☒	No ☐	Will small businesses have to provide additional administrative oversight? *Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses will need to ensure compliance with all regulations pursuant to 105 CMR 168.000, which includes 168.011 Required Notifications, 168.020 Providing Information to the Department, 168.027 Patient Records, and 168.029 Records Storage and Access.*
Yes ☐	**No** ☒	Will small businesses have to hire additional employees in order to comply with the proposed regulation? *The regulations do not require Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses to hire additional staff.*
Yes ☐	**No** ☒	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? *Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses will not be required to hire additional professionals to comply with these regulations.*
Yes ☐	**No** ☒	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? *The regulations do not require the purchase of additional products in order to comply.*
Yes ☐	**No** ☒	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? *Due to the nature of substance use disorder treatment, operational standards, particularly around record keeping and scope of practice are necessary. Outcomes for treatment can vary and depend on the patient's goals. Performance standards are not more appropriate in this case.*

		(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.)
Yes ☐	**No** ☒	Do any other regulations duplicate or conflict with the proposed regulation? *105 CMR 168.000 applies to Licensed Alcohol and Drug Counselors; 105 CMR 164.000 applies to Substance Use Disorder Treatment Programs. LADCs often work in licensed SUD treatment programs. Where the regulations overlap, they are consistent with one another.*
Yes ☒	No ☐	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities? *Licensed Alcohol and Drug Counselor Is who practice independently and operate their own businesses must comply with Department investigations (105 CMR 168.016).*
Yes ☐	**No** ☒	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? *No. 105 CMR 168.014 requires all Licensed Alcohol and Drug Counselors to obtain continuing professional education every two years, with the exception of those LADCs detailed under 105 CMR 168.014(E) (LADCs who work for State, County, or Municipal governments and do not provide direct patient services or oversee direct patient services).*
Yes ☐	**No** ☒	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? *No, this regulation is unlikely to deter the formation of small businesses.*
Yes ☒	No ☐	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? *With additional clarity and standardization around scope of practice and recordkeeping practices, the Department hopes to encourage the development and professionalization of alcohol and drug counseling, including those who practice independently and operate their own businesses.*
Yes ☐	**No** ☒	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? *No, compliance and reporting requirements are not differentiated among business types.*
Yes ☐	**No** ☒	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? *No, schedules and deadlines for compliance or reporting are not differentiated among business types.*
Yes ☐	**No** ☒	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? *No. All LADCs, regardless of whether they practice independently and own their own businesses or work in a licensed SUD treatment program are expected to comply with 105 CMR 168.000.*
Yes ☐	**No** ☒	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? *No, operational standards are necessary in this case.*
Yes ☐	**No** ☒	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? *Licensed Alcohol and Drug Counselors who practice independently and operate their own businesses will now be more aligned with other healthcare professions such as Social Workers and Mental Health Counselors by way of clarifying the LADCs scope of practice, record-keeping requirements, and the Department's enforcement role.*

THE COMMONWEALTH OF MASSACHUSETTS

Secretary of the Commonwealth - William Francis Galvin

2026 CUMULATIVE TABLE TO THE MASSACHUSETTS REGISTER
1565 - 1571

The Cumulative Tables lists all regulations and amendments thereto published in the Massachusetts Register during the current year. The Table is published in each Register.

State agencies are listed in the Table as they appear in the Code of Massachusetts Regulations (CMR or Code) in CMR numerical order which is based on the cabinet structure. For example, all Human Service agencies are prefaced by the number “1" and are designated as 101 CMR through 130 CMR.

The Cumulative Tables published in the last issue of previous years will have a listing of all regulations published for that year. These Registers are:

April 6, 1976 - 1977	Register: # 88	Date: 2004	Register: #1016
1978	138	2005	1042
1979	193	2006	1068
1980	241	2007	1094
1981	292	2008	1120
1982	344	2009	1146
1983	396	2010	1172
1984	448	2011	1198
1985	500	2012	1224
1986	546	2013	1250
1987	572	2014	1276
1988	598	2015	1302
1989	624	2016	1329
1990	650	2017	1355
1991	676	2018	1381
1992	702	2019	1407
1993	729	2020	1433
1994	755	2021	1459
1995	871	2022	1485
1996	Supp. # 2 807	2023	1511
1997	833	2024	1537
1998	859	2025	1563
1999	885		
2000	911		
2001	937		
2002	963		
2003	989		

		Issue	*Effective Date*
101 CMR	**Executive Office of Health and Human Services**		
204.00	Rates of Payment to Resident Care Facilities		
	- *Emergency Refile* (MA Reg. # 1563)	1569	12/5/25
206.00	Standard Payments to Nursing Facilities		
	- *Emergency Refile* (MA Reg. # 1559)	1564	10/1/25
		1567	2/13/26
307.00	Rates for Psychiatric Day Treatment Center Services	1569	3/13/26
317.00	Rates for Medicine Services - *Emergency Refile* (MA Reg. # 1561)	1567	11/7/25
322.00	Rates for Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment	1568	3/1/26
327.00	Rates for Ambulance and Wheelchair Van Services		
	- *Emergency Refile* (MA Reg. # 1557)	1564	9/26/25
	- *Compliance* (MA Reg. # 1557)	1570	9/26/25
	- *Correction* (MA Reg. # 1557)	1571	9/26/25
349.00	Rates for Early Intervention Program Services		
	- *Future Effective Regulation*	1565	7/1/26
355.00	Rates for Freestanding Birth Center Services	1567	2/13/26
417.00	Rates for Certain Elder Care Services	1570	3/27/26
614.00	Health Safety Net Payments and Funding		
	- *Emergency Refile* (MA Reg. # 1559)	1564	9/30/25
		1569	3/13/26
105 CMR	**Department of Public Health**		
125.000	Licensing of Radiologic Technologists	1564	1/2/26
	- *Correction* (MA Reg. # 1564)	1567	1/2/26
775.000	Certified Medication Aides in Long-term Care Facilities	1567	2/13/26
110 CMR	**Department of Children and Families**		
2.00	Glossary	1571	4/10/26
7.000	Services - *Emergency*	1564	12/12/25
	- *Compliance* (MA Reg. # 1564)	1570	12/12/25
124 CMR	**Massachusetts Office for Victim Assistance**		
2.00	Compensation for Victims of Violent Crimes		
	- *Compliance* (MA Reg. # 1554)	1564	8/4/25
	- *Correction* (MA Reg. # 1564)	1565	8/4/25
130 CMR	**Division of Medical Assistance**		
449.000	Correctional Facility Services - *Emergency Refile* (MA Reg. # 1561)	1567	11/7/25
501.000	Health Care Reform: MassHealth: General Policies	1567	2/13/26
502.000	Health Care Reform: MassHealth: The Eligibility Process	1567	2/13/26

		Issue	Effective Date
503.000	Health Care Reform: MassHealth: Universal Eligibility Requirements	1567	2/13/26
505.000	Health Care Reform: MassHealth: Coverage Types	1567	2/13/26
506.000	MassHealth: Financial Requirements	1566	1/30/26
	- *Correction* (MA Reg. # 1566)	1568	1/30/26
515.000	MassHealth: General Policies	1567	2/13/26
516.000	MassHealth: The Eligibility Process	1567	2/13/26
	- *Correction* (MA Reg. # 1567)	1569	2/13/25
517.000	MassHealth: Universal Eligibility Requirements	1567	2/13/26
519.000	MassHealth: Coverage Types	1567	2/13/26
522.000	MassHealth: Other Division Programs	1567	2/13/26
205 CMR	**Massachusetts Gaming Commission**		
3.00	Harness Horse Racing - *Emergency*	1571	3/27/26
116.00	Persons Required to Be Licensed or Qualified	1569	3/13/26
138.00	Uniform Standards of Accounting Procedures and Internal Controls - *Correction* (MA Reg. # 1492)	1571	3/9/23
234.00	Sports Wagering Vendors - *Compliance* (MA Reg. # 1560)	1564	10/24/25
238.00	Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering	1569	3/13/26
	- *Correction* (MA Reg. # 1569)	1571	3/13/26
239.00	Continuing Disclosure and Reporting Obligations of Sports Wagering Licensees - *Correction* (MA Reg. # 1558)	1571	10/10/25
250.00	Protection of Minors and Underage Youth from Sports Wagering	1571	4/10/26
211 CMR	**Division of Insurance**		
157.00	Licensing and Regulation of Pharmacy Benefit Managers	1569	3/13/26
220 CMR	**Department of Public Utilities**		
29.00	Billing Procedures for Residential Rental Property Owners Cited for Violation of the State Sanitary Code 105 CMR 410.200	1568	2/27/26
	- *Correction* (MA Reg. # 1568)	1569	2/27/26
34.00	Intervenor Support Grant Program	1568	2/27/26
225 CMR	**Department of Energy Resources**		
29.00	Small Clean Energy Infrastructure Facility Siting and Permitting	1568	2/27/26
250 CMR	**Board of Registration of Professional Engineers and Land Surveyors**		
2.00	General Provisions, Board Procedures and Definitions	1568	2/27/26
3.00	The Registration Process	1568	2/27/26
5.00	Professional Practice	1568	2/27/26
7.00	Enforcement and Discipline	1568	2/27/26

		Issue	Effective Date
266 CMR	**Board of Registration of Home Inspectors**		
2.00	Definitions	1567	2/13/26
3.00	Procedure for Registration	1567	2/13/26
4.00	Associate Home Inspector Training Program Requirements	1567	2/13/26
6.00	Standards of Practice	1567	2/13/26
11.00	Insurance Requirements for Limited Liability Corporations and Limited Liability Partnerships	1567	2/13/26
301 CMR	**Executive Office of Energy and Environmental Affairs**		
11.00	MEPA Regulations	1566	1/30/26
41.00	Toxic or Hazardous Substance List - *Correction* (MA Reg. # 1563)	1568	12/19/25
309 CMR	**Board of Registration of Hazardous Waste Site Cleanup Professionals**		
2.00	Introductory Provisions	1566	1/30/26
3.00	Licensing of Licensed Site Professionals	1566	1/30/26
4.00	Rules of Professional Conduct	1566	1/30/26
5.00	Advisory Rulings	1566	1/30/26
6.00	Design and Use of Licensed Site Professional's Seal	1566	1/30/26
7.00	Procedure Governing Disciplinary Proceedings and Other Dispositions	1566	1/30/26
8.00	Administrative Penalty Regulations	1566	1/30/26
9.00	Inactive Status	1566	1/30/26
321 CMR	**Division of Fisheries & Wildlife**		
3.00	Hunting - Emergency	1564	12/19/25
	- *Emergency Correction* (MA Reg. # 1564)	1565	12/19/25
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322 CMR	**Division of Marine Fisheries**		
4.00	Fishing and Shellfishing Equipment	1566	1/30/26
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400 CMR	**Executive Office of Economic Development**		
9.00	Qualified Data Centers	1570	3/27/26

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603 CMR	**Department of Elementary and Secondary Education**		
23.00	Student Records	1568	2/27/26
31.00	Certificate of Mastery and State Seal of Biliteracy	1568	2/27/26
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10.00	Child Care Financial Assistance	1566	1/30/26
610 CMR	**Board of Higher Education**		
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760 CMR	**Executive Office of Housing and Livable Communities**		
69.00	Starter Home Zoning Districts	1569	3/13/26
76.00	Seasonal Communities	1568	2/27/26
801 CMR	**Executive Office for Administration and Finance**		
4.00	Rates	1567	2/13/26
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807 CMR	**Teachers' Retirement Board**		
25.00	Interest on Delayed Corrections	1570	3/27/26
830 CMR	**Department of Revenue**		
62C.00	Administrative Provisions Relative to State Taxation - *Emergency*	1568	2/5/26
935 CMR	**Cannabis Control Commission**		
500.000	Adult Use of Marijuana	1564	1/2/26
	- *Correction* (MA Reg. # 1564)	1568	1/2/26
		1570	3/27/26
501.000	Medical Use of Marijuana	1564	1/2/26
	- *Correction* (MA Reg. # 1564)	1565	1/2/26
	- *Correction* (MA Reg. # 1564)	1568	1/2/26
		1570	3/27/26
945 CMR	**Office of the Inspector General**		
4.00	Owner's Representative for Major Contracts under M.G.L. c. 30, § 39M½	1565	1/16/25
5.00	Owner's Representative for Major Contracts under M.G.L. c. 149A, § 15½	1565	1/16/25

		Issue	Effective Date
957 CMR	**Center for Health Information and Analysis**		
3.00	Assessment on Certain Health Care Providers and Surcharge Payers - *Emergency*	1566	1/16/26
		1571	4/10/26
4.00	Standard Quality Measure Set	1569	3/13/26
5.00	Health Care Claims, Case Mix and Charge Data Release Procedures	1568	2/27/26
6.00	Cost Reporting Requirements	1568	2/27/26
7.00	Nursing Facility Cost Reporting Requirements	1568	2/27/26
9.00	Financial Data Reporting Requirements for Health Care Entities and Affiliated Entities	1565	1/16/26
12.00	Pharmacy Benefit Manager Reporting	1566	1/30/26
960 CMR	**Office of the State Treasurer and Receiver General**		
6.00	Massachusetts Defined Contribution CORE Plan	1564	1/2/26
961 CMR	**State Lottery Commission**		
2.00	Rules and Regulations	1567	2/13/26
980 CMR	**Energy Facilities Siting Board**		
1.00	Rules for the Conduct of Adjudicatory Proceedings	1568	2/27/26
2.00	General Information and Conduct of Board Business	1568	2/27/26
4.00	Freedom of Information; Protection of Trade Secrets	1568	2/27/26
5.00	Environmental Assessment and Environmental Impact Energy Facilities Siting Counsel	1568	2/27/26
7.00	Long Range Forecasts and Supplements	1568	2/27/26
8.00	Notices to Construct an Oil Facility	1568	2/27/26
11.00	Licensing of Hydropower Generating Facilities	1568	2/27/26
13.00	Consolidated Permits for Clean Energy Infrastructure Facilities	1568	2/27/26
14.00	De Novo Adjudications of Consolidated Local Permit Applications	1568	2/27/26
16.00	Pre-filing Consultation and Engagement Requirements	1568	2/27/26

Docket # 445

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **205 CMR 3.00**

CHAPTER TITLE: **Harness Horse Racing**

AGENCY: **Massachusetts Gaming Commission**

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

205 CMR 3.00 is intended to clarify the procedures, rules, and policies surrounding Harness Horse Racing in the Commonwealth. The proposed amendment is specifically to 205 CMR 3.02: Definitions.

REGULATORY AUTHORITY: **M.G.L c. 128A , §§ 9 and 9B**

AGENCY CONTACT: **Melanie Foxx** PHONE: **8572020429**

ADDRESS: **101 Federal St., 12th floor, Boston Massachusetts 02110**

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

The horse racing season opens on April 13, 2026, for Plainville Gaming and Redevelopment, LLC. The amendment is made in the interests of the Commonwealth and its citizens, to ensure the health or safety of the public, participants or animals involved. Due to the time that ARCI and USTA vote and enact new rules, to be effective this racing season required emergency enactment.

