

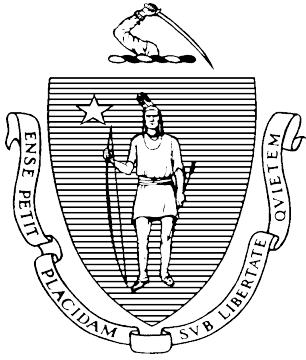
The

Massachusetts

Register

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THE COMMONWEALTH OF MASSACHUSETTS
Secretary of the Commonwealth - William Francis Galvin

The Massachusetts Register
TABLE OF CONTENTS

	<u>Page</u>
THE GENERAL COURT	
Acts and Resolves	1
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES	
Administrative Bulletin 26-12: 101 CMR 314.00: Rates for Dental Services	3
DIVISION OF MARINE FISHERIES	
Director's Declaration: Area 1A Gloucester/Rockport Mobile Gear Closure	9
Director's Declaration: Recission of the Seasonal Fixed Gear Closures	11
ADMINISTRATIVE PROCEDURES	
Notice of Public Review of Prospective Regulations	13
Cumulative Table	37
Notice of Expiration of Emergency Regulations	45
Permanent Regulations	47
Emergency Regulations	-
Future Effective Date Regulation	-

Notice of Expiration of Emergency Regulations

830 CMR Department of Revenue

- 62C.0 Administrative Provisions Relative to State Taxation 45
- 830 CMR 62C.16B.1 explains the procedures pursuant to M.G.L. c. 62C, § 16B, for the advance payment of sales and use tax, marijuana retail taxes, room occupancy excise, and local sales tax on meals filed under M.G.L. c. 62C, § 16(g) and (h). This emergency amendment to Section (6) adds subsection (e) in response to legislation passed on 11/25/2025, that provided for taxes due between April 1, 2021 and March 1, 2026, no penalty for underpayment of tax pursuant to G.L. c. 62C, § 16B shall be imposed if the penalty would cause undue financial hardship, as determined by the Commissioner. Section (6)(e) explains the circumstances in which the Commissioner will determine undue financial hardship to exist and how taxpayers may apply for a waiver of advance payment penalties.*

Permanent Regulations

101 CMR Executive Office of Health and Human Services

- 414.00 Rates for Family Stabilization Services 47
- Governs the payment rates for family stabilization services provided to publicly aided individuals by governmental units. These services are purchased by the Department of Developmental Services, the Massachusetts Commission for the Blind, the Department of Children and Families, and the Department of Mental Health.*
- 416.00 Rates for Clubhouse Services 59
- Governs the payment rates for clubhouse services provided to publicly aided individuals by governmental units. The Department of Mental Health purchases services with rates established by 101 CMR 416.00.*
- 422.00 Rates for General Programs Disability Services 63
- Establishes the payment rates for disability programs and services provided to publicly aided individuals by governmental units under EOHHS' regulatory authority. Services with rates established by 101 CMR 422.00 are purchased by the Department of Developmental Services, the Massachusetts Commission for the Blind, and MassAbility.*

205 CMR Massachusetts Gaming Commission

- 133.00 Voluntary Self-exclusion 69
- Governs the procedures and protocols relative to the list of self-excluded persons who are excluded from entering the gaming area of a gaming establishment or any area in which parimutuel or simulcasting wagers are placed.*

147.00	Uniform Standards of Rules of the Games	73
	<i>Governs the authorization of the rules of the game for table games offered for play in a gaming establishment and the standards applicable to table games offered for play in a gaming establishment.</i>	
603 CMR	Department of Elementary and Secondary Education	
7.00	Educator Licensure and Preparation Program Approval	77
	<i>Sets forth requirements for educator licensure and educator preparation program approval. Creates a new alternative licensure pathway, consistent with the Massachusetts Leads Act - St. 2024, c. 238, § 300(d) (see link: https://www.mass.gov/economic-development-bill) allowing a waiver of one of the two tests that comprise the Massachusetts Tests for Educator Licensure (MTEL).</i>	
815 CMR	Office of the Comptroller	
2.00	State Grants, Federal Grant Awards, Federal Subgrants and Subsidies	117
	<i>Establishes rules and procedures to assist departments with the administration of Grants and Subsidies.</i>	
3.00	Ready Payment System - <i>Repeals Regulation.</i>	129
4.00	Late Penalty Interest	133
	<i>Provides all departments of the Commonwealth with rules and procedures to govern the payment of interest to commercial vendors when departments do not make payment by the required contractual payment date for goods or services delivered.</i>	
6.00	Interdepartmental Fiscal Business	141
	<i>Provides all State Departments with rules and procedures for conducting Interdepartmental Fiscal Business, including Interdepartmental Service Agreements (ISAs) and Interdepartmental Chargebacks which require a transfer of funds between two Departments.</i>	

8.00	Contingent Fee Contracts for Non-tax Revenue Maximization	149
	<i>Assures that the departments of the Commonwealth have access to professional and expert services to promote the efficiency and effectiveness of programs and to determine the necessity, appropriateness and reasonableness of present and future expenditures for operations which qualify for federal financial participation and other reimbursements.</i>	
9.00	Debt Collection and Intercept	157
	<i>Governs the collection of overdue accounts receivable and debts owed to billing entities as provided by law.</i>	