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: ____________________

FISCAL EFFECT - *Estimate the fiscal effect of the public and private sectors.*

For the first and second year: **N/A**

For the first five years: **N/A**

No fiscal effect: **N/A**

SMALL BUSINESS IMPACT - *M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.*

Date amended small business impact statement was filed: __________

CODE OF MASSACHUSETTS REGULATIONS INDEX - *List key subjects that are relevant to this regulation:*
Harness Horse Racing, ARCI, USTA, Definitions.

PROMULGATION - *State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:*
This regulation is replacing and amending the existing version of 205 CMR 3.00, specifically 205 CMR 3.02.

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: SIGNATURE ON FILE DATE: **Mar 27 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **3/27/26**

CODE OF MASSACHUSETTS REGULATIONS

Remove these Pages:	*Insert these Pages:*
This is an Emergency Regulation.	**There are no Replacement Pages.**

A TRUE COPY ATTEST

William Francis Galvin

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 3/27/26 CLERK PJM

205 CMR 3.00: HARNESS HORSE RACING

Section

3.01: Foreword

The Massachusetts Gaming Commission, hereinafter referred to as the Commission, was created by an act of the Legislature of the Commonwealth of Massachusetts in the year 2011. M.G.L. c. 23K as inserted by St. 2011, c. 194, § 16 and amendments, states that the Commission shall have full power to prescribe rules, regulations and conditions under which all harness horse races or harness horse racing meetings shall be conducted in the Commonwealth.

205 CMR 3.00 applies to all persons or individuals, associations or corporations, which shall hold or conduct any harness horse racing meeting within the Commonwealth of Massachusetts licensed by the Commission where harness horse racing shall be permitted for any stake, purse or reward and the definitions here given are to be considered in connection with the rules of harness horse racing and as a part of them.

All licensees and participants are charged with knowledge of 205 CMR 3.00. No licensee or other person shall engage in his or her occupation or trade at any Massachusetts harness horse race track without first reading the 205 CMR 3.00.

Should any question arise as to the meaning of any rule or regulation, the Commission or its representatives will be available to provide an explanation.

205 CMR 3.00 shall also apply to any participant in or patron of any such licensed meeting. In reading 205 CMR 3.00, unless the text otherwise requires, it shall be understood, without constant reference thereto, that they apply only in the Commonwealth of Massachusetts.

3.01: continued

Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe and enforce 205 CMR 3.00. Furthermore, it shall be the duty of each and every officer, director and every official and employee of said licensee to observe and enforce 205 CMR 3.00. Any and all of 205 CMR 3.00 may be amended, altered, repealed or supplemented by new and additional rules.

The Commission may make exceptions to any rule or rules in individual instances as in their judgement they may deem proper.

The Commission may rescind or modify any penalty or decision or infraction of the rules imposed or made by the racing officials.

M.G.L. c. 128A, and 205 CMR 3.00 supersede the conditions of a race, or the regulations of a race meeting.

205 CMR 3.00 as promulgated by the Commission are supplemented by the State Administrative Procedure Law found in M.G.L. c. 30A. M.G.L. c. 30A provides the procedures that must be followed by all state agencies on such matters as the amending process and the adjudicatory procedure. Under M.G.L. c. 30A, any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request.

If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission in accordance with the provisions of 205 CMR 101.02: *Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division*.

The rules on pari-mutuel wagering are located in an entirely separate rulebook entitled 205 CMR 6.00: *Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing*.

The Massachusetts Gaming Commission adopts the United States Trotting Association (USTA) Rules and Regulations as amended; and supplements those rules and regulations with 205 CMR 3.00.

In any situation where a conflict exists between the United States Trotting Association Rules and 205 CMR 3.00, 205 CMR 3.00 will govern. In any instance where a situation is not covered by the USTA Rules, 205 CMR 3.00 will govern and *vice versa*. The assessment of fines and suspensions shall be in the discretion of the Judges and the Gaming Commission.

3.02: Definitions

The following definitions and interpretations shall apply in 205 CMR 3.00, unless the text otherwise require:

Administer or Administration is the introduction of a substance into the body of a horse.

ARCI shall mean the Uniform Classification Guidelines for Foreign Substances And Recommended Penalties Model Rule, December 8, 2025, Version 19.1 as promulgated by the Association of Racing Commissioners International.

Arrears includes all monies due for entrance, forfeits, fees, forfeitures, subscriptions, stake, and also any default in money incident to the Rules.

Associated Person is the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person would give the appearance that such other person or entity would care for or train a racing animal or perform veterinarian service on a racing animal for the benefit, credit, reputation, or satisfaction of the inactive person.

3.02:   continued

Tote or Tote Board shall mean the totalisator.

USTA shall mean the Rules and Regulations of the United States Trotting Association, Published May 1, 2025.

Year shall mean a calendar year.

3.03:   Appeal to the Commission

(1)   A final appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission may be taken to the Commission. consistent with the provisions of 205 CMR 101.02: *Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division*.

3.04:   Stable Names, Registration Fees, Restrictions, *etc*.

(1)   Each stable name must be duly registered with the Commission.

(2)   In applying to race under a stable name, the applicant must disclose the identity or identities behind a stable name.

(3)   If a corporation is involved in the identity behind a stable name, 205 CMR 3.06 must be complied with.

(4)   Changes in identities must be reported immediately to and approval obtained from the Commission.

(5)   A person cannot register more than one stable name at the same time nor can he or she use his or her real name for racing purposes so long as he or she has a registered one.

(6)   Any person who has registered under a stable name may at any time cancel it after he or she has given written notice to the Commission.

(7)   A stable name may be changed at any time by registering a new stable name and by paying the required fee.

(8)   A person cannot register as his or her stable name one that has been registered by any other person with any Association conducting a recognized meeting.

(9)   A person may not register as his or her stable name one which is the real name of any owner of race horses nor one which is the real or assumed name of any prominent person not owning race horses.

(10)   A stable name shall be plainly distinguishable from that of another duly registered stable name.

3.04: continued

(11) A corporate name shall be considered a stable name for the purpose of 205 CMR 3.00, but the Commission reserves the right to refuse any corporation the privilege of registering a stable name.

(12) A trainer, who is a licensed owner or part owner, may use a stable name as owner or part owner. However, no trainer may be licensed as a trainer other than in his or her legal name.

3.05: Authorized Agent: Licenses, Filing Instrument, *etc.*

(1) Each authorized agent must obtain a license from the Commission.

(2) Application for a license must be filed for each owner represented.

(3) If a written instrument signed by the owner accompanies the application it shall clearly set forth among the delegated powers whether or not said agent is empowered to collect money from the Association.

(4) If the written instrument is a power of attorney, it shall be filed permanently with the Racing Secretary. If, however, the powers are properly delegated by the owner on the application form for a license then said application shall be in duplicate with both copies signed and sworn to before a Notary Public and one copy filed permanently with the Racing Secretary.

(5) An Authorized Agent may appoint a sub-agent only when specifically authorized so to do by the above said written instrument and, to be effective, notice of such appointment must be given immediately in writing to the Commission.

(6) Any changes must be in writing and filed as provided in 205 CMR 3.05(4).

(7) If an agent represents more than one owner a separate written instrument shall be filed for each owner and a separate fee paid in each case.

(8) The term of the license shall be the calendar year unless the owner revokes the agent's appointment or the Commission revokes the license.

(9) An owner's revocation of an authorized agent's authority must be filed in writing with the Commission and with the Racing Secretary.

3.06: Corporations

(1) Corporations racing horses in Massachusetts shall furnish the following information:
(a) The corporation shall furnish to the Commission and the Judges a statement giving the names of all persons connected with the corporation including officers, directors and stockholders.
(b) The corporation shall furnish to the Commission and the Judges a certificate stating that no person or persons connected with the corporation (officer, director or stockholder) have any beneficial interest in any horse or horses running in their name or the name of any other person or persons racing at the same track where the corporation-owned horses are running.
(c) The corporation shall designate to the Commission and the Judges the name of one individual, preferably an officer (not the trainer), who shall act as agent for the corporation.

(2) All licensed persons listed in the corporation shall be liable for entry fees and penalties against horses raced by the corporation.

(3) In the event that one of the persons listed in the corporation is suspended all horses owned by the corporation may be suspended.

(4) Each of the persons holding a beneficial interest in the corporation shall be in good standing in racing.

Docket # 589

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Notice of Correction

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **101 CMR 327.00**

CHAPTER TITLE: **Rates for Ambulance and Wheelchair Van Services**

AGENCY: **Executive Office of Health and Human Services**

ORIGINAL PUBLICATION REFERENCE: **1557** *Date:* **9/26/25**

SUMMARY OF CORRECTION:
The percentage in 327.05(5)(a)6. should be updated to read 44.26%.

AGENCY CONTACT: **Deborah M. Briggs, MassHealth Publications** PHONE: **617-847-3302**

ADDRESS: **100 Hancock Street, 6th Floor, Quincy, MA 02171**

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: SIGNATURE ON FILE DATE: **Mar 27 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **9/26/25**

CODE OF MASSACHUSETTS REGULATIONS

Remove these Pages:	*Insert these Pages:*
794.1 & 794.2	**794.1 & 794.2**

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WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 3/27/26 CLERK PJM

327.05: continued

(5) Payment Methodology. Each quarter starting with the quarter beginning July 1, 2025, and subject to available state and federal funding and allowable under federal law, EOHHS will allocate payments to eligible nonpublic ambulance providers in the following amounts, subject to the limitations described in 101 CMR 327.05(5)(c).

(a) To calculate the supplemental payments, EOHHS will assign eligible nonpublic ambulance providers to one of the following classifications and set the distribution factor percentage to be applied to the supplemental payments determined in 101 CMR 327.05(5)(b) as follows, provided that EOHHS may prospectively update the distribution factor percentage for a given quarterly payment by not more than plus or minus 5% *via* administrative bulletin or other written issuance:

1. Not-for-profit nonpublic ambulance providers, 4.00%;
2. Not-for-profit hospital nonpublic ambulance providers, 7.89%;
3. For-profit nonpublic ambulance providers in region 1 as defined by DPH Office of Emergency Medical Services (OEMS), 11.92%;
4. For-profit nonpublic ambulance providers in region 2 as defined by DPH OEMS, 4.97%;
5. For-profit nonpublic ambulance providers in region 3 as defined by DPH OEMS, 9.60%;
6. For-profit nonpublic ambulance providers in region 4 as defined by DPH OEMS, 44.26%; and
7. For-profit nonpublic ambulance providers in region 5 as defined by DPH OEMS, 17.36%;

(b) EOHHS will distribute 100 % of the payment to eligible nonpublic ambulance providers as follows, with the amount paid to each nonpublic ambulance provider equaling the product of:

1. the ratio of the amount of ground ambulance services billed to MassHealth by that nonpublic ambulance provider to the amount of all nonpublic ambulance providers' in that nonpublic ambulance providers' classification as defined in 101 CMR 327.05(5)(a) billing to MassHealth for ground ambulance services;
2. 100% of the amount calculated to be payable from the Trust Fund; and
3. the applicable distribution factor percentage of the nonpublic ambulance provider's classification set forth in 101 CMR 327.05(5)(a).

(c) The payments to eligible nonpublic ambulance providers described in 101 CMR 327.05(5)(b) may not exceed the sum of the difference between the Medicaid payments otherwise made to these providers for the provision of ground ambulance services and the amount that would have been paid at the equivalent average commercial rate (ACR) in aggregate, as determined by EOHHS, as follows.

1. For all eligible nonpublic ambulance providers, EOHHS will identify the emergency and non-emergency ground ambulance services for which the provider is eligible to receive supplemental payment.
2. The supplemental payment amount will be calculated by first determining the equivalent ACR for all eligible emergency and non-emergency ground ambulance services identified under 101 CMR 327.05(5)(c)1.
3. EOHHS will then subtract an amount equal to the base Medicaid reimbursement amount for all of the emergency and non-emergency ground ambulance services from the ACR calculated in 101 CMR 327.05(5)(c)2. and divide that by the base Medicaid reimbursement amount to determine the percentage increase for each emergency and non-emergency ground ambulance service provided by eligible nonpublic ambulance providers.
4. The supplemental payment due to eligible nonpublic ambulance providers will be subject to available funding and will not exceed the product of
   a. the percentage increase calculated in 101 CMR 327.05(5)(c)3.;
   b. multiplied by the base Medicaid reimbursement amount; and
   c. multiplied by the total number of units for each service.

327.06: Reporting and Registration Requirements

(1) Required Reports. Reporting requirements are governed by 957 CMR 6.00: *Cost Reporting Requirements* and any reporting or registration requirements set forth in 101 CMR 324.00: *Nonpublic Ambulance Service Reimbursement Trust Fund Assessment and Funding*. In addition, each eligible nonpublic ambulance provider that receives a supplemental payment pursuant to 101 CMR 327.05 must file or make available all records and information necessary to demonstrate compliance with conditions of payment upon EOHHS request, including documentation of the uses of such payments.

(2) Penalty for Noncompliance. The purchasing governmental unit may impose a penalty in the amount of up to 15% of its payments to any provider that fails to submit required information. The purchasing governmental unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 327.06(2).

327.07: Reductions in Payment

EOHHS may deny, reduce, or withhold payment to an eligible nonpublic ambulance provider that fails to comply with any condition of payment set forth in 101 CMR 327.05. EOHHS will notify the nonpublic ambulance provider of its intention to deny, reduce, or withhold payment. EOHHS may apply reductions in payments to the successor in interest or any provider under common interest.

327.08: Severability

The provisions of 101 CMR 327.00 are severable. If any provision of 101 CMR 327.00 or application of any provision to an applicable individual, entity, or circumstance is held invalid or unconstitutional, that holding will not be construed to affect the validity or constitutionality of any remaining provisions of 101 CMR 327.00 or application of those provisions to applicable individuals, entities, or circumstances.

REGULATORY AUTHORITY

101 CMR 327.00: M.G.L. c. 118E.

Docket # 182

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **110 CMR 2.00**

CHAPTER TITLE: **Glossary**

AGENCY: **Department of Children and Families**

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

110 CMR 2.00 contains definitions used in other chapters of 110 CMR.

REGULATORY AUTHORITY: **M.G.L. c. 18B, §§ 3, 7(i); c. 119, §§ 37, 51B(j)**

AGENCY CONTACT: **Cristina Tedstone, General Counsel** PHONE: **617-429-0741**

ADDRESS: **Department of Children and Families, One Ashburton Place, 3rd Floor, Boston, MA 02108**

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Local Government Advisory Committee, Notified 3/6/2025
Executive Office of Health and Human Services, Approved 7/1/2025
Executive Office of Administration and Finance, Approved 8/12/2025

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: **3/28/2025 - 4/18/2025**

FISCAL EFFECT - *Estimate the fiscal effect of the public and private sectors.*

For the first and second year: **None**

For the first five years: **None**

No fiscal effect: **None**

SMALL BUSINESS IMPACT - *M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.*

Date amended small business impact statement was filed: **03/24/2026**

CODE OF MASSACHUSETTS REGULATIONS INDEX - *List key subjects that are relevant to this regulation:*

Abuse of Child

PROMULGATION - *State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:*

Amends the definition of "physical injury," replaces archaic terms, deletes the definition of "venereal disease," amends outdated statutory and regulatory cross-references, and reorders terms alphabetically.

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: SIGNATURE ON FILE DATE: **Mar 24 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **4/10/26**

CODE OF MASSACHUSETTS REGULATIONS

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WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 3/24/26 CLERK PJM

110 CMR 2.00: GLOSSARY

Whenever used throughout 110 CMR, the following words shall have the following meanings, unless the context plainly requires otherwise.

Abuse means the non-accidental commission of any act by a caregiver upon a child under 18 years old which causes, or creates a substantial risk of physical or emotional injury, or constitutes a sexual offense under the laws of the Commonwealth or any sexual contact between a caregiver and a child under the care of that individual. Abuse is not dependent upon location (*i*.e., abuse can occur while the child is in an out-of-home or in-home setting.)

Antipsychotic Drugs shall mean drugs which are considered neuroleptics, in that they are used to treat certain psychotic symptoms. Such antipsychotic drugs shall include, but shall not be limited to:

	Generic Name	Trade Name
1	Acetophenazine	Tindal
2	Amoxapine	Asendin
3	Butaperazine	Repoise
4	Carphenazine	Proketazine
5	Chlorpromazine	Thorazine
6	Chlorprothizene	Taractan
7	Fluphenazine	Prolixin, Permitil
8	Haloperidol	Haldol
9	Loxapine	Loxitane
10	Mesoridazine	Serentil
11	Molindone	Moban
12	Perphenazine	Trilafon, Etrafon, Triavil
13	Pimozide	Orap
14	Piperacetezine	Quide
15	Prochlorperazine	Compazine
16	Promazine	Sparine
17	Reserpine	———
18	Thioridazine	Mellaril
19	Thiothixene	Navane
20	Trifluoperazine	Stelazine
21	Triflupromazine	Vesprin

Antipsychotic drugs include the above-listed drugs by whatever official name, common or usual name, chemical name, or brand name they may be designated. All isomers, esters, ethers, and salts of; and any combination of; drugs listed above are deemed to be antipsychotic drugs.

Area means one of the 29 geographic areas of the Department of Children and Families.

Area Director means the director of one of the Areas of the Department of Children and Families.

Caretaker or Caregiver means a child's:
(a) parent
(b) stepparent
(c) guardian
(d) any household member entrusted with the responsibility for a child's health or welfare
(e) any other person entrusted with the responsibility for a child's health or welfare whether in the child's home, a relative's home, a school setting, a day care setting (including babysitting), a foster home, a group care facility, or any other comparable setting. As such "caretaker" or "caregiver" includes (but is not limited to) school teachers, babysitters, school bus drivers, camp counselors, *etc*. The "caretaker" or "caregiver" definition is meant to be construed broadly and inclusively to encompass any person who is, at the time in question, entrusted with a degree of responsibility for the child. This specifically includes a caretaker who is him or herself a child (*i.e.* a babysitter younger than 18 years old).

2.00: continued

Central Registry means a subset of the Department's computerized system. Every area and regional office of the Department, as well as the Central Office of the Department, shall have access to the computerized system, via terminals and printers which shall be located in each such office. The computerized system shall have security procedures which protect the data contained therein against unauthorized users or access. The Department's Central Registry shall consist exclusively of data located within the designated subset of the Department's computerized system. No files, papers, index card systems, or any other form of document shall constitute a part of the Department's Central Registry.

Child means a person who has not reached his or her 18^{th} birthday, but does not include unborn children.

Child in the Care of the Department means a child receiving services from the Department pursuant to a Voluntary Placement Agreement.

Child in the Custody of the Department means a child placed in the Department's custody through court order, including an order under a Child Requiring Assistance (CRA) petition, or through adoption surrender.

Closed Referral means that a client may be referred to a provider only by the Department, *i.e.*, the provider may only be reimbursed by the Department for delivering the service(s) if the client was so referred. *Compare*, "Open Referral".

Commissioner means the Commissioner of the Department of Children and Families.

Contract means any agreement between the Department and a provider, and shall specifically include Purchase of Service Agreements, Master Agreements, *etc*.

Day means calendar day, unless noted to the contrary (*i.e*. "working day").

Department means the Department of Children and Families.

Designee means any Department employee designated by means of a written memorandum, bearing the written approval of the Commissioner or Deputy Commissioner, and filed with the General Counsel of the Department.

Diseases Dangerous to the Public Health is defined under 105 CMR 300.100: *Diseases Reportable to Local Boards of Health* and includes the following:

(a) Actinomycosis
(b) AIDS (Acquired Immune Deficiency Syndrome)
(c) Animal Bite
(d) Anthrax
(e) Brucellosis (Undulant Fever)
(f) Chickenpox (Varicella)
(g) Cholera
(h) Diarrhea of the Newborn
(i) Diphtheria

2.00: continued

(j) Dysentery, Amebic
(k) Dysentery, Bacillary (Shigellosis)
(l) Encephalitis (specify if known)
(m) Food Poisoning by:
1. Botulism
2. Mushrooms and other poisonous vegetable and animal products
3. Mineral or organic poisons such as arsenic, lead, etc.
4. Staphylococcal
(n) German Measles (Rubella)
(o) Glanders
(p) Hepatitis, Viral (includes Infectious and Serum Hepatitis)
(q) Impetigo of the Newborn
(r) Leprosy
(s) Leptospirosis (including Weil's Disease)
(t) Lymphocytic Choriomeningitis
(u) Malaria
(v) Measles (Rubeola)
(w) Meningitis (B. Influenzal, meningococcal, pneumococcal, streptococcal and other forms)
(x) Mumps
(y) Ophthalmia Neonatorum
(z) Plague
(aa) Poliomyelitis
(bb) Psittacosis
(cc) Rabies — Human
(dd) Rickettsialpox
(ee) Rocky Mountain Spotted Fever
(ff) Salmonellosis (except Typhi and Paratyphi)
(gg) Salmonellosis: Typhi and Paratyphi (Typhoid and Paratyphoid Fevers)
(hh) Smallpox (Variola)
(ii) Smallpox Vaccination Reactions — Generalized Vaccinia, Eczema Vaccinatum
(jj) Streptococcal Infections (including Erysipelas Scarlet Fever, Streptococcal Sore Throat, *etc.*)
(kk) Tetanus
(ll) Trachoma
(mm) Trichinosis
(nn) Tuberculosis
(oo) Tularemia
(pp) Typhus Fever (including Brills' Disease)
(qq) Whooping Cough (pertussis)
(rr) Yellow Fever

Electroconvulsive Treatment or ECT means a process that passes a controlled electric current into the brain to induce a seizure.

Emergency means a situation where the failure to take immediate action would place a family and/or child at substantial risk of serious and imminent family disruption, or death, or serious emotional or physical injury.

Emotional Injury means an impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.

Extraordinary Medical Treatment shall include No-code orders, sterilization, electroconvulsive treatment, antipsychotic medication, withholding or providing life-prolonging treatment (as defined in this Glossary), and any other treatment determined to be extraordinary by using the following analysis:

Recognizing that it is impossible to itemize every extraordinary medical treatment, the Department shall utilize the following factors to determine whether a medical treatment is extraordinary:

2.00: continued

(a) Complexity, risk and novelty of the proposed treatment: The more complex the treatment, the greater the risk of death or serious complications, the more experimental the procedure, then the greater the need to determine that the treatment is extraordinary, and to obtain parental consent or to seek judicial approval prior to authorizing treatment. *See In the Matter of Guardianship of Richard Roe III*, 421 N.E.2d 40, 53 (1981). *In the Matter of Spring*, 405 N.E.2d 115 (1980). *In the Matter of Moe*, 432 N.E.2d 712 (1982).
(b) Possible side effects: The more serious and permanent the side effect, the greater the need to determine that the treatment is extraordinary, and to obtain parental consent or to seek judicial approval prior to authorizing treatment. *See Superintendent of Belchertown State School v. Saikewicz*, 370 N.E.2d 417 (1977). *Rogers v. Commissioner of DMH*, 390 Mass. 489, 501-502 (1983). *In the Matter of Guardianship of Richard Roe III*, 421 N.E.2d 40 (1981). *Custody of a Minor*, 385 Mass. 697, 434 N.E.2d 601 (1982).
(c) Intrusiveness of proposed treatment: The more intrusive the treatment, the greater the need to determine that the treatment is extraordinary, and to obtain parental consent or prior judicial approval. *See In the Matter of Hier*, 18 Mass. Appeals Court 200 (1984). *Superintendent of Belchertown State School v. Saikewicz, supra*. *In The Matter of Moe, supra*. *In The Matter of Spring, supra*.
(d) Prognosis with and without treatment: The less clear the benefit from the proposed treatment, the greater the need for parental consent or prior judicial approval. *See Superintendent of Belchertown State School v. Saikewicz, supra*; *Custody of a Minor*, 385 Mass. 697, 434 N.E.2d 601 (1982); *In The Matter of Spring, supra*.
(e) Clarity of professional opinion: The more divided the medical opinion, the greater the need for parental consent or prior judicial approval. *See In The Matter of Spring, supra*.
(f) Presence or absence of an emergency: In a medical emergency a physician can act without anyone's consent. *See* M.G.L. c. 112, § 12F.
(g) Prior judicial involvement: if a court has been involved in past medical decisions, this argues for judicial involvement in any future medical treatment decision, but this is not conclusive. *See In The Matter of Guardianship of Richard Roe III, supra* at 56.
(h) Conflicting Interests: Where the interests of the decision maker conflict with the interests of the child, the greater the need for obtaining parental consent or prior judicial approval. *In the Matter of Guardianship of Richard Roe III*, 421 N.E.2d 40 (1981).

<u>Family Planning Services</u> means medical, educational and social services, excluding abortion and sterilization, which enable individuals voluntarily to limit family size or plan spacing of children. Family planning services include the below-listed services. *See* 130 CMR 421.000: *Family Planning Agency Services*.
(a) Information and referral (including outreach and follow-up)
(b) Individual and group counseling
(c) A physical examination:
1. for a female, includes thyroid, breast, heart, abdominal, speculum, pelvic, and rectal examinations, and measurements of height, weight and blood pressure;
2. for a male, includes thyroid, heart, genital, abdominal, and rectal examinations, and measurements of height, weight and blood pressure. *See* 130 CMR 421.412(2).
(d) A pap smear for females. *See* 130 CMR 421.412(3).
(e) Any laboratory test indicated by the child's history or examination. *See* 130 CMR 421.412(4).
(f) A medically approved method of contraception. *See* 106 CMR 421.412(5).
(g) Medical examinations, consultations, laboratory tests and contraceptive services rendered by a licensed physician
(h) Medical treatment for related conditions, such as sexually transmitted diseases or vaginal infections
(i) Prescriptions and medical items related to family planning services including drugs, supplies and devices
(j) Clinical follow-up

<u>Foster Parent Applicant</u> means a person who has applied to be a foster parent and meets the initial eligibility criteria set forth at 110 CMR 7.100.

2.00: continued

Foster Parent means a person approved by the Department to be a foster parent in accordance with 110 CMR 7.100: *Eligibility and Recruitment of Foster Parent and Pre-adoptive Parent Applicants*.

Guardian means the individual, organization or agency which has been appointed guardian of the person by a Court of the Commonwealth, in accordance with M.G.L. c. 190B, or a court of competent jurisdiction in another state.

Guardian *Ad Litem* means the person appointed by a court to serve as an independent investigator for the court, not as an advocate for the ward, in a particular legal proceeding, without control over either the individual's person or property.

Incompetent means determination made by a court, in accordance with M.G.L. c. 190B, that an individual does not have the legal power to direct his personal or financial affairs.

Institutional Abuse or Neglect means abuse or neglect which occurs in any facility for children, including but not limited to group homes, residential or public or private schools, hospitals, detention and treatment facilities, family foster care homes, group day care centers, and family day care homes.

Life-prolonging Treatment, as distinguished from live-saving treatment, means intrusive medical treatment where there is no prospect of recovery. *In the Matter of Earle A. Spring*, 380 Mass. 629, 405 N.E.2d 115, 120 (1980). Recovery does not mean the ability to remain alive but rather life without intolerable suffering. *Saikewicz*, 373 Mass. 728, 370 N.E.2d 417 (1977).

Mandated Reporters are defined at M.G.L. c. 119, § 51A and include: any physician; medical intern; hospital personnel engaged in the examination, care or treatment of persons; medical examiner; psychologist; emergency medical technician; dentist; nurse; chiropractor; podiatrist; osteopath; public or private school teacher; educational administrator; guidance or family counselor; day care worker or any person paid to care for or work with a child in any public or private facility, or home or program funded by the Commonwealth or licensed pursuant to the provisions of M.G.L. c. 15D, which provides day care or residential services to children or which provides the services of child care resource and referral agencies, voucher management agencies, family day care systems and child care food programs; probation officer; clerk/magistrate of the district courts; parole officer, social worker; foster parent; firefighter; or police officer, office for children licensor, school attendance officer, allied mental health and human services professional as licensed pursuant to the provisions of M.G.L. c. 112, § 165, drug and alcoholism counselor, psychiatrist, and clinical social worker.

Mature Child means a child who is able to understand the circumstances and implications of the situation in which he/she is involved and is able to participate in the decision-making process without excessive anxiety or fear. A child who is 14 years of age or older is presumed to be a mature child. Other relevant sources of law concerning a "mature child" include:

(a) M.G.L. c. 119, § 21 (child requiring assistance);
(b) M.G.L. c. 210, § 2 (adoptions);
(c) M.G.L. c. 112, § 12F (certain medical treatment);
(d) M.G.L. c. 4, § 7 (general age of majority).

Medical Emergency means any immediately life threatening condition and shall include, but is not limited, to the following conditions.

(a) severe, profuse bleeding
(b) choking, blocked airway
(c) unconsciousness
(d) cardiac arrest

2.00: continued

(e) cardio-vascular accident
(f) any fracture
(g) extensive burns
(h) severe cuts
(i) other similar severe injury
(j) other sudden signs of serious physical illness
(k) any condition where delay in treatment will endanger the life, limb or mental well being of the patient. *See* M.G.L. c. 112, § 12F.

Possibility that a disease may deteriorate to an irreversible condition at an uncertain but relatively distant date is not an emergency. *See In the Matter of Guardianship of Richard Roe, III*, 421 N.E.2d 40, 55; 383 Mass. 415 (1981).

In determining whether a medical emergency exists the relevant time period to be examined begins when the claimed emergency arises, and ends when the individual who seeks to act in the emergency could, with reasonable diligence, obtain parental consent or judicial review, as applicable. *See Roe* at 55.