Acts 2026

CHAPTER NUMBER	BILL NUMBER	TITLE	DATE
55	H 5384	Making Appropriations for the Fiscal Year 2026 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.	4/6/2026
56	H 4542	Making the Charter of the City of Chicopee Gender Neutral.	4/10/2026
57	H 2985	Exempting Stephen Justice from the Maximum Age Requirement for Appointment to the Position of Firefighter in the City of Haverhill.	4/10/2026
58	H 2986	Exempting Javier Vargas from the Maximum Age Requirement for the Position of Firefighter in the City of Haverhill.	4/10/2026
59	H 2987	Exempting Brittany Sproule from the Maximum Age Requirement for the Position of Firefighter in the City of Haverhill.	4/10/2026
60	H 2988	Exempting Freddy Castaneda from the Maximum Age Requirement for the Position of Police Officer in the City of Haverhill.	4/10/2026
61	H 4524	Changing the Name of the Board of Selectmen in the Town of Williamsburg to Select Board.	4/10/2026
62	H 4374	Designating a Certain Overpass in the Town of Sandwich as the United States Marine Corps Staff Sergeant Raymond G. Tourville Veterans Memorial Overpass.	4/10/2026
63	H 3213	Authorizing the City of Springfield to Appropriate Funds to Help Certain Residents Meet Their Local Tax Obligations.	4/16/2026
64	S 2859	Amending the Charter of the Town of Sandwich.	4/16/2026
65	H 5350	Modernizing the Commonwealth's Cannabis Laws.	4/19/2026
66	H 4621	Changing the Name of the Board of Selectmen in the Town of Boylston to Select Board.	4/19/2026
67	H 4225	Authorizing the Town of Marblehead to Establish a Means-Tested Senior Citizen Property Tax Exemption.	4/29/2026
68	H 4584	Further Regulating the Appointment of Special Police Officers in the City of Malden.	4/29/2026
69	H 4602	Increasing the Membership of the Select Board in the Town of Monson.	4/29/2026
70	H 4259	Designating the Weider Park Tennis Courts as the Kim O'Connell Tennis Courts.	4/30/2026
71	H 4232	Relative to the Charter of the Town of Fairhaven.	5/4/2026
72	H 4057	Increasing the Membership of the Haverhill Board of Health From 3 Members to 5 Members.	5/8/2026

Acts 2026

CHAPTER NUMBER	BILL NUMBER	TITLE	DATE
73	S 1859	Providing for the Retirement of Walter L. Guertin, a Former Member of the Fire Department in the City of Attleboro.	5/8/2026
74	H 4399	Amending the Charter of the Town of Middleton.	5/8/2026
75	S 2596	Enabling the Maintenance of Private Roads in the City of Gloucester.	5/8/2026
76	H 2917	Further Regulating Creditable Service for Employees of the Dedham-Westwood Water District.	5/12/2026
77	H 4212	Authorizing the Town of Lancaster to Dissolve Its Animal Control Commission.	5/12/2026
78	H 4717	Setting a Date for the Annual Town Meeting for the Town of Orange.	5/12/2026
79	S 2789	Providing for Recall Elections in the Town of Rutland.	5/13/2026
80	S 2652	Authorizing the City of Taunton to Establish a Separate Billing Rate for Water Supplied to Manufactured Housing Communities.	5/14/2026
81	H 4784	Providing for a Town Administrator in the Town of Hopedale.	5/14/2026
82	H 5245	Establishing a Sick Leave Bank for Courtney Cochran, an Employee of the Department of Children and Families.	5/14/2026



EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
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MIKE LEVINE
 UNDERSECRETARY
 FOR MASSHEALTH

Administrative Bulletin 26-12

101 CMR 314.00: Rates for Dental Services

Effective January 1, 2026

Coding Updates for Certain Dental Services

Summary

In accordance with [101 CMR 314.01\(5\)](#): *Coding Updates and Corrections*, the Executive Office of Health and Human Services (EOHHS) is adding 31 codes, deleting 2 codes, and revising the definition for 16 codes as specified in *Current Dental Terminology (CDT) 2026* by the American Dental Association for calendar year 2026. The added codes are effective for dates of service on and after January 1, 2026.

Pursuant to [101 CMR 314.01\(5\)\(d\)](#), all added codes in this administrative bulletin that require pricing will be paid at individual consideration (IC). Rates in this administrative bulletin apply until EOHHS issues revised rates.

The following new procedure codes are added.

Code	Allowed Fee	EPSDT Fee	Description
D0426	IC	IC	Collection, preparation, and analysis of saliva sample—point-of-care
D0461	IC	IC	Testing for cracked tooth
D1720	IC	IC	Influenza vaccine administration

Code	Allowed Fee	EPSDT Fee	Description
D5877	IC	IC	Duplication of complete denture—maxillary
D5878	IC	IC	Duplication of complete denture—mandibular
D5909	IC	IC	Maxillary guidance prosthesis with guide flange
D5930	IC	IC	Maxillary guidance prosthesis without guide flange
D5938	IC	IC	Resection prosthesis, mandibular complete removable
D5939	IC	IC	Resection prosthesis, mandibular complete removable
D5940	IC	IC	Resection prosthesis, maxillary partial removable
D5941	IC	IC	Resection prosthesis, mandibular partial removable
D5942	IC	IC	Resection prosthesis, maxillary implant/abutment supported removable prosthesis for edentulous arch
D5943	IC	IC	Resection prosthesis, mandibular implant/abutment supported removable prosthesis for edentulous arch
D5944	IC	IC	Resection prosthesis, maxillary implant/abutment supported removable prosthesis for the partial edentulous arch
D5945	IC	IC	Resection prosthesis, mandibular implant/abutment supported removable prosthesis for the partial edentulous arch
D5946	IC	IC	Resection prosthesis, maxillary implant/abutment supported fixed prosthesis for edentulous arch
D5947	IC	IC	Resection prosthesis, mandibular implant/abutment supported fixed prosthesis for edentulous arch
D5948	IC	IC	Resection prosthesis, maxillary implant/abutment supported fixed prosthesis for the partial edentulous arch

Code	Allowed Fee	EPSDT Fee	Description
D5949	IC	IC	Resection prosthesis, mandibular implant/abutment supported fixed prosthesis for the partial edentulous arch
D6280	IC	IC	Implant maintenance procedures when a full arch removable implant/abutment supported denture is removed and reinserted, including cleansing of prosthesis and abutments—per arch
D6049	IC	IC	Scaling and debridement of a single implant in the presence of peri-implantitis inflammation, bleeding upon probing and increased pocket depths, including cleaning of the implant surfaces, without flap entry and closure
D6196	IC	IC	Removal of an indirect restoration on an implant retained abutment
D9128	IC	IC	Photobiomodulation therapy—first 15 minute increment, or any portion thereof
D9129	IC	IC	Photobiomodulation therapy—each subsequent 15 minute increment, or any portion thereof
D9224	IC	IC	Administration of general anesthesia with advanced airway—first 15 minute increment, or any portion thereof
D9225	IC	IC	Administration of general anesthesia with advanced airway—each subsequent 15 minute increment, or any portion thereof
D9244	IC	IC	In-office administration of minimal sedation—single drug—enteral
D9245	IC	IC	Administration of moderate sedation—enteral
D9246	IC	IC	Administration of moderate sedation—non-intravenous parenteral—first 15 minute increment, or any portion thereof
D9247	IC	IC	Administration of moderate sedation—non-intravenous parenteral—each subsequent 15 minute increment, or any portion thereof
D9936	IC	IC	Cleaning and inspection of occlusal guard—per appliance

The following existing procedure codes have an updated code description.

Code	Description
D0417	Collection and preparation of saliva sample for laboratory analysis
D0418	Analysis of saliva sample—laboratory
D5876	Add metal substructure to acrylic complete denture—per arch
D5863	Overdenture—complete maxillary—natural tooth borne
D5864	Overdenture—partial maxillary—natural tooth borne
D5865	Overdenture—complete mandibular—natural tooth borne
D5866	Overdenture—partial mandibular—natural tooth borne
D5867	Replacement of replaceable part of semi-precision or precision attachment of natural tooth borne prosthesis, per attachment
D5934	Mandibular guidance prosthesis with guide flange
D5935	Mandibular guidance prosthesis without guide flange
D5982	Surgical stent for soft tissue healing
D9222	Administration of deep sedation/general anesthesia—first 15 minute increment, or any portion thereof
D9223	Administration of deep sedation/general anesthesia—each subsequent 15 minute increment, or any portion thereof
D9230	Administration of nitrous oxide
D9239	Administration of moderate sedation—intravenous—first 15 minute increment, or any portion thereof
D9243	Administration of moderate sedation—intravenous—each subsequent 15 minute increment, or any portion thereof

The following existing procedure codes have been deleted.

Code	Description
D1352	Preventive resin restoration in a moderate to high caries risk patient—permanent tooth

EOHHS
Administrative Bulletin 26-12
Effective January 1, 2026

Code	Description
D9248	Non-intravenous conscious sedation



The Commonwealth of Massachusetts
Division of Marine Fisheries
(617) 626-1520 | mass.gov/MarineFisheries



Maura T. Healey
Governor

Kimberly Driscoll
Lt. Governor

Rebecca L. Tepper
Secretary

Thomas K. O'Shea
Commissioner

Daniel J. McKiernan
Director

Director's Declaration:
Area 1A Gloucester/Rockport Mobile Gear Closure

Pursuant to the requirements set forth at G.L. c.30A, §3 and under the authority of G.L. c.130, §17A and 80, and 322 CMR §§ 12.04(3) and 7.01(7), the Director of the Division of Marine Fisheries hereby declares closes Area 1A (Gloucester/Rockport) to mobile gear fishing effective May 9, 2026

Dated: May 8, 2026

By: _____

Daniel J. McKiernan



The Commonwealth of Massachusetts
Division of Marine Fisheries
(617) 626-1520 | mass.gov/MarineFisheries



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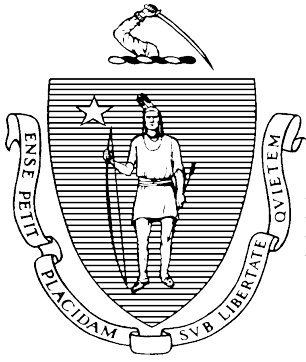
Director's Declaration:
Rescission of the Seasonal Fixed Gear Closures