Mental Health Facility means a public or private facility for the in-patient care or treatment or diagnosis or evaluation of mentally ill persons, except for the Bridgewater State Hospital. *See* M.G.L. c. 123, § 1. Community residential care facilities for children (as defined at 110 CMR 7.120) are not mental health facilities for purposes of 110 CMR.

Neglect means failure by a caregiver, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a disability. This definition is not dependent upon location (*i.e.*, neglect can occur while the child is in an out-of-home or in-home setting.)

No Code order means a medical order regarding a terminally ill patient directing a hospital and its staff not to use heroic medical efforts in the event of cardiac or respiratory failure. Heroic medical efforts include invasive and traumatic life-saving techniques such as intracardial medication, intracardial massage and electric shock treatment. No code orders include "do not resuscitate" orders or orders stated in different language attempting to accomplish substantially the same result as a "no code" order. *See Custody of a Minor*, 385 Mass. 697, 434 N.E.2d 601 (1982).

Non-mandated Reporters are all persons who are not mandated reporters.

Open Referral means that a client may be referred to a provider in any fashion (including client self-referral) and that the provider may thereafter be reimbursed by the Department for delivering the service(s), regardless of how the client was referred to the provider. *Compare*, "Closed Referral".

Outreach means those Department activities conducted in the community to make the community aware of the philosophy of the Department, the variety of social services offered by the Department, the ways to obtain Department services, and the Department's desire to work in conjunction with other community resources and agencies to meet clients' needs. Outreach activity provides a way for the Department to identify existing resources, duplications and gaps in services, and unmet service needs in the community.

Partner means a non-Department entity that is providing cash contributions to a provider, which, when joined with Department funds, result in funding the total cost of one or more services which are provided by a provider.

Person with a Disability means any person who:
(a) has a physical or mental impairment which substantially limits one or more of such person's major life activities,
(b) has a record of such an impairment, or
(c) is regarded as having such an impairment.

2.00: continued

Physical Injury means
(a) death; or
(b) fracture of a bone, a subdural hematoma, burns, impairment of any organ, and any other such nontrivial injury; or
(c) soft tissue swelling or skin bruising depending upon such factors as the child's age, circumstances under which the injury occurred, and the number and location of bruises.

Preadoptive Parent means a person approved by the Department to be an adoptive parent in accordance with 110 CMR 7.200: *Special Provisions Regarding Pre-adoptive Placements.*

Pre-adoptive Parent Applicant means a person who has applied to be an adoptive parent and meets the eligibility criteria established by 110 CMR 7.100: *Eligibility and Recruitment of Foster Parent and Pre-adoptive Parent Applicants* and 7.200: *Special Provisions Regarding Pre-adoptive Placements.*

Pre-adoptive Placement means the provision of substitute care by pre-adoptive parents, pending their adoption of the child placed in substitute care with them.

Provider means any party agreeing by contract with the Department to provide one or more services, or agreeing by a Purchase of Service Agreement to serve Department clients. Some providers provide a comprehensive array of activities and services (investigation, case management, legal services, *etc.*) which parallel those of the Department. Other providers merely provide a single service (day care, counseling, *etc.*)

Region means one of the six geographic regions of the Department of Children and Families.

Regional Director means the director of one of the Regions of the Department of Children and Families.

Routine Medical Care shall include but is not limited to the following:
(a) Allergy Shots.
(b) Blood Pressure Test.
(c) Comprehensive Physical Examination — documenting the finding of an unclothed physical examination including a complete system review pertinent to the age of the child, fundoscopic examination of the eyes for children five years of age or older, and observation of the teeth and gums for children three years of age or older.
(d) Dental Care.
(e) Developmental Assessment — the child's current levels of functioning in the below-listed areas, as appropriate to the child's age.
1. gross motor development, including strength, balance, and locomotion
2. fine motor development, including eye-hand coordination
3. language development, including expression, comprehensive and articulation
4. self-help and self-care skills
5. social interaction and emotional development
6. cognitive skills, including problem-solving and reasoning abilities

(f) Diseases Dangerous to the Public Health, Treatment of. *See* M.G.L. c. 112, § 12F and 105 CMR 300.100: *Diseases Reportable to Local Boards of Health*
(g) Drug Dependency Treatment. *See* M.G.L. c. 112, § 12E.
(h) Family Planning Services. *See* 130 CMR 421.00: *Family Planning Agency Services.*
(i) Fractures, Treatment of
(j) Hearing Test.
(k) Immunization — against diphtheria, pertussis, tetanus, measles, poliomyelitis, mumps, rubella and such other communicable diseases as may be specified by the Department of Public Health. *See* M.G.L. c. 76, § 15.
(l) Laboratory Tests and Special Medical Studies — when determined by the examining physician to be necessary.
(m) Lead Poisoning Test.
(n) Nutritional Status Assessment — the evaluation of the child's nutritional health in light of dietary practice and the entire health assessment (that is, history, physical examination, height and weight measurements, and the laboratory tests) and documentation of any nutritional disturbance or dysfunction.

2.00: continued

(o) Pelvic Examination.
(p) Pregnancy Treatment — except abortion or sterilization. *See* M.G.L. c. 112, § 12F.
(q) Preventive Health Services.
(r) Psychiatric Assessment, Evaluation, or Treatment on out-patient basis, or up to 90 days on in-patient basis.
(s) Treatment – commonly prescribed for a specific physical illness, which treatment does not pose risks of permanent serious side effects or risk of death, *See Custody of a Minor*, 375 Mass. 733, 379 N.E.2d 1053, 1064 (1978) or is determined not to be extraordinary medical treatment by using the analysis outlined in 110 CMR.
(t) Tubercular Skin Test or Chest X-ray.
(u) Sexually Transmitted Disease Treatment. *See* M.G.L. c. 112, § 12F.
(v) Vision Test.

Sterilization means any medical procedure, treatment, or operation intended to render an individual permanently incapable of reproducing. *See Matter of Moe*, 385 Mass. 555, 002 N.E.2d 712, 716 ft. 3 (1982); 130 CMR 485.402: *Definitions*.

Substitute Care means the provision of planned, temporary 24-hour per day care when the parent or principal caregiver is unable or unavailable to provide care on a daily basis. Substitute care encompasses the provision of foster care, community residential care, and supervised independent living. The Department shall protect and promote the basic principle that every child has a right to permanent family by providing substitute care which is time-limited, community-based and in the least restrictive setting possible.

Substitute Judgment means a decision regarding proposed health care made for an individual incapable of consenting to his or her own health care, which would be made by the incapable individual if he or she were capable, taking into account his or her actual interests and preferences and also his or her present and future incapability. *See Rogers v. Commissioner of Dept. of Mental Health*, 390 Mass. 489 (1983).

Support means to find after an investigation that there is reasonable cause to believe a report that a child has suffered abuse or neglect inflicted by a caregiver.

Unsupport means to find after an investigation a lack of reasonable cause to believe a report that a child has suffered abuse or neglect inflicted by a caregiver.

Volunteer means any person who gives his or her services to the Department without any express or implied promise of remuneration.

Ward means a person who has been adjudicated incompetent and for whom a guardian has been appointed by a Probate Court in accordance with M.G.L. c. 190B.

REGULATORY AUTHORITY

110 CMR 2.00: M.G.L. c. 18B, §§ 3, 7(i); c. 119, §§ 37, 51B(j).

Docket # 387

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Notice of Correction

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **205 CMR 138.00**

CHAPTER TITLE: **Uniform standards of accounting procedures and internal controls**

AGENCY: **Massachusetts Gaming Commission**

ORIGINAL PUBLICATION REFERENCE: **1492** *Date:* **3/31/23**

SUMMARY OF CORRECTION:

205 CMR 138 was filed by emergency in March of 2023. The version published on March 31, 2023, was missing sections 205 CMR 138.46(5)(c) and (d) as well as the entirety of 205 CMR 138.46(6). This language was included in the draft language approved for promulgation by the Commission. The purpose of amending 205 CMR 138 at that time was in connection with the upcoming introduction of sports wagering. The language was never intended to be deleted, which you can see based upon the fact that the sections numbers jump from (5) to (7) in the current published version. The language was removed from 205 CMR 138.46 in error, and the correction would add the original intended language that was omitted.

AGENCY CONTACT: **Autumn Birarelli** PHONE: **(617)533-9716**

ADDRESS: **101 Federal Street, 12th Floor, Boston MA 02110**

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: SIGNATURE ON FILE DATE: **Mar 27 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **3/9/23**

CODE OF MASSACHUSETTS REGULATIONS

Remove these Pages:	*Insert these Pages:*
496.39 - 496.42	**496.39 - 496.42**

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 3/27/26 CLERK PJM

138.44: continued

(b) The commission shall remove such individual's name from the list established pursuant to 205 CMR 138.44, and update the master list in the database within seven days of receipt of the request.
(c) Upon receipt of notice that such individual's name has been removed from the list, a gaming licensee may reinstate such person's credit upon re-verification of the information required by 205 CMR 138.43(2)(c)1. through 4., or may extend credit to such person in accordance with the procedures set forth in 205 CMR 138.43.

(6) Information furnished to or obtained by the commission pursuant to 205 CMR 138.44 shall be securely maintained. No gaming licensee shall divulge any information relative to the placement of an individual's name on the master list other than to authorized credit department employees at the gaming establishment or to an authorized commission employee.

138.45: Procedure for Depositing Checks Received from Gaming Patrons

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a description of its policies and procedures governing the depositing of checks received from gaming patrons which incorporate, at a minimum, the following:

(1) Unless redeemed or consolidated sooner, all checks received from gaming patrons shall be deposited in the gaming licensee's bank account or presented directly to the patron's bank no later than:
(a) The banking day after the date of the check for a non-gaming check; or
(b) A timeframe prescribed by the gaming licensee as part of its policy, submitted in accordance with 205 CMR 138.02, not to exceed 90 days from the date of the initial check.

(2) In computing a time period prescribed by 205 CMR 138.45, a gaming licensee shall reference 205 CMR 102.05.

(3) In the event of a series of consolidation or redemption transactions with a patron, the initial check shall be the earliest dated check returned to the patron in the first of the series of consolidation or redemption transactions.

(4) Any check deposited into a bank will not be considered clear until a commercially reasonable time, as identified by the gaming licensee in its written protocol, has been allowed for such check to clear the bank.

(5) If a gaming licensee determines, prior to the deposit or presentment of a Counter Check that the bank name, the bank routing number, the patron's bank account number or the micro-encoding number contained on the check are incorrect due to a data entry error (*e.g.*, a misspelling, a wrong number or a transposition of numbers), a check bank cashier may correct the erroneous entry. Such procedure shall include:
(a) A description of the manner in which the error will be corrected by the check bank cashier;
(b) The creation of documentation that will permit both the check bank cashier and the gaming accounting department to identify and compare a copy of the uncorrected check that was originally issued and the corresponding corrected check that was deposited or redeemed;
(c) The written approval of a cage supervisor prior to the alteration of any check by a check bank cashier; and
(d) A prohibition against using 205 CMR 138.45(8) to change the verified bank account on which the Counter Check was originally drawn.

(6) A gaming licensee may include in its policy and procedure provisions in accordance with 205 CMR 138.13 for the discretionary discounting of the amount of an outstanding Counter Check to be redeemed by a patron for any marketing related reasons.

138.46: Procedure for Collecting and Recording Checks Returned to the Gaming Licensee after Deposit

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a description of its policies and procedures governing the collection and recording of checks returned to the gaming establishment after deposit which incorporate, at a minimum, the following:

(1) All dishonored checks returned by a bank after deposit shall be returned directly to the accounting department which shall notify the collections department and provide copies of the returned item(s). The original check will be given the check bank cashier who will control the item. Such employees shall have no incompatible functions.

(2) All debt collection practices must be conducted in accordance with all applicable state and federal laws including 940 CMR 7.00: *Debt Collection Regulations*, M.G.L. c. 93A, § 2, and M.G.L. c. 93, § 49. Provided, further, that a gaming licensee's debt collection policy shall:

(a) not allow for placement of a lien on a patron's primary residence; and

(b) prohibit the commencement of criminal proceedings or other use of criminal process unless the gaming licensee can show that there were insufficient funds in the patron's account at the time the patron signed the counter check. Gaming licensees are prohibited from selling or pledging as collateral any debt owed to the gaming licensee as a result of a gaming loss, including the failure to pay off a counter check issued under an extension of credit, provided however, a gaming licensee may pledge such gaming debt as collateral for a commercial loan to finance the licensee's gaming operations or may sell such gaming debt in connection with the sale of all of its assets in connection with a change of ownership and/or control of the gaming establishment.

(3) Debt collection shall be limited to key gaming employees or an attorney acting directly on behalf of a gaming licensees; provided, however, that a key gaming employee shall not make any such collections if that employee serves as a junket representative for the gaming licensee. Such procedure shall ensure that any key gaming employee engaged in debt collections does not have any incompatible functions. Any verbal or written communication with patrons regarding collection efforts shall be made with the full knowledge of the collection employees and shall be documented. Provided, 205 CMR 138.46(3) shall not be construed to prohibit marketing personnel licensed to the level of a key gaming employee from discussing with a patron the status of the patron's outstanding counter checks provided that any such communication is with full knowledge of the collection employees and is documented.

(4) Continuous records of all returned checks shall be maintained by accounting department employees with no incompatible functions. Such records shall include, at a minimum, the following:

(a) The date of the check;

(b) The name and address of the drawer of the check;

(c) The amount of the check;

(d) The date(s) the check was dishonored;

(e) The Counter Check serial number for Counter Checks; and

(f) The date(s) and amount(s) of any collections received on the check after being returned by a bank, including the date(s) and amount(s) of any complimentary cash gifts applied as payment on the check after being returned by a bank.

(5) If a gaming licensee determines that a Counter Check was returned by a bank because the bank name, the bank routing number, the patron's bank account number or the micro-encoding number contained on the check was incorrect due to a data entry error (*e.g.*, a misspelling, a wrong number or a transposition of numbers), a check bank cashier may correct the erroneous entry and cause the check to be re-deposited. Any such procedure shall, at a minimum, include:

(a) A description of the manner in which the error will be corrected by the check bank cashier;

(b) The creation of documentation and control procedures that will permit both the check bank cashier and the gaming accounting department to identify and compare a copy of the uncorrected check that was originally deposited and the corresponding corrected check that was re-deposited.

(c) The written approval of a cage supervisor prior to the alteration of any check by a check bank cashier; and

(d) A prohibition against using 205 CMR 138.46(5) as a basis to change the verified bank account on which the Counter Check was originally drawn.

138.46: continued

(6) Statements shall be sent to patrons and the collections department at the gaming establishment, by accounting department employees with no incompatible functions, in a reasonably prompt manner upon initial receipt of a returned check or immediately upon receipt of a check returned for a second time if the check was immediately re-deposited pursuant to 205 CMR 138.46(5), and such statements shall include, but not be limited to, the following:

(a) The name and address of the drawer;
(b) The date of the check;
(c) The amount of the check; and
(d) The date(s) and amount(s) of any collections received on the check after being returned by the bank.

(7) Patrons to whom statements are sent shall be advised of a contact telephone number, a return address and the department to which replies shall be sent.