Pursuant to the requirements set forth at G.L. c.30A, §3 and under the authority of G.L. c.130, §17A and 80, and 322 CMR §§ 12.04(3) and 7.01(7), the Director of the Division of Marine Fisheries hereby declares:

- 1. In response aerial surveillance and acoustic monitoring documenting the absence of North Atlantic right whales in the waters under the jurisdiction of the Commonwealth, the Division of Marine Fisheries is rescind the seasonal fixed gear closures at 322 CMR 12.04.**
- 2. Effective May 9, 2023 fixed gear fishermen may set gear in those waters under the jurisdiction of the Commonwealth north and east of Cape Cod previously subject to the seasonal fixed gear closures to protect right whales at 322 CMR 12.04.**

Dated: May 8, 2026

By:

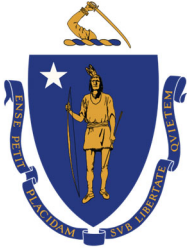


THE COMMONWEALTH OF MASSACHUSETTS
Secretary of the Commonwealth - William Francis Galvin

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

May 22, 2026

Attorney General, Office of the	940 CMR 39.00	6/9/26 @ 12:30 P.M. Written comments accepted until 6/12/26 by 5:00 P.M.
Correction, Department of	103 CMR 483.00	6/11/26 @ 10:00 A.M. Written testimony accepted until 6/11/26 by 5:00 P.M.
Energy Resources, Department of	225 CMR 22.00 & 23.00	6/16/26 @ 2:00 P.M. Written comments accepted until 6/24/26 by 5:00 P.M.
Fisheries & Wildlife, Division of	322 CMR 4.00, 6.00 & 7.00	6/2/26 @ 6:00 P.M. Written comments accepted until 6/12/26 by 5:00 P.M.
Health and Human Services, Executive Office of	101 CMR 320.00	5/29/26 @ 1:00 P.M. Written comments accepted until 5/29/26 by 5:00 P.M.
Health and Human Services, Executive Office of	101 CMR 432.00	5/29/26 @ 10:00 A.M. Written comments accepted until 5/29/26 by 5:00 P.M.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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Notice of Public Hearing and Comment Period

Notice is hereby given pursuant to M.G.L. c. 30A, § 2-3, that the Massachusetts Office of the Attorney General (AGO) will hold a second hybrid public hearing and comment period on the following proposed regulation:

940 C.M.R. 39.00 (Promulgated Pursuant to M.G.L. c. 244 § 35C(i)(5))

The proposed regulations seek to establish reporting requirements for shared appreciation mortgage entities, articulate disclosure requirements to protect borrowers relative to shared appreciation mortgage agreements, and outline practices which qualify for the liability exemption.

The hybrid public hearing will be held on Tuesday, June 9, 2026, at 12:30 pm in Conference Room 3 located on the 21st Floor of One Ashburton Pl, Boston, MA 02108 and virtually using this link: <https://teams.microsoft.com/meet/2912525040204?p=489MnnZddTLrjWouS>.

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 39.00." Written comments will be accepted starting Monday, May 18th through 5:00 p.m. on Friday, June 12th. **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 39.00 may be obtained by contacting the above address or email address or by visiting: <https://www.mass.gov/doc/sam-regulations>.

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

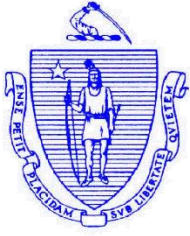
Small Business Impact Statement

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

940 CMR 39.00

Estimate of the Number of Small Businesses Impacted by the Regulation: **0**

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design or operational standards to accomplish the regulatory objective?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

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GINA K. KWON
Secretary

SHAWN P. JENKINS
Commissioner

**NOTICE OF PUBLIC HEARING TO BE HELD VIRTUALLY AT 10:00 AM ON
THURSDAY, JUNE 11, 2026**

Notice is hereby given that, pursuant to M.G.L. c. 30A, §2, the Department of Correction will hold a public hearing on proposed amendments to the following regulation:

103 CMR 483: Visiting Procedures

This hearing is being held in connection with proposed amendments to 103 CMR 483.00, which are necessary to bring the regulation into compliance with current standards and Department of Correction visitation practices including, but not limited to, advance scheduling of visits, visiting room seating arrangements, visitor screening, visitor processing, visitor exclusion, and video communication services.

The public hearing on this regulation shall be held virtually at **10:00 a.m. on Thursday, June 11, 2026.**

Zoom call in and video access information:

Webinar ID 828 6115 3544

Passcode 916897

Dial in Telephone number: 1-646-931-3860

All interested parties are encouraged to submit written comments relating to 103 CMR 483 to Michele Dupuis-Clarke, Program Coordinator III, Department of Correction, 70 Franklin Street, Suite 600, Boston, MA 02110. All comments submitted to the Department may be posted on the Department's website and released in response to a request for public records. All written testimony and comments must be submitted by 5:00 p.m. on Thursday, June 11, 2026, in order to be taken under advisement.

Copies of the proposed regulations are available for review in each institution's law library.

Small Business Impact Statement

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

103 CMR No.: 483.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 0

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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 - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes	No	Does the regulation provide for less stringent compliance or reporting requirements for small

<input type="checkbox"/>	<input checked="" type="checkbox"/>	businesses? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No - concerns the Department of Correction's management of visitation at state correctional institutions.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No - no impact on small business.



COMMONWEALTH OF MASSACHUSETTS
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Commissioner

NOTICE OF PUBLIC COMMENT AND HEARING

Notice is hereby given that the Massachusetts Department of Energy Resources (DOER), acting under M.G.L. c. 25A, § 6 and St. 2021, c. 8, and in conformance with Chapter 30A of the General Laws, is holding a public hearing and accepting public comments on amendments to 225 CMR 22.00 and 23.00. 225 CMR 22.00 and 23.00 contain the Massachusetts opt-in provisions to the building energy code, also known as the Stretch and Specialized Code. DOER published updates to 225 CMR 22.00 and 23.00 in February of 2025, introducing the concept of a District Energy System (DES) Order of Conditions (OoC), which provides a pathway for relief from some of the codes' efficient electrification provisions if the District Energy System is granted an OoC from DOER. In June 2025, DOER released a draft 'Guideline for District Energy Systems' (DES Guideline) and accepted public comments until July 15th. Since the publication of these updates, DOER has received significant feedback on the mixed-fuel relief options for DESs, as well as a number of requests for clarifying language in various sections of the Stretch and Specialized code, notably relating to Accessory Dwelling Units. As a result, DOER is proposing minor clarifying revisions of 225 CMR 22.00 and 23.00. As proposed, this consists of clarifications to the OoC process and the introduction of a new relief pathway from the requirements for highly ventilated buildings for DESs, together with numerous small edits to address errata and other text clarifications requested by code users. None of these proposed updates are intended to increase the stringency or expand the scope of these energy codes.

A virtual public hearing will be conducted to receive verbal and written comments on the regulation.

Location: **Virtual Hearing via Zoom**
https://zoom.us/webinar/register/WN_KYZw7fiNTqOCLj_wLKtSjQ

Date: **June 16, 2026, starting at 2:00PM**

Verbal testimony will be accepted at the hearing; however, parties may also provide written copies of their testimony. Written comments will be accepted beginning May 8, 2026 and ending at 5 pm on June 24, 2026. DOER requests that written comments be submitted to stretchcode@mass.gov, with the words STRETCH CODE PUBLIC COMMENT in the subject line. Alternatively, comments can be submitted via mail to Ian Finlayson at the Department of Energy Resources, 100 Cambridge Street, 9th Floor, Boston, MA 02114. Copies of the proposed

regulations may be obtained from the DOER website at <https://www.mass.gov/info-details/2025-massachusetts-building-energy-codes> or by contacting stretchcode@mass.gov.

Language interpretation services are available upon request. To request this service, please email stretchcode@mass.gov at least four (4) business days prior to the June 16th hearing. Please include your name, the event name and date, the language requested, and your phone number should we have any questions.

BY ORDER OF: Elizabeth Mahony, Commissioner
 Department of Energy Resources

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

CMR No: 225 CMR 22.00 & 23.00

Estimate of the Number of Small Businesses Impacted by the Regulation: none, as detailed below.

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Entities with commercial building compliance obligations pursuant to this statute and regulation are not typically “small businesses.” To the extent entities that comply with the building code meet the small business standard, they are most prevalent in work on existing residential buildings, either residential additions and alterations. This sub-sector is minimally impacted by these updates to regulations which are both minor in scope and are focused primarily on large-scale commercial district energy systems. As a result, for general contractors and trades working on additions and alterations to existing homes, the compliance obligations will be the same or less onerous than existing obligations.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No, the modifications to the regulations do not require additional recordkeeping.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? There is no change in the level of administrative oversight anticipated with these revisions.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? DOER does not expect that compliance will require additional employees.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? The existing code already requires 3 rd party energy specialists for new buildings such as residential HERS ratings or Passivehouse rating. This approach continues unchanged with the updated code. One of the modest updates removes the need for Passivehouse Institute (PHI) verifiers at the building permit stage, allowing qualified members of the project team to instead do this work, thereby reducing the cost of compliance with the regulation for this sub-set of projects.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? To the extent an entity meets the small business standard, the additional compliance requirements are incremental to existing obligations.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	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 Stretch energy Code and Specialized Code make more extensive use of performance standards than the regulations currently in effect for base energy code communities, these modest revisions add additional flexibility for regulated entities to comply with the energy code using performance standards.
Yes <input type="checkbox"/>	<u>No</u> <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No. There is an explicit process with the Building Code Coordinating Council (BCCC) to ensure that