(8) Employees with no incompatible functions shall receive directly and shall initially record all collections.

(9) Copies of statements and other documents supporting collection efforts shall be maintained and controlled by accounting department employees.

(10) A record of all collection efforts shall be recorded and maintained by the collection area within the accounting department.

(11) Listings of uncollectible checks shall be approved in writing by, at a minimum, the chief executive officer or the chief gaming executive, a key gaming employee identified and approved by the commission as part of the gaming licensee's system of internal controls, and the controller or the person to whom the controller directly reports; provided that, with the exception of the chief executive officer and chief gaming executive, none of the foregoing persons shall also have the authority to approve credit. All such uncollectible checks and listings shall be maintained and controlled by accounting department employees. A continuous trial balance of all uncollectible checks shall be maintained by employees of the accounting department. The continuous trial balance shall be adjusted for any subsequent collections.

138.47: Automated Teller Machines (ATM)

(1) Use and operation of an Automated Teller Machine (ATM) or electronic branch, as defined by M.G.L. c. 167B, § 1, within a gaming establishment is governed by M.G.L. c. 167B and 209 CMR: *Division of Banks and Loan Agencies*.

(2) No ATM or electronic branch, as defined by M.G.L. c. 167B, § 1, shall be located closer than 15 feet from the gaming area, simulcasting area, Sports Wagering Area, or Sports Wagering Area in a gaming establishment or Sports Wagering Facility.

(3) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures that identify reasonable measures to be implemented that are tailored to inhibit the initiation and processing of any transaction allowing for the use of a card or card equivalent issued by a financial institution to obtain cash from a line of credit (*e.g.*, credit card cash advance) in the gaming establishment by either an ATM or any other means. Such reasonable measures shall include, but not be limited to:

(a) The conspicuous placement of signage on an ATM indicating that use of credit cards is prohibited;
(b) Ensuring that an ATM does not offer to a user any transaction option that is designed to enable the patron to obtain cash from a line of credit (*i.e.* no option to press a "credit card" or "cash advance" button); and
(c) Ensuring that no transaction in which a card or card equivalent issued by a financial institution is being used to obtain cash from a line of credit is, in whole or part, initiated or processed at the cage or elsewhere in the gaming establishment, by any employee or anyone else.

(4) No data relative to an individual patron that is collected by an ATM or electronic branch may be sold, transmitted, or otherwise used for marketing purposes by a gaming licensee or provider of such device.

138.48: continued

(1) Immediately prior to the commencement of the count process, a count room supervisor shall:

(a) Obtain a preliminary master game report which shall list forms and documents related to the table drop box count that were entered into the computer system at the time of preparation;

(b) Reconcile the number of boxes recorded on the drop box verification form to the number of boxes secured in the trolley;

(c) Remove the emergency drop box log and reconcile the log to the boxes removed from the emergency drop box cabinet or trolley; and

(d) Document any unresolved discrepancies on a two-part Drop Variance Report, the original of which shall be delivered to the IEB and the duplicate placed in the locked accounting box.

(2) A gaming licensee shall open, count and record the contents of each drop box in the soft count room except that an emergency slot cash storage box may be held and counted on the regularly scheduled count for the slot machine from which it originated. For currency, gaming vouchers, and coupons, a gaming licensee shall perform a second count to obtain the aggregate total of each denomination of currency and coupon, and the total number of gaming vouchers counted. The counts shall be independent of each other and access to the result of the first count shall not be available to the employee performing the second count until completion of the second count. At the completion of the second count, a comparison of the two counts shall be made and any discrepancies resolved by the count team supervisor.

(3) A gaming licensee shall use a counting machine, to be identified in the internal controls, to count currency, gaming vouchers, and coupons. An alternative procedure shall be provided in the event that a counting machine cannot be used due to mechanical failure or other emergent situation.

(a) A gaming licensee may use one counting machine that automatically provides the counts required in 205 CMR 138.48(2) of the items at different stages of the counting process. If the counts are not in agreement, the machine shall document the discrepancy and cease operation until the discrepancy is resolved by a count team member.

(b) If a gaming licensee does not use a counting machine described in 205 CMR 138.48(3)(a), two different counting machines shall be used. Upon completion of the count using the first machine, the cash storage bins or cassettes shall be emptied and displayed to the full view of a closed circuit television camera to assure that the contents have been emptied. The second machine count shall be performed to verify the totals of the first machine. If the counts are not in agreement, the count team shall resolve the discrepancy before continuing the second count.

(c) Each machine shall generate a report at the completion of its count documenting the following:

1. The total of each denomination of currency;
2. The total of all currency;
3. The total number of gaming vouchers;
4. The total number and amount of coupons for which the count machine can determine the value of the coupon (machine count coupons); and
5. The total number of coupons for which the count machine cannot determine the value of the coupon (manual count coupons).

(4) A test count shall be conducted prior to the start of the first use of each counting machine, each gaming day, and prior to each count. The count room supervisor shall:

(a) Verify that the counting machine has a zero balance on its display and cause a receipt to be printed which denotes 0 cash, gaming vouchers or coupons on hand, and 0 notes, gaming vouchers or coupons in the machine, or other approved means to indicate that the machine has been cleared of all currency, gaming vouchers and coupons;

(b) Visually check the counting machine to be sure there are no bills, gaming vouchers or coupons remaining in the various compartments of the machine;

Docket # 444

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Notice of Correction

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **205 CMR 238.00**

CHAPTER TITLE: **Additional uniform standards of accounting procedures and internal controls for sports wagering**

AGENCY: **Massachusetts Gaming Commission**

ORIGINAL PUBLICATION REFERENCE: **1569** *Date:* **3/13/26**

SUMMARY OF CORRECTION:

205 CMR 238.21 contains a typographical error in the title of the section. It currently reads as "238:21: Patron Protection Information" and should be changed to "238.21: Patron Protection Information" to fix the typo. The use of a colon rather than a period to separate the chapter and section numbers was a clerical error. Additionally, 205 CMR 238.45(1) contains a reference to 205 CMR 138.73. There is a typographical error in this section as there is no space between CMR and the chapter number. There is also a clerical error as the reference lists the chapter title for 205 CMR 138.00 rather than the section title for 205 CMR 138.73. The correction addresses the typo and lists the section title for 205 CMR 138.73.

AGENCY CONTACT: **Autumn Birarelli** PHONE: **(617)533-9716**

ADDRESS: **101 Federal Street, 12th Floor, Boston MA 02110**

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: SIGNATURE ON FILE DATE: **Mar 27 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **3/13/26**

CODE OF MASSACHUSETTS REGULATIONS

Remove these Pages:	*Insert these Pages:*
744.9 & 744.10 **744.21 & 744.22**	**744.9 & 744.10** **744.21 & 744.22**

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 3/27/26 CLERK PJM

238.17: continued

(2) Up to date training of employees in the identification of unusual or suspicious transactions;

(3) Assigning an individual or individuals to be responsible for all areas of AML by the Sports Wagering Operator, including reporting unusual or suspicious transactions;

(4) Use of any automated data processing systems to aid in assuring compliance; and

(5) Periodic independent tests for compliance with a scope and frequency as required by the Commission. Logs of all tests shall be maintained and available for Commission inspection upon request.

238.18: Integrity Monitoring/Suspicious Behavior

(1) A Sports Wagering Operator shall implement integrity monitoring procedures. These procedures may be provided in-house by a unit capable of performing this function with appropriate segregation of functions and reporting duties, or by a licensed Sports Wagering Vendor.

(2) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include provisions for a Sports Wagering Operator to, within a reasonable timeframe approved by the Commission, report the following to the Commission:

(a) Any facts or circumstances related to the operation of a Sports Wagering Operator that constitute a violation of state or federal law and also promptly report to the appropriate state or federal authorities any suspicious betting over a threshold set by the Sports Wagering Operator, as approved by the Commission;

(b) Any information regarding irregularities in volume or changes in odds that could signal suspicious activities which were identified in accordance with M.G.L. c. 23N, § 12(a)(i);

(c) Any information relating to criminal or disciplinary proceedings commenced against the Sports Wagering Operator in connection with its operations;

(d) Any information relating to the following, which shall also be reported to the relevant Sports Governing Body:

1. Abnormal betting activity or patterns that may indicate a concern with the integrity of a Sporting Event;
2. Any potential breach of the internal rules and codes of conduct pertaining to Sports Wagering of a relevant Sports Governing Body;
3. Any other conduct that corrupts a betting outcome of a Sporting Event for purposes of financial gain including, but not limited to, match-fixing;
4. Suspicious or illegal Wagering activities, including, but not limited to, use of funds derived from illegal activity, Wagers to conceal or launder funds derived from illegal activity, use of agents to place Wagers, and use of a false identification;
5. Complaints of an athlete engaging in prohibited wagering conduct.

(3) A Sports Wagering Operator shall maintain the confidentiality of information provided by a Sports Governing Body, and a Sports Governing Body shall maintain the confidentiality of information provided by a Sports Wagering Operator for purposes of investigating or preventing the conduct described in 205 CMR 238.18(2)(e), unless:

(a) disclosure is required by M.G.L. c. 23N, the Commission, other law or court order;

(b) disclosure is required by agreement with an applicable players' associations or collective bargaining unit;

(c) the Sports Governing Body or Sports Wagering Operator consents to disclosure;

(d) disclosure is necessary for the Sports Governing Body to conduct and resolve integrity-related investigations; or

(e) the Sports Governing Body deems in its reasonable judgment that disclosure is necessary to maintain the actual or perceived integrity of its sporting events.

(4) A Sports Wagering Operator receiving a report of suspicious betting activity may suspend Wagering on Sporting Events or Wager categories identified in the report, and may place a hold on suspicious Wagers while investigating such suspicious Wagers, but may only cancel or void Sports Wagers related to the report after receiving approval from the Commission.

238.18: continued

(5) Upon request by the Commission or its designee, a Sports Wagering Operator shall provide remote, read-only access and the necessary software and hardware for the Commission to evaluate or monitor, at a minimum, the Sports Wagering Platform and the following:

(a) All reports of abnormal betting activity;

(b) If the abnormal betting activity was subsequently determined to be suspicious or illegal Wagering;

(c) All reports deemed suspicious or illegal Wagering activity; and

(d) The actions taken by the Sports Wagering Operator according to its integrity monitoring procedures.

(6) A Sports Wagering Operator shall use commercially reasonable efforts to cooperate with investigations conducted by Sports Governing Bodies or law enforcement agencies, including, but not limited to, using commercially reasonable efforts to provide or facilitate the provision of anonymized betting information and audio or video files relating to Persons placing Wagers pursuant to M.G.L. c. 23N, § 11(h) and (i). All disclosures pursuant to 205 CMR 238.18(5) are subject to the Sports Wagering Operator's obligation to comply with all federal, state and local laws and regulations, including, but not limited to, laws and regulations relating to privacy and Confidential Information or Personally Identifiable Information.

(7) If required pursuant to M.G.L. c. 23N, § 11(i) or (j), a Sports Wagering Operator shall share with the Commission or the Sports Governing Body or its designee, in a frequency, form and manner to be approved by the Commission, the anonymized betting information required in M.G.L. c. 23N, § 11(i) with respect to Sports Wagers on Sporting Events of the Sports Governing Body. Nothing in 205 CMR 238.18 shall require a Sports Wagering Operator to provide any information that is prohibited by federal, state or local law or regulation, including, but not limited to, laws and regulations relating to privacy, Confidential Information or Personally Identifiable Information.

(8) A Sports Wagering Operator shall maintain records of all integrity monitoring services and activities, including all reports of abnormal or suspicious betting activity and any supporting documentation, for a minimum of five years.

(9) The Commission may require a Sports Wagering Operator to provide to the Commission, or to an independent testing laboratory approved by the Commission, any hardware or software necessary for the evaluation of its Sports Wagering offering or to conduct further monitoring of Sports Wagering data.

238.19: Responsible Gaming and Problem Gaming Plan

(1) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall contain a Responsible Gaming and Problem Gaming Plan as set forth in 205 CMR 233.06(6).

(2) At least once every three years, each Responsible Gaming and Problem Gaming Plan shall be subject to an independent audit, as assessed by industry standards and performed by a third-party auditor approved by the Commission, which review shall be paid for by the Sports Wagering Operator.

238.20: Protection of Minors and Underage Youth

The system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include the internal policies and procedures as required in 205 CMR 250.00: *Protection of Minors and Underage Youth*.

238.21: Patron Protection Information

(1) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall provide for the prominent display of patron protection information outlined in 205 CMR 243.01: *Standards for Sports Wagering Equipment*, including the telephone number and website for a problem gambling hotline overseen by the department of public health approved by the Commission pursuant to M.G.L. c. 23N, § 4(d)(3).

238.40: continued

(5) The procedures for authorizing and auditing out-of-state test activity.

238.41: Sports Wagering Accounting Requirements

The system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include Sports Wagering accounting procedures designed to ensure that the Sports Wagering Operator's wagering activities are accurately and timely recorded and reported. Specifically, the policies and procedures shall comport with 205 CMR 243.01: *Standards for Sports Wagering Equipment* and must address:

(1) The procedures and security for the daily calculation and recording of gross Sports Wagering receipts, Adjusted Gross Sports Wagering Receipts and winnings.

(2) The policies and procedures in connection with the internal audit department of its Sports Wagering Operations.

(3) The procedure for the recording of and reconciliation of Sports Wagering transactions.

238.42: Commission Access to Sports Wagering Data

A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall detail the controls to assure that all data the Commission requires to be maintained under M.G.L. c. 23N or 205 CMR is appropriately segregated and controlled to prevent unauthorized access. Sports Wagering Operators must provide the Commission with access to all such data, upon request, within a time provided for by the Commission. A Sports Wagering Operator must retain such data for a minimum of five years.

238.43: Reports of Sports Wagering Operations

A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall detail the Sports Wagering Operator's ability to maintain daily records and must be able to prepare reports supporting gross Sports Wagering receipts and Adjusted Gross Sports Wagering Receipts, wagering liability, payouts, and any other reports considered necessary by the Commission. The Sports Wagering Operator shall timely file with the Commission any additional reports required by M.G.L. c. 23N or by any rule or regulation.

238.44: Data and Network Security Requirements

(1) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall ensure compliance with all applicable state and federal requirements for data and network security including 205 CMR, M.G.L. c. 93H, M.G.L. c. 93I, 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*, and any other applicable law, regulation or order of a governmental body.

(2) Pursuant to M.G.L. c. 23N, § 11(a)(v), a Sports Wagering Operator shall employ commercially reasonable methods to maintain the security of Wagering data, Confidential Information and other Personally Identifiable Information from unauthorized access and dissemination; provided, however, that nothing in M.G.L. c. 23N or 205 CMR shall preclude the use of internet or cloud-based hosting of such data and information or disclosure as required by court order, other law or M.G.L. c. 23N; and provided further, that such data and information shall be hosted in the United States.

(3) Internal and external network vulnerability scans shall be run at least quarterly and after any significant change to the Sports Wagering Platform or network infrastructure. Testing procedures must verify that four quarterly internal and scans took place in the past 12 months and that re-scans occurred until all "Medium Risk" (CVSS 4.0 or Higher) vulnerabilities were resolved or accepted *via* a formal risk acceptance program. Internal scans should be performed from an authenticated scan perspective. External scans can be performed from an uncredentialed perspective.

238.44:   continued

(a)   The quarterly scans may be performed by either a qualified employee of the Sports Wagering Operator or a qualified independent technical expert selected by the Sports Wagering Operator and subject to approval of the Commission in accordance with 205 CMR 243.01: *Standards for Sports Wagering Equipment*.
(b)   Verification of scans must be submitted to the Commission on a quarterly basis and must include a remediation plan and any risk mitigation plans for those vulnerabilities not able to be resolved.

238.45:   Confidential Information and Personally Identifiable Information Security

(1)   Any information obtained in respect to Sports Wagering or the Sports Wagering Account, including Confidential Information and Personally Identifiable Information and authentication credentials, shall be collected, maintained, stored and secured in compliance with the privacy policies and 205 CMR138.73: *Personally Identifiable Information and Confidential Information Security* and any other policies in 205 CMR , M.G.L. c. 93H, M.G.L. c. 93I, 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*, and any other applicable law, regulation or order of a governmental body. Confidential Information, Personally Identifiable Information and the Sports Wagering Account funds shall be considered as critical assets for the purposes of risk assessment.

(2)   No employee or agent of the Sports Wagering Operator shall divulge any Confidential Information or Personally Identifiable Information related to a Sports Wagering Account, the placing of any Wager or any other sensitive information related to the operation of Sports Wagering except as required or permitted by 205 CMR 238.45 or elsewhere explicitly permitted in 205 CMR, the Commission or other authorized governmental agencies, including:
(a)   The amount of money credited to, debited from, withdrawn from, or present in any particular Sports Wagering Account;
(b)   The amount of money Wagered by a particular patron on any event or series of events;
(c)   The unique patron ID or username and authentication credentials that identify the patron;
(d)   The identities of particular Sporting Events on which the patron is Wagering or has Wagered; and
(e)   Unless otherwise authorized by the patron, the name, address, and other Personally Identifiable Information or Confidential Information in the possession of the Sports Wagering Operator that would identify the patron to anyone other than the Commission or the Sports Wagering Operator, provided, however, that such authorization must be clear, conspicuous, and received apart from any other agreement or approval of the patron. Acceptance of general or broad terms of use or similar documents that purport to permit the sharing of Personally Identifiable Information or Confidential Information in the same document shall not constitute adequate authorization, not shall hovering over, muting, pausing, pre-selecting, or closing a given piece of content without affirmatively granting consent; or purported agreement. Further, no authorization shall be deemed to be a waiver of any of the patron's other rights. The option to withdraw such consent must be clearly and conspicuously available to the patron online through any patron account page on the Sports Wagering Operator's website and within any Sports Wagering mobile application. A patron shall not be required to confirm withdrawal of consent more than once, and no intervening pages or offers will be presented to the patron before such confirmation is presented to the patron.

238.46:   Reprints of Sports Wagering Tickets and Vouchers

A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall detail procedures to reprint tickets or vouchers that fail to print at either a Ticket Writer Station or Sports Wagering Kiosk. Such procedures shall include a requirement of supervisory authorization for the reprint.

238.47:   Validation and Payout of Sports Wagering Tickets and Vouchers

A system of Internal Controls submitted by a Sports Wagering Licensee in accordance with 205 CMR 238.02 shall include the necessary controls in place for validation and payment of prizes and to prevent fraud related to unclaimed winning Sports Wagering tickets and vouchers.

Docket # 433

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Notice of Correction

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **205 CMR 239.00**

CHAPTER TITLE: **Continuing disclosure and reporting obligations of sports wagering licensees**

AGENCY: **Massachusetts Gaming Commission**

ORIGINAL PUBLICATION REFERENCE: **1558** *Date:* **10/10/25**

SUMMARY OF CORRECTION:

There is a typographical error in 205 CMR 239.03(j). The current text cites the statute as "M.G.L. c. 23N, § 4(2)(vii)," when it should read as "M.G.L. c. 23N, § 4(d)(2)(vii)." The omission of the (d) in the statute citation was a clerical error.

AGENCY CONTACT: **Autumn Birarelli** PHONE: **(617)533-9716**

ADDRESS: **101 Federal Street, 12th Floor, Boston MA 02110**

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: SIGNATURE ON FILE DATE: **Mar 27 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **10/10/25**

CODE OF MASSACHUSETTS REGULATIONS

Remove these Pages:	*Insert these Pages:*
745 & 746	**745 & 746**

A TRUE COPY ATTEST

William Francis Galvin

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 3/27/26 CLERK PJM

205 CMR 239.00: CONTINUING DISCLOSURE AND REPORTING OBLIGATIONS OF SPORTS WAGERING LICENSEES

Section

239.01: Access to and Maintenance and Production of Operator Records

(1) The Commission shall have access to, and may inspect, the premises of a Category 1 Sports Wagering License or Category 2 Sports Wagering License Operator.

(2) An Operator shall maintain complete, accurate, and legible records of all transactions pertaining to the revenues and costs associated with its Sports Wagering operation, including those required in accordance with 205 CMR. General accounting records shall be maintained on a double entry system of accounting with transactions recorded on the accrual basis. Detailed, supporting, subsidiary records sufficient to meet the requirements of 205 CMR shall also be maintained.

(3) The Commission may request the production of records of an Operator in accordance with the provisions of 205 CMR 142.00: *Regulatory Monitoring and Inspections* and 205 CMR 241.00: *Surveillance and Monitoring*.

239.02: Fiscal Year

The Operator shall establish a fiscal year for accounting purposes and shall advise the Commission of such.

239.03: Reports and Information to Be Filed with the Commission

(1) The following reports and information shall be filed with the Commission, or its designee, in the manner and time provided:

(a) A detailed annual, and at other times as directed by the Commission, statistical report on the number, job titles, benefits, race, gender, veteran status, and salaries of employees hired and retained in employment in the Commonwealth by the Operator;

(b) A detailed annual, and at other times as directed by the Commission, statistical report on the total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises by the Operator. The annual statistical report shall also identify the amounts so contracted as a percentage of the total dollar amounts contracted with and actually paid to all firms;

(c) On an annual basis, and at other times as directed by the Commission, a report explicitly stating the Operator's progress on meeting each of the stated goals and stipulations put forth in its application for a Sports Wagering Operator License;

(d) Any reports prescribed by the Commission relative to Occupational Licenses;

(e) Quarterly reports in accordance with 205 CMR 239.05;

(f) Documents and other materials required to be submitted in accordance with the terms of the Sports Wagering Operator License;

(g) An Operator's House Rules, system of internal controls, amendments thereto, and any documents or information required to be submitted in accordance with the approved system of internal controls;

(h) Any declared event of default related to any debt obligation maintained by the Operator, affiliate, holding company or intermediary company thereof shall be immediately reported to the Commission, in writing, along with any plans to address or cure such default;

(i) A bi-monthly (twice per month) disbursement report relative to vendors licensed or registered in accordance with 205 CMR 234.00: *Continuing Disclosure and Reporting Obligations of Sports Wagering Licensees*, which shall contain the same information as is required in a disbursement report filed pursuant to 205 CMR 138.06(2);

(j) An annual problem gaming plan in accordance with M.G.L. c. 23N, § 4(d)(2)(vii);

239.03: continued

(k) Daily, monthly, and annual Adjusted Gross Sports Wagering Receipts and Adjusted Gross Fantasy Sports Receipts remittance and reconciliation reports as required in accordance with 205 CMR 240.00: *Adjusted Sports Wagering Receipts and Adjusted Gross Fantasy Sports Receipts Tax Remittance and Reporting*;
(l) An underage person report containing the information required in accordance with 205 CMR 250.04; and
(m) A quarterly report, covering all complimentary services offered or engaged in by the Operator during the immediately preceding quarter. The reports shall identify regulated complimentary services or items including, but not limited to, food and beverage, hotel and travel accommodations, and promotional Sports Wagering credits. The reports shall be aggregated by, at a minimum, the costs of the complimentary services or items, and the number of people who received each service or item for the quarter. The report shall also document any services or items valued in excess of $2,000 that were provided to patrons, including detailed reasons as to why they were provided. Valuation shall be performed in accordance with M.G.L. c. 23K, § 28(c).

(2) Promptly upon discovery, the Operator shall notify the Commission or its designees assigned to the Operator of any violation, or suspected violation, of M.G.L. c. 23N, 205 CMR, or any Sports Wagering related law and file any requested written report. In accordance with M.G.L. c. 23N, § 12(a)(i), "suspected violations" shall include irregularities in volume or changes in odds that could signal suspicious activities.

(3) An Operator shall promptly notify the Commission or its designees assigned to the Operator if an individual on the voluntary self-exclusion list established in accordance with 205 CMR 233.00: *Sports Wagering Voluntary Self-exclusion* is found to have engaged in Sports Wagering.

239.04: Reports and Information to Be Compiled and Maintained by the Operator

The following reports and information shall be compiled and maintained by the Operator, or where applicable the Operator's holding company, intermediary company, qualifying subsidiary, or entity qualifier thereof, in the manner provided as follows or as required by the governing body responsible for the oversight of the subject information, and shall be made available and provided upon request by the Commission, or its designee:

(1) Up to date records regarding the business structure, capital structure, and controlling interest of the Operator, where applicable, and the Operator's holding company, intermediary company, qualifying subsidiary, or entity qualifier thereof including, at a minimum:
(a) Certified copies of incorporation and formation documents and any amendments thereto;
(b) By-laws, shareholders agreements, governing and/or operating agreements or documents, partnership agreement, intercompany transactions, joint venture agreements, merger and acquisition agreements, and other relevant corporate documents;
(c) Current listing of officers, directors, members, partners;
(d) Minutes of all meetings of shareholders;
(e) Detailed records regarding all record and beneficial owners of any class of non-publicly traded securities, including both equity and debt securities, issued by the Operator, its holding company, intermediary company, qualifying subsidiary or entity qualifier thereof, including the names and addresses of record and beneficial owners of such equity or debt securities, date(s) acquired and the number of equity securities held or face amount of debt securities held, as applicable;
(f) Detailed records regarding all record and beneficial owners of 5% or more of any class of publicly traded securities, including both equity and debt securities, issued by the Operator, its holding company, intermediary company, qualifying subsidiary or entity qualifier thereof, including the names and addresses of record and beneficial owners of such equity or debt securities held in street name or other name, date(s) acquired and the number of equity securities held or face amount of debt securities held, as applicable;
(g) Detailed records regarding distributions to equity holders holding 5% or more of the entity;
(h) Detailed records regarding all remuneration paid to officers, directors, partners and members;
(i) (for the Operator only) Detailed records regarding all capital contributions;
(j) (for the Operator only) Detailed records regarding any equity transfers;

Docket # 446

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **205 CMR 250.00**

CHAPTER TITLE: **Protection of minors and underage youth from sports wagering**

AGENCY: **Massachusetts Gaming Commission**

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

205 CMR 250.00 governs the protections in place to prevent minors and underage youth from engaging in sports wagering.

REGULATORY AUTHORITY: **M.G.L. c. 23N, §§ 4 and 12(d)**

AGENCY CONTACT: **Autumn Birarelli** PHONE: **(617)533-9716**

ADDRESS: **101 Federal Street, 12th Floor, Boston MA 02110**

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

LGAC filed: 1/29/2026
Notice to the Secretary of the Commonwealth:2/13/2026
Publication in the Boston Herald: 2/17/2026

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: **3/10/2026**

FISCAL EFFECT - *Estimate the fiscal effect of the public and private sectors.*

For the first and second year: **0.00**

For the first five years: **0.00**

No fiscal effect: **0.00**

SMALL BUSINESS IMPACT - *M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.*

Date amended small business impact statement was filed: **3/26/2026**

CODE OF MASSACHUSETTS REGULATIONS INDEX - *List key subjects that are relevant to this regulation:*

Massachusetts Gaming Commission, Sports Wagering, Protection of minors

PROMULGATION - *State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:*

Amends 205 CMR 250.00.

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: SIGNATURE ON FILE DATE: **Mar 27 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **4/10/26**

CODE OF MASSACHUSETTS REGULATIONS

Remove these Pages:	*Insert these Pages:*
831 & 832	**831 & 832**

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 3/27/26 CLERK PJM

205 CMR 250: PROTECTION OF MINORS AND UNDERAGE YOUTH FROM SPORTS WAGERING

Section

250.01: Preventing Sports Wagering by Underage Persons

(1) Each Sports Wagering Operator shall implement policies, procedures and practices designed to prevent Persons younger than 21 years old, except for an employee 18 years of age or older solely acting in the performance of the employee's duties, from:
(a) Entering a Sports Wagering Area or Sports Wagering Facility;
(b) Placing a bet at a Sports Wagering Kiosk; or
(c) Holding a Sports Wagering Account.

(2) Each Sports Wagering Operator shall submit a written policy that includes the policies, procedures and practices described in 205 CMR 250.01(1) and (5) including, but not limited to, measures to prevent minors and underage youth from placing a Sports Wager at a Sports Wagering Kiosk, for Commission approval at least 30 days before the Sports Wagering Operator begins accepting bets from individuals participating in Sports Wagering from Massachusetts. The Commission shall review the plan, and if approved, the plan shall be implemented and followed by the Sports Wagering Operator. If the plan is not approved, the Commission may withhold issuance of an Operations Certificate until the Sports Wagering Operator has submitted a new policy that is approved by the Commission.

(3) The Commission shall review each Sports Wagering Operator's written policy at least once a year.

(4) If a Sports Wagering Operator amends its written policy prior to the Commission's annual review, the Sports Wagering Operator shall submit an amended written policy for Commission approval within 30 days of amending the written policy. The Sports Wagering Operator shall not implement the amended written policy until the Commission approves the amended written policy. While the Commission reviews the amended written policy, the Sports Wagering Operator shall continue to implement the written policy most recently approved by the Commission.

(5) The policies, procedures and practices shall include but not be limited to an ongoing program of training for personnel at the gaming establishment or Sports Wagering Facility, or for personnel who are responsible for regulating access to a Sports Wagering Platform, that emphasizes the responsibility of those personnel for identifying and preventing Sports Wagering by persons younger than 21 years old.

(6) In cooperation with the Commission, and where reasonably possible, the Sports Wagering Operator shall determine the amount wagered by a Person younger than 21 years old. Identifiable winnings or losses arising as a result of such prohibited Sports Wagering shall be paid to the Commission for deposit into the Sports Wagering Fund within 45 days established in M.G.L. c. 23N, § 17.

250.02: Monitoring the Premises for Unattended Minors

Sports Wagering Operators shall be subject to the same responsibilities regarding the monitoring of parking areas and the safety of minors on the premises of a gaming establishment or Sports Wagering Facility as gaming licensees as set forth in 205 CMR 150.02: *Monitoring the Premises for Unattended Minors*.