		there is no duplication or conflict with other building codes.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No new enforcement activities beyond existing requirements are proposed.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? While the regulation does not require any individual or entity to keep up to date with regulatory requirements, professionals in the construction industry often have continuing education requirements that would require them to keep up to date with changes to the building code. DOER works with the Statewide Mass Save program to provide free or subsidized training on building energy codes for interested stakeholders in the design and construction community to help them keep up to date.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No, the updated regulations add clarification and accommodations that will improve code useability for small and large businesses and will not deter the formation of small businesses.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? The regulation is likely to continue to encourage the formation of small businesses to develop eligible building energy projects – Massachusetts has seen a growth in the design and energy performance rating jobs since the original stretch energy code in 2009. The amendments to the regulations will also likely make it marginally easier to build buildings that connect with district energy systems and the numerous small clarifications of existing requirements should make it easier to implement the regulations, which may encourage new small businesses in Massachusetts.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation maintains stringency of existing compliance or reporting requirements in most cases, but does allow less stringent compliance for some commercial buildings, particularly buildings designed to connect to district energy systems.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? In almost all cases, the regulation makes no changes to deadlines for compliance or reporting requirements. However, for projects using the certified Passivehouse approach – common in multi-family, the regulation is modified to allow more time for reporting the full test results associated with this 3 rd party certification pathway.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulation makes no changes to deadlines for compliance or reporting requirements, other than to simplify compliance for projects utilizing the Passivehouse Institute certification.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? This update to the regulations makes no changes to the use of performance standards. Where applicable these regulations require or encourage use of performance standards in lieu of more prescriptive building codes – for example in low-rise residential new construction the Stretch energy code increases use of performance standards relative to both the national model building energy code and the base energy code in 780 CMR. For small commercial new construction both prescriptive and

		performance pathways are offered to provide small businesses with greater choice.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No, compliance with the building codes is mandatory for new construction and major renovations, however these alternative options (Stretch code and Specialized code) provide a streamlined and performance-based pathway to compliance.



Maura T. Healey
Governor

Kimberly Driscoll
Lt. Governor

Rebecca L. Tepper
Secretary

Thomas K. O'Shea
Commissioner

Daniel J. McKiernan
Director

May 8, 2026

**Notice of Public Hearing and Comment Period:
Commercial Surf Clam and Ocean Quahog Dredge Fishery Management Regulations**

Under the provisions of G.L. c. 30A, and pursuant to the authorities found at G.L. c. 130, §§ 17A, 21, 52, and 80 the Division of Marine Fisheries (DMF) is taking public comment on a series of draft regulations at 322 CMR 4.00, 6.00, and 7.00 to modernize the management of the commercial surf clam and ocean quahog dredge fishery. A summary of the proposals is enumerated below. The full text of the regulations and other relevant documents may be found on [DMF's proposed regulations webpage](#).

1. Spatial Management (322 CMR 6.08). The following spatial management regulations will apply to all vessels using dredge gear to harvest surf clams and ocean quahogs:
 - a. Eliminate the seasonal contour line closures. Replace these closures with mapped and published polygons defined by GPS coordinates. These new closures approximate the 12' contour line but also include a 200' buffer around all eelgrass beds mapped by the Department of Environmental Protection and are inclusive of existing management closures and exemption areas. In areas where there is limited surf clam resource (e.g., Buzzards Bay) the shape of the polygon is simplified by drawing straight lines that may extend beyond the 12' contour.
 - b. Maintain the existing closure north of Point Allerton in Hull.
 - c. Maintain existing May 15 – October 15 closure off Manomet in southwestern Cape Cod Bay to prevent user group conflicts and protect new shell lobsters and extend this closure eastward along southern Cape Cod Bay from Sandwich to Dennis.
 - d. Close the waters within Herring Cove from Race Point to Wood End seasonally from May 15 – October 15.
 - e. Establish a process to adjust closure boundaries to address user group conflicts; protect, restore, and sustain critical benthic habitats; and investigate and open additional areas to dredge fishing.
2. Electronic Vessel Tracking (322 CMR 6.08 and 7.11). Mandate that by January 1, 2027, all vessels fishing with dredge gear for surf clams and ocean quahogs shall install and maintain operable electronic tracking devices onboard their vessels. DMF may issue authorizations to temporarily power down these tracking devices to address discrete issues related to device failure, vessel haul-out, and other similar technological issues with the device.

3. Night Closure (322 CMR 4.06 and 6.08). Exempt surf clam and ocean quahog dredge vessels from the mobile gear night closure from February 1 through April 30 annually. This shall not apply to the contaminated bait fishery.
4. Housekeeping (322 CMR 6.08). Enhance, clarify, and streamline regulatory language relevant to permitting requirements; catch restrictions; bycatch of municipally managed species; and the contaminated bait fishery. These adjustments do not modify existing requirements.

DMF will accept written public comment through 5PM on Friday, June 12, 2026. Please submit written comments by email to marine.fish@mass.gov to the attention of Director McKiernan. DMF will also host a virtual public hearing on Tuesday, June 2, 2026 at 6PM. To attend this virtual public hearing, please register [here](#).

Initial Small Business Impact Statement

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

CMR No: 322 CMR 4.00, 6.00, and 7.00

Estimate of the Number of Small Businesses Impacted by the Regulation: DMF issued 32 surf clam/ocean quahog dredge permit endorsements in 2025. These draft regulations will affect that subset of permit holders who fish for surf clams and ocean quahogs with dredge gear in Massachusetts waters. Based on recent fishing effort, DMF anticipates there are fewer than 10 active permits.