250.03: Preventing the Service of Alcohol to Underage Persons

Each Sports Wagering Operator shall implement policies, procedures and practices in accordance with 205 CMR 138.12: *Alcoholic Beverage Control* to prevent the service of alcoholic beverages to underage Persons upon the premises of the gaming establishment or Sports Wagering Facility.

250.04: Reporting Requirements Related to Minors and Underage Persons

Each Sports Wagering Operator shall submit an underage Person report to the bureau by the tenth day of each month reporting the following information for the previous month, as applicable to either in-person or mobile Sports Wagering operators:

(1) The number of Persons younger than 21 years old found in the Sports Wagering Facility;

(2) The number of Persons younger than 21 years old found Sports Wagering or attempting to Sports Wager in the Sports Wagering Area, including but not limited to, wagering on a Sports Wagering Kiosk;

(3) The number of Persons younger than 21 years old found Sports Wagering or attempting to Sports Wager on a Sports Wagering Platform;

(4) The number of Persons younger than 21 years old found consuming or attempting to consume alcohol in the Sports Wagering Area or Sports Wagering Facility;

(5) The number of Persons younger than 21 years old turned over to the proper law enforcement authority by the Sports Wagering Operator; and

(6) The number of Persons younger than 21 years old escorted from the Sports Wagering Area.

REGULATORY AUTHORITY

205 CMR 250.00: M.G.L. c. 23N, §§ 4, 13(d), 13(e)(2).

Docket # 509

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Notice of Compliance

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **321 CMR 3.00**

CHAPTER TITLE: **Hunting**

AGENCY: **Division of Fisheries & Wildlife**

THIS REGULATION WAS ORIGINALLY FILED AS AN EMERGENCY:

Published in Massachusetts Register Number: **1564** Date: **1/2/26**

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Fisheries and Wildlife Board 3/18/26

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: **2/23/26**

SMALL BUSINESS IMPACT - *M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.*

Date amended small business impact statement was filed: **3/19/26**

AGENCY CONTACT: **James Burnham** PHONE: **5083896343**

ADDRESS: **Division of Fisheries and Wildlife - MassWildlife, 1 Rabbit Hill Road, Westborough, MA 01581**

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: **SIGNATURE ON FILE** DATE: **Mar 19 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **12/19/25**

CODE OF MASSACHUSETTS REGULATIONS

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43 - 46	**43 - 46**

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William Francis Galvin

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 3/25/26 CLERK PJM

3.02: continued

Baited Area means any area where baiting has taken place and such area shall remain a baited area for the period from ten days prior to the opening of the exclusive archery season as provided in 321 CMR 3.02(4)(b)2. to 12:00 P.M. on the day following the close of the exclusive primitive firearms season as provided in 321 CMR 3.02(4)(b)4.

Baiting means the deliberate placing, depositing, distributing, or scattering of bait so as to constitute for deer a lure, attraction, or enticement to or on any area where hunters are attempting to take them. Food sources deposited by natural vegetation, from agricultural or gardening practices, or standing crops planted and left as wildlife food plots do not constitute baiting.

Barrel Length means that portion of a firearm through which shot is driven, guided, or stabilized.

Bow and Arrow means a bow and arrows of the type and design specified for the hunting of deer, bear, and wild turkey pursuant to 321 CMR 3.01(3).

Caplock means only a type of gunlock that ignites the charge by means of a spark produced by a spring-actuated external cock or hammer directly striking a percussion cap which is placed over a nipple which transmits the flame of the percussion cap to the powder.

Decoy means an artificial or natural replica or silhouette of a deer, including taxidermy mounts and preparations of a like nature as well as live deer held under restraint.

Director means the Director of the Division of Fisheries and Wildlife or their agent.

Flintlock means only a type of gunlock that ignites the charge by means of a spark produced by a spring-actuated cock or hammer striking a piece of flint against a vertical, pivoted striking plate.

Grunt Tube means a breath-powered, mouth-operated, non-electronic calling device which mimics deer vocalizations, the purpose of which is to attract deer pursuant to the lawful hunting thereof.

Lead Projectile means a round ball, Minie or Maxi bullet, or other spherical or conical projectile composed of lead, lead-antimony, or similar alloys. Notwithstanding the foregoing, saboted projectiles are lawful, regardless of the composition of the sabots

Loaded from the Muzzle or Muzzle-loading means, with respect to a primitive firearm, that all the powder, any wadding, and the projectile are placed in the muzzle and forced to the other end of the barrel with the aid of a ramrod.

Loaded Primitive Firearm means a primitive firearm which contains a ball or shot in the muzzle and which, in the case of a flintlock, contains powder in the flash pan, and, in the case of a caplock, has a percussion cap on the nipple.

Online means a Division of Fisheries and Wildlife licensing and game harvest reporting system accessible at the MassWildlife website that allows for automated licensing and game harvest reporting, including issuance of an official seal via the internet.

Permanent Tree Stand means that type of hunting platform or structure (emplaced for any period of time) which is fastened to a tree by nails, bolts, wire, or other fasteners which intrude through the bark into the wood of the tree, or, which is fastened or erected in any manner and is emplaced for a period exceeding 30 days.

Primitive Firearm means a flintlock or caplock firearm, either rifled or smoothbore, fired from the shoulder and loaded from the muzzle, and which has limited range and firepower.

3.02: continued

Scent means an odoriferous substance, natural or artificial, which replicates or mimics the natural odor or bodily secretions of deer or other wild animals, the purpose of which is to attract deer pursuant to the hunting thereof or to mask the body odor or scent of humans hunting deer.

Shotgun Deer Season means that portion of the open season prescribed in 321 CMR 3.02(4)(b)3.

Unloaded Primitive Firearm means a primitive firearm which lacks one or more of the components of a loaded primitive firearm.

Winter Deer Permit means a permit issued by the Director which allows the harvest of one additional antlered or antlerless deer in Wildlife Management Zone 13 or 14 during the winter season.

Youth Deer Hunt means the season, which is to occur on the fourth Saturday following Labor Day, when minors 12 through 17 years old may hunt deer as provided in M.G.L. c. 131, § 14 and 321 CMR 3.02(4)(b)5.

Youth Deer Hunt Permit means a special permit issued by the Director exclusively to minors 12 through 17 years old which allows them to hunt for deer during the Youth Deer Hunt and harvest either an antlered or antlerless deer on Youth Deer Hunt Day or during any open deer season.

Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).

(b) Open Season. The open season shall be in the following periods:

1. Beginning the last Monday in October and ending the following Saturday, any three days of which may be selected by the Director, there shall be a special season for paraplegics exclusively, who may hunt deer by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow. Such hunting shall be limited to those specified areas designated by the Director. During this special season, nothing shall prevent the otherwise lawful hunting of birds and mammals in accordance with established statutes and regulations.

2. In all zones, beginning on the eighth Monday prior to Thanksgiving and ending on the first Saturday after Thanksgiving, all days inclusive, there shall be a special season for archers exclusively and during this period deer may be hunted only by means of a bow and arrow.

3. Beginning the first Monday after Thanksgiving and ending the second Saturday thereafter, all days inclusive except Sunday, deer may be hunted throughout Massachusetts by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow.

4. The primitive firearms period of the open season is intended to provide an opportunity to hunt deer in a manner similar to the way our forefathers hunted in the mid-1800's. The primary consideration is to limit the weapons to a type similar to those in common use during that period of history. Basically, that means a single shot, muzzle-loading firearm with limited range and firepower. Secondarily, the hunter participating in this season should have a relative degree of solitude significantly different from the hunting pressure which is characteristic of the shotgun deer season.

3.02: continued

Beginning the third Monday after Thanksgiving and ending on December 31st, all days inclusive, deer may be hunted only by means of a primitive firearm using a single lead projectile, or by means of a bow and arrow. Black powder (or synthetic substances such as "pyrodex" which are approved for competitive muzzle-loading meets by the National Muzzle Loading Rifle Association) is the only powder to be used during this season. Primitive firearms may have smooth or rifled bores and shall not contain more than one usable barrel. In the case of primitive firearms with double bore barrels, one barrel shall be made inoperative by removal of the nipple and hammer. The caliber of a primitive firearm shall be not less than .44 nor more than .775 and only those primitive firearms having a barrel length of 18 inches or longer shall be permitted. A person shall not, except during the paraplegic, Youth Deer Hunt and shotgun deer seasons, have in his or her possession a shotgun shell loaded with a rifled slug, single ball, buckshot of any size, BB shot or air rifle shot in any place where birds or mammals might be found, except on a skeet, trap or target range between sunrise and sunset, and except for the hunting of waterfowl, or coyote as provided in 321 CMR 2.03. During the primitive firearm season, nothing in 321 CMR 3.02(4) shall prevent the otherwise lawful hunting of birds and mammals in accordance with established statutes and regulations.

5. On the fourth Saturday following Labor Day, which shall be the day of the Youth Deer Hunt, minors 12 through 17 years old who have been issued a Youth Deer Hunt Permit by the Director may hunt for deer by means of a shotgun, not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow. A Youth Deer Hunt Permit must be obtained by the hunter allowing for the harvest of one antlered or antlerless deer in any Wildlife Management Zone, valid on Youth Deer Hunt Day and any day during open deer season provided the relevant season stamps have been obtained by either the holder of the Youth Deer Hunt Permit or accompanying adult. All minors 12 through 14 years old taking part in the Youth Deer Hunt are not required to possess a hunting license or sporting license, but shall possess a Youth Deer Hunt Permit, and be accompanied by a duly licensed adult as required by M. G.L. c. 131, § 14. All minors 15 through 17 years old taking part in the Youth Deer Hunt shall possess both a Massachusetts hunting or sporting license, and a Youth Deer Hunt Permit. All minors, and the adults who accompany said minors during the Youth Deer Hunt, must comply with all applicable law and regulations of the Division, including the provisions of M.G.L. c. 131, §§ 14, 71, 72 and 321 CMR 3.02(4). During the Youth Deer Hunt, it is prohibited to hunt deer in an area where baiting has occurred up to ten days prior to the Youth Deer Hunt season. Nothing in 321CMR 3.02(4) shall preclude the otherwise lawful hunting of birds and mammals in accordance with the applicable law and regulations of the Division during the Youth Deer Hunt season.

6. Beginning on January 1st and ending on February 14th, inclusive, deer may be hunted in Wildlife Management Zones 13 and 14 by means of a primitive firearm, or bow and arrow. Hunters with a valid Winter Deer Permit may harvest an additional antlered or antlerless deer in Wildlife Management Zones 13 or 14 during the winter season.

7. Beginning on the second Monday before the Youth Deer Hunt and ending on the Thursday before the Youth Deer Hunt in Wildlife Management Zones 13 and 14, deer may be hunted only by means of a primitive firearm, or bow and arrow.

(c) A person shall not hunt a deer during any period of the season except between ½ hour before sunrise and ½ hour after sunset Eastern Standard Time.

(d) Bag Limit:

1. In all zones a person shall not kill nor possess more than two antlered deer, except a minor 12 through 17 years old with a valid Youth Deer Permit may kill and possess one additional antlered deer as specified in 321 CMR 3.02(4)(b)5., and a person with a valid Winter Deer Permit for exclusive use in Wildlife Management Zones 13 or 14 as specified in 321 CMR 3.02(4)(b)6. may kill and possess one additional antlered deer.

2. In all zones a person's bag limit of antlerless deer shall be determined by the number of valid antlerless deer permits and attached deer tags that are possessed by such person. Such antlerless deer shall be in addition to the bag limit of antlered deer specified in 321 CMR 3.02(4)(d)1.

3. For the purposes of 321 CMR 3.02(4)(d), antlerless deer may be killed or possessed only in accordance with 321 CMR 3.02(4)(e).

3.02: continued

(e) Antlerless Deer Permit. A person shall not hunt, kill, or possess an antlerless deer in any county, area, or zone unless he or she possesses on their person a valid permit from the Director to do so. However, nothing in 321 CMR 3.02(4)(e) shall prevent a person from killing an antlerless deer during the exclusive season for paraplegics, when so authorized by the Director.

(f) A person shall not make, set, or use any bait, decoy, torchlight or spotlight, trap, or other like device for the purpose of attracting, ensnaring, taking, injuring, or killing a deer, nor hunt by baiting or within any baited area, nor hunt, drive, worry, or disturb any deer with or by the aid of any noise-making device, provided that nothing in 321 CMR 3.02(4)(f) shall be deemed to prohibit the use of scents or of deer antlers or replicas thereof or of grunt tubes as callers or attractants by persons otherwise lawfully hunting deer, and further provided that, notwithstanding the above prohibition, deer decoys may be used for hunting during archery only deer season.

(g) No person, except on land owned or leased by him or her or except with the express written permission of the landowner or his or her authorized agent, shall construct, maintain, occupy, or use a permanent tree stand.

(h) A person killing a deer shall immediately, before transporting or removing the carcass in any manner from where it was killed, complete and attach to the carcass in a conspicuous manner a deer tag supplied with the person's hunting or sporting license or a legally authorized deer permit. The deer tag when affixed to the deer shall be detached from the license or permit. Said deer tag shall remain attached to the deer until the deer is presented to a duly authorized person or deer checking station, at which time said deer tag shall be surrendered upon request to the official agent in charge thereof, or shall remain attached to the deer after being reported online. The provisions of 321 CMR 3.02(4)(h) relative to tagging requirements shall not apply to a person lawfully hunting without a license.

(i) Reserved.

(j) Harvest Reporting: Within 48 hours after killing a deer its harvest shall be reported to the Division of Fisheries and Wildlife by one of the following means:

1. Checking Station: The entire carcass shall be presented by the person who killed the deer to a duly authorized person, or at a deer checking station designated by the Director for the purpose of being recorded and examined for research purposes and to have affixed thereto an official seal in such manner as prescribed by the Director; or

2. Online Reporting: The person who killed the deer shall access the Online system to report the harvest of the deer. The person shall receive an Online system confirmation number, which shall be the official seal issued by the Division of Fisheries and Wildlife, and record the confirmation number on the tag affixed to the deer as prescribed in 321 CMR 3.02(4)(h).

3. The official seal shall remain affixed to the deer until the animal is skinned, cut up, or otherwise prepared for food purposes or for mounting by a taxidermist. The official seal is non-transferable and shall be valid only for the deer or carcass to which it is applied.

4. Any violation of the requirements of 321 CMR 3.02(4)(j) shall be heard in the District Court for the location where the violation occurred.

Docket # 36

THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **957 CMR 3.00**

CHAPTER TITLE: **Assessment on Acute Hospitals, Ambulatory Surgical Center, and Pharmacy Benefit Managers**

AGENCY: **Center for Health Information and Analysis**

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

Governs payments to the Center for Health Information and Analysis from certain Acute Hospitals, Ambulatory Surgical Centers, and Pharmacy Benefit Managers.