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Yes. The draft regulations require a vessel tracking device which will automatically generate fishing location data reported to DMF.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No. The draft regulations will not result in additional record keeping procedures.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to provide additional administrative oversight? Yes. The draft regulations require a vessel tracking device which will automatically generate fishing location data reported to DMF.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. The draft regulations will not result in having to hire additional employees for the purpose of compliance.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, etc.)? No. The draft regulations will not result in having to hire professional services for the purpose of compliance.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? DMF has acquired a sufficient number of Viatrx Boat Command devices to provide them to the active fleet at no cost. However, industry will be responsible for covering installation, maintenance, and the annual subscription, which approximates about \$300 per year.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	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. These draft regulations seek to establish a regulatory framework to modernize the spatial management program to enhance enforcement, compliance, and habitat protection while ameliorating user group conflicts consistent with the agency's management authority at G.L. c. 130, §§1A, 21, and 52.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No. There are no other duplicative or conflicting state regulations.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?

		Yes. The draft regulations require a vessel tracking device which will automatically generate fishing location data reported to DMF.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. The draft regulations will not require continuing educational services.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No. The draft regulations will not affect the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? No. The draft regulations will not affect the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The draft regulations adopt more stringent requirements in order to modernize the spatial management program to enhance enforcement, compliance, and habitat protection and ameliorate user group conflicts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. The draft regulations adopt more stringent requirements in order to modernize the spatial management program to enhance enforcement, compliance, and habitat protection and ameliorate user group conflicts.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? Yes. Compliance is simplified through the use of spatial monitoring devices that are integrated with chart plotter programs.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. These draft regulations seek to establish a regulatory framework to modernize the spatial management program to enhance enforcement, compliance, and habitat protection while ameliorating user group conflicts consistent with the agency's management authority at G.L. c. 130, §§1A, 21, and 52.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. These draft regulations seek to establish a regulatory framework to modernize the spatial management program to enhance enforcement, compliance, and habitat protection while ameliorating user group conflicts consistent with the agency's management authority at G.L. c. 130, §§1A, 21, and 52.

**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 Friday, May 29, 2026, at 1:00 p.m. on the adoption of amendments to the following regulation.

101 CMR 320.00: Rates for Clinical Laboratory Services

The proposed regulation contains rates effective for dates of service on or after October 1, 2026. There is no fiscal impact on annual aggregate MassHealth expenditures as a result of the proposed amendments. There is also no fiscal impact on cities and towns.

Under M.G.L. Chapter 118E, Sections 13C and 13D, the Executive Office of Health and Human Services (EOHHS) is required to establish and periodically review the rates to be paid by governmental units for noninstitutional health care services, including rates of payment for independent clinical laboratory services, provided under the MassHealth program.

The proposed amendments, effective October 1, 2026, maintain all rates at their current levels. The current rates for the vast majority of the codes established in 101 CMR 320.00 are set at 88.19% of their corresponding 2023 Medicare rates, and Medicare rates did not increase or decrease for 2025.

The regulation will also be amended to update applicable codes for surgical pathology services and laboratory services containing a professional component.

EOHHS is proposing these changes, subject to federal approval, to ensure that payments are consistent with efficiency, economy, and quality of care and satisfy the requirements of M.G.L. 118E, Sections 13C and 13D.

To register to testify at the hearing and to get instructions on how to join the hearing online, go to mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings. To join the hearing by phone, call (646) 558-8656 and enter meeting ID 935 397 8200# when prompted.

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to ehs-regulations@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals

who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. May 29, 2026. EOHHS specifically invites comments on how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the current draft of the proposed regulation, go to mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

Special accommodation requests may be directed to the Disability Accommodations Ombudsman by email at ADAaccommodations@mass.gov or by phone at (617) 847-3468 (TTY: (617) 847-3788 for people who are deaf, hard of hearing, or speech disabled). Please allow two weeks to schedule sign language interpreters.

EOHHS may adopt a revised version of the proposed 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 mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

May 8, 2026

Small Business Impact Statement

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

CMR No and Title: 101 CMR 320.00: Rates for Clinical Laboratory Services

Estimate of the Number of Small Businesses Impacted by the Regulation: There are currently 121 providers enrolled as independent clinical laboratories in the MassHealth network.

Write Yes or No	Explain Briefly
No	Will small businesses have to create, file, or issue additional reports? No. The proposed amendments will not require small businesses to create, file, or issue additional reports.
No	Will small businesses have to implement additional recordkeeping procedures? No. The proposed amendments will not require additional recordkeeping procedures.
No	Will small businesses have to provide additional administrative oversight? No. The proposed amendments will not require small businesses to provide additional administrative oversight.
No	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. The proposed amendments will not require small businesses to hire additional employees in order 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. The proposed amendments will not require small businesses to hire other professionals to comply with the regulation.
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 proposed amendments will not require small businesses to purchase a product or make any other capital investments in order to comply with the regulation.
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. M.G.L. c. 118E §§ 13C and 13D require EOHHS to establish and periodically review rates to be paid by governmental units for noninstitutional health care services, including clinical laboratory services.
No	Do any other regulations duplicate or conflict with the proposed regulation? No. No other regulations duplicate or conflict with the proposed regulation.
Yes	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes. The regulation continues to require providers to periodically comply with audits, inspections, and other regulatory activities.
No	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. The proposed amendments will not require small businesses to provide educational services to keep up to date with regulatory requirements.