REGULATORY AUTHORITY: **MGL c. 12C**

AGENCY CONTACT: **Ross Peterson, Deputy General Counsel** PHONE: **6177018100**

ADDRESS: **501 Boylston St.Boston, MA 02116**

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Massachusetts Municipal Association, 1/16/2026; Executive Office of Housing and Livable Communities, 1/16/2026

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: **2/26/2026**

FISCAL EFFECT - *Estimate the fiscal effect of the public and private sectors.*

For the first and second year: ______________________

For the first five years: ______________________

No fiscal effect: **There is no fiscal impact on cities and towns and no fiscal impact on small businesses.**

SMALL BUSINESS IMPACT - *M.G.L. c. 30A section 5 requires each agency to file an amended small business impact statement with the Secretary of the Commonwealth prior to the adoption of a proposed regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.*

Date amended small business impact statement was filed: **3/24/2026**

CODE OF MASSACHUSETTS REGULATIONS INDEX - *List key subjects that are relevant to this regulation:*

Assessment on Acute Hospitals, Ambulatory Surgical Centers, and Pharmacy Benefit Managers

PROMULGATION - *State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:*

Amend 957 CMR 3.00

ATTESTATION - *The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency.* ATTEST:

SIGNATURE: SIGNATURE ON FILE DATE: **Mar 26 2026**

Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1571** DATE: **4/10/26**

EFFECTIVE DATE: **4/10/26**

CODE OF MASSACHUSETTS REGULATIONS

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A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 3/26/26 CLERK PJM

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957 CMR 3.00: ASSESSMENT ONON ACUTE HOSPITALS, AMBULATORY SURGICAL CENTERS, AND PHARMACY BENEFIT MANAGERS

Section

3.01: General Provisions

(1) Scope and Purpose. 957 CMR 3.00 governs payments to the Center for Health Information and Analysis from certain Acute Hospitals, Ambulatory Surgical Centers, and Pharmacy Benefit Managers.

(2) Applicability. 957 CMR 3.00 applies to Acute Hospitals, Ambulatory Surgical Centers, and Pharmacy Benefit Managers, as defined by 957 CMR 3.00.

(3) Authority. 957 CMR 3.00 is issued pursuant to M.G.L. c. 12C, including but not limited to, §§ 3, 5, 7, and 11.

3.02: Definitions

All defined terms in 957 CMR 3.00 are capitalized. Any other term used in 957 CMR 3.00 but not defined herein shall have the meaning given to the term by M.G.L. c. 12C, other CHIA regulations, or Sub-regulatory Guidance.

As used in 957 CMR 3.00, unless the context requires otherwise the following words shall have the following meanings:

Acute Hospital. The teaching hospital of the University of Massachusetts Medical School and any acute hospital licensed under M.G.L. c. 111, § 51 that contains a majority of medical-surgical, pediatric, obstetric and maternity beds, as defined by the Department of Public Health; provided, however, that state institutions and acute hospitals operated by a city or town are not subject to assessment under 957 CMR 3.00.

Adjudicatory Proceeding. A proceeding before an agency in which the legal rights, duties or privileges of specifically named persons or entities are required by constitutional right or by any provision of the General Laws to be determined after an opportunity for an agency hearing.

Ambulatory Surgical Center. Any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and meets the U.S. Centers for Medicare and Medicaid Services (CMS) requirements for participation in the Medicare Program.

Carrier. An insurer licensed or otherwise authorized to transact accident or health insurance under M.G.L. c. 175; a nonprofit hospital service corporation organized under M.G.L. c. 176A; a nonprofit medical service corporation organized under chapter 176B; a health maintenance organization organized under M.G.L. c. 176G; and an organization entering into a preferred provider arrangement under M.G.L. c. 176I, but not including an employer purchasing coverage or acting on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of the employer; provided that, unless otherwise noted, the term “carrier” shall not include any entity to the extent it offers a policy, certificate or contract that provides coverage solely for dental care services or vision care services.

3.02: continued

CHIA or Center. The Center for Health Information and Analysis as established under M.G.L. c. 12C.

Center Expenses. The amount appropriated by the general court for the expenses of the Center and an amount equal to the cost of fringe benefits and indirect expenses, as established by the Office of the Comptroller, minus amounts collected from:

(a) filing fees;

(b) fees and charges generated by the Center's publication or dissemination of reports and information; and

(c) federal matching revenues received for these expenses or received retroactively for expenses of predecessor agencies.

Claims Subject to Assessment. For purposes of 957 CMR 3.04, claims paid by the Pharmacy Benefit Manager on behalf of carriers for pharmaceutical benefits attributed to residents of the Commonwealth are subject to assessment.

Division. The Division of Insurance established under M.G.L. c. 26.

Gross Patient Service Revenue (GPSR). The total dollar amount of an Acute Hospital's or an Ambulatory Surgical Center's charges for services rendered in a fiscal year.

MassHealth. The medical assistance program administered by the Executive Office of Health and Human Services Office of Medicaid pursuant to M.G.L. c. 118E and in accordance with Titles XIX and XXI of the Federal Social Security Act, and a § 1115 Demonstration Waiver.

Medicare Program. The medical insurance program established by Title XVIII of the Social Security Act.

Payment. A check, draft or other paper instrument, an electronic fund transfer, or any order, instruction, or authorization to a financial institution to debit one account and credit another.

Pharmacy Benefit Manager. An entity defined as such in M.G.L. c. 176Y, § 1.

Presiding Officer. The individual(s) authorized by law or designated by the Center to conduct an Adjudicatory Proceeding.

Provider. Any person, corporation partnership, governmental unit, state institution or any other entity qualified under the laws of the Commonwealth of Massachusetts to perform or provide health care services.

Provider Organization. Any corporation, partnership, business trust, association or organized group of persons, which is in the business of health care delivery or management, whether incorporated or not that represents one or more health care providers in contracting with carriers for the payments of health care services, including but not limited to, physician organizations, physician-hospital organizations, independent practice associations, provider networks, accountable care organizations and any other organization that contracts with carriers for payment for health care services.

Sub-regulatory Guidance. An Administrative Bulletin, notice, manual, guide, or other document, including the *Data Submission Guide* or *Data Specification Manual*, that specifies deadlines, technical submission requirements, or contains methodological explanations and examples to facilitate understanding of and compliance with adopted regulations.

3.03: Acute Hospital and Ambulatory Surgical Center Assessment

(1) General. The Center shall establish an assessment on all Acute Hospitals and Ambulatory Surgical Centers.

(2) Calculation of the Acute Hospital and Ambulatory Surgical Center Assessment Percentage. Using the best information available as determined by the Center, the Center shall calculate an assessment percentage for each Acute Hospital and Ambulatory Surgical Center by dividing each entity's individual GPSR for the most recent fiscal year for which complete data was reported to the Center by the total of all such GPSR reported by all Acute Hospitals and Ambulatory Surgical Centers in the same fiscal year.

(3) Hospital and Ambulatory Surgical Center Assessment Liability. The assessment liability for each Acute Hospital and Ambulatory Surgical Center is the product of:
(a) the assessment percentage as determined in 957 CMR 3.03(2); and
(b) $^{4}/_{10}$ of Center Expenses.

(4) Payment Process.
(a) Unless otherwise specified, each Acute Hospital and Ambulatory Surgical Center shall make a preliminary payment to the Center on October 1st of each year in an amount equal to ½ of the Acute Hospital's or Ambulatory Surgical Center's previous year's total assessment.
(b) Each Acute Hospital and Ambulatory Surgical Center shall pay the balance of its total assessment within 30 days after receiving notice from the Center.
(c) The Center shall, using the best information available as determined by the Center, adjust the assessment to account for any variation in actual Center Expenses and any changes in Acute Hospital or Ambulatory Surgical Center gross patient service revenues.
(d) All assessment payments must be payable to the Commonwealth of Massachusetts in United States dollars and drawn on a United States bank.
(e) All assessment payments shall be made in the form, manner, and format prescribed by the Center, which may include payment through a centralized electronic or online payment portal designated by the Center. The Center may modify or update the required payment method from time to time upon notice to Acute Hospitals and Ambulatory Surgical Centers.

3.04: Pharmacy Benefit Manager Assessment

(1) General. The Center shall establish an assessment on all Pharmacy Benefit Managers licensed pursuant to M.G.L. c. 176Y.

(2) Calculation of the Pharmacy Benefit Manager Assessment Percentage. Using the best information available, as determined by the Center, the Center shall calculate an assessment percentage for each Pharmacy Benefit Manager by dividing the Pharmacy Benefit Manager's Claims Subject to Assessment from the most recent fiscal year for which complete data was reported to the Center or the Division by the total of all such claims paid by all Pharmacy Benefit Managers in the same fiscal year.

(3) Pharmacy Bebefit Manager Assessment Liability. The assessment liability for each Qualifying Surcharge Payor is the product of:
(a) the Pharmacy Benefit Manager Assessment Percentage as determined in 957 CMR 3.04(2); and
(b) $^{1}/_{10}$ of Center Expenses.

(4) Payment Process.
(a) Unless otherwise specified, each Pharmacy Benefit Manager shall make a preliminary payment to the Center on October 1st of each year in an amount equal to ½ of the Pharmacy Benefit Manager's previous year's total assessment.
(b) Each Pharmacy Benefit Manager shall pay the balance of its total assessment within 30 days after receiving notice from the Center.
(c) The Center shall, using the best information available as determined by the Center, adjust the assessment to account for any variation in actual Center Expenses.

3.04: continued

(d) All assessment payments must be payable to the Commonwealth of Massachusetts in United States dollars and drawn on a United States bank.

(e) All assessment payments shall be made in the form, manner, and format prescribed by the Center, which may include payment through a centralized electronic or online payment portal designated by the Center. The Center may modify or update the required payment method from time to time upon notice to Acute Hospitals and Ambulatory Surgical Centers.

3.05: Data Submission Procedures

(1) General. Each Acute Hospital, Ambulatory Surgical Center and Pharmacy Benefit Manager shall file or make available information that is required or that the Center deems reasonably necessary for calculating and collecting the assessment.

By June 30th of each year, each Acute Hospital and Ambulatory Surgical Center shall file a report with the Center that documents its GPSR for the preceding fiscal year.

(2) Sub-regulatory Guidance. CHIA will issue Sub-regulatory Guidance to clarify its requirements, policies, and procedures, including data submission procedures, under 957 CMR 3.00 and to set forth additional details about the financial data and information required to be submitted pursuant to 957 CMR 3.00.

CHIA may also issue Sub-regulatory Guidance to specify or amend data and information required to be submitted; to specify or amend the procedures for submitting data and information; and to specify or amend the timeframes for submitting data and information.

(3) Amended Data Submissions. An entity required to submit data or information pursuant to 957 CMR 3.00 may amend such submissions, subject to the approval of CHIA, upon notice of the proposed amended data submissions, and the reasons for such changes. Amended data submissions shall be made in accordance with the procedures provided in Sub-regulatory Guidance.

(4) Data Review, Verification, and Resubmission. If necessary, an entity required to submit data or information pursuant to 957 CMR 3.00 may be required to review, verify, or resubmit certain data and information previously submitted. CHIA will notify an entity of when such data and information must be reviewed, verified, or resubmitted and will provide to the applicable entity such data and information, or summary reports of such data and information, for review, verification, or resubmission.

(5) Additional Documentation. The Center may request that an entity required to submit data or information pursuant to 957 CMR 3.00 submit additional documentation related to reported data and information through Sub-regulatory Guidance or by written request.

(6) Accuracy. Each entity required to submit data or information pursuant to 957 CMR 3.00

(a) certifies that an authorized representative of the entity submitted information and data to the Center, and

(b) attests that information and data submitted to the Center is true, correct, and complete.

(7) Mergers. Each Acute Hospital, Ambulatory Surgical Center, and Pharmacy Benefit Manager shall submit data or information required by 957 CMR 3.00 for newly merged entities in accordance with Sub-regulatory Guidance. CHIA must approve any organizational reporting structure change prior to implementation. The entity shall notify CHIA in writing of any organization ID change and obtain CHIA's approval prior to submitting data.

(8) Extension Requests for Data or Information. CHIA may grant, for good cause, an extension in time for reporting data or information to an entity required to submit data or information pursuant to 957 CMR 3.00.

(9) Notification to Health Policy Commission and Department of Public Health. The Center is required by M.G.L. c. 12C § 11 to notify the Health Policy Commission and the Department of Public Health if a Provider or Provider Organization has failed to timely report required data or information.

3.06: Special Provisions

(1) Transfer of Ownership. All liabilities to the Center by an Acute Hospital, Ambulatory Surgical Center, or Pharmacy Benefit Manager shall, in the case of a transfer of ownership, be assumed by the successor.

(2) Debt Collection. If an Acute Hospital, Ambulatory Surgical Center or Pharmacy Benefit Manager maintains an outstanding liability to the Center for more than 120 days, the Center will pursue all legal remedies available, including those under M.G.L. c. 7A, § 3.

3.07: Penalties

The Center will provide written notice to Acute Hospitals, Ambulatory Surgical Centers and Pharmacy Benefit Managers that fail to comply with the reporting deadlines established in 957 CMR 3.00.

(1) The Center will notify Acute Hospitals, Ambulatory Surgical Centers and Pharmacy Benefit Managers that failure to respond within two weeks of the written notice, without just cause, may result in penalties. In accordance with M.G.L. c. 12C, § 11, Acute Hospitals, Ambulatory Surgical Centers and Pharmacy Benefit Managers may be subject to a penalty of up to $25,000 per week for each week that they fail to provide the required data and information.

(2) Any remedy available under 957 CMR 3.07 is in addition to other sanctions and penalties that may apply under the provisions of other statutes and regulations.

(3) Acute Hospitals, Ambulatory Surgical Centers and Pharmacy Benefit Managers that fail to comply with the requirements of 957 CMR 3.00 will be subject to all penalties and remedies allowed by law and the Center will take all necessary steps to enforce 957 CMR 3.07, including a petition to the Superior Court for an order enforcing the same.

(4) Before assessing a penalty, the Center shall notify the Acute Hospital, Ambulatory Surgical Center or Pharmacy Benefit Manager that has failed to comply with the requirements of 957 CMR 3.00 that it has the right to request a hearing in accordance with M.G.L. c. 30A, § 10.

(5) If a hearing is timely requested in writing, the Center, including through a Presiding Officer, will conduct the hearing in accordance with 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure*. After the hearing, the Center shall render a written decision and may assess a civil penalty pursuant to 957 CMR 3.07(1).

(6) After the issuance of a final decision, except where any provision of law precludes judicial review, an Acute Hospital, Ambulatory Surgical Center or Pharmacy Benefit Manager aggrieved by such final decision may seek judicial review thereof in accordance with M.G.L. c. 30A, § 14.

3.08: Severability

The provisions of 957 CMR 3.00 are severable. If any provision or the application of any provision is held to be invalid or unconstitutional, such invalidity shall not be construed to affect the validity or constitutionality of any remaining provisions of 957 CMR 3.00 or the application of such provisions.

REGULATORY AUTHORITY

957 CMR 3.00: M.G.L. c. 12C.

NON-TEXT PAGE