Write Yes or No	Explain Briefly
No	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>No. The proposed amendments are unlikely to deter or encourage the formation of small businesses in Massachusetts, as this regulation governs payments for clinical laboratory services provided to publicly aided individuals and is applied uniformly among providers.</p>
No	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>No. The proposed amendments to the regulation are unlikely to deter or encourage the formation of small businesses in Massachusetts, as this regulation governs payments for clinical laboratory services provided to publicly aided individuals and is applied uniformly among providers.</p>
No	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>No. The proposed amendments do not distinguish between small businesses and other businesses.</p>
No	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>No. The proposed amendments do not distinguish between small businesses and other businesses.</p>
No	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p>No. The proposed amendments do not distinguish between small businesses and other businesses.</p>
No	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p>No. Distinguishing small businesses from other businesses would not be practical to implement the proposed regulation.</p>
No	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>No. The regulation is required by statute and does not have an adverse impact on small businesses.</p>

**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 Friday, May 29, 2026, at 10:00 a.m. relative to the adoption of amendments to the following regulation.

101 CMR 432.00: Rates for Certain Lead Agency Services

The proposed regulation contains rates effective for dates of service on or after January 1, 2027. There is no fiscal impact on cities and towns.

101 CMR 432.00 governs the payment rates for certain lead agency services provided to publicly aided individuals by governmental units. The Department of Children and Families (DCF) purchases services governed by these regulations.

Pursuant to M.G.L. Chapter 118E, Section 13D (f/k/a Chapter 257 of the Acts of 2008), EOHHS is required to establish, by regulation, and biennially review the rates to be paid by governmental units for social service programs. In accordance with this statutory requirement, the lead agency rates established at 101 CMR 432.00 are being updated to include an increase by a cost adjustment factor (CAF) of 3.00%, effective January 1, 2027. The CAF was determined by using baseline and prospective Massachusetts Economic Indicator data from IHS Economics – Fall 2025 Forecast, baseline scenario data. The CAF reflects the period between the rates' base period (calendar year 2026 Q2) and the prospective period of fiscal years 2027 and 2028. In addition to the FY26 CAF, the rates for all services have been updated to include all staff salaries, benchmarked to the most recent Massachusetts Bureau of Labor Statistics (BLS) wages dated May 2024 at the 53rd percentile. The administrative allocation has been benchmarked to 12% and the tax and fringe rate has been benchmarked to 24.97%. This benchmark is derived from the MA Comptroller's FY25 approved rate less terminal leave and retirement.

The estimated fiscal impact of the proposed amendments to 101 CMR 432.00 for the second half of FY27 is \$3.432 million. DCF has this built into their operating budget so there is no anticipated additional draw from the Chapter 257 Reserve Account.

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 Friday, May 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. To view or download related supporting materials, go to www.mass.gov/info-details/proposed-regulations-supporting-materials.

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.

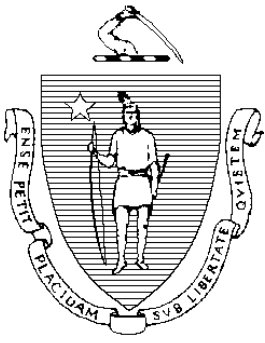
May 8, 2026

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

CMR No and Title: 101 CMR 432.00: Rates for Certain Lead Agency Services
Estimate of the Number of Small Businesses Impacted by the Regulation: 15

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 regulation.
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 regulation.
No	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required by this regulation to provide additional administration oversight as a result of the proposed regulation.
No	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. This regulation 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 this regulation 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. This regulation does not require small businesses to purchase any particular product or make any capital investments.
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 regulation is required by statute under M.G.L. Chapter 118E, Section 13D, and establishes the rates to be paid by governmental units to providers of certain social service programs.
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? Yes. The regulation requires providers to periodically file cost data to enable EOHHS to develop rates for certain social service programs. 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	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. This regulation does not require small businesses to provide educational services to keep up to date with the regulatory requirements.
No	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?

Write Yes or No	Explain Briefly
	No. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts as this regulation establishes rates by which providers of certain social service programs are to be paid when services are purchased by governmental units.
No	Is the regulation likely to <i>encourage</i> 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 this regulation establishes rates by which providers of certain social service programs are to be paid when services are purchased by governmental units.
No	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The regulation contains requirements to report cost data to EOHHS to enable EOHHS to develop rates for certain social 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	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. The regulation contains requirements to report cost data to EOHHS to enable EOHHS to develop rates for certain social services. The time frame for cost reporting is applied uniformly to all providers to enable EOHHS to timely develop accurate rates that reflect cost data from all providers.
No	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. The agency did not consolidate or simplify compliance or reporting requirements for small businesses. The requirement to report cost data to EOHHS is applied uniformly to enable EOHHS to timely develop accurate rates that reflect cost data from all providers.
No	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. The establishment of rates for certain social service providers by regulation is a statutory requirement under M.G.L. Chapter 118E, Section 13D.
No	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. The regulation does not have an adverse impact on small businesses. The regulation establishes rates by which certain social service providers are to be paid when services are purchased by governmental units. The establishment of rates for these social services by regulation is a statutory requirement under M.G.L. Chapter 118E, Section 13D.



THE COMMONWEALTH OF MASSACHUSETTS
Secretary of the Commonwealth - William Francis Galvin

2026 CUMULATIVE TABLE TO THE MASSACHUSETTS REGISTER
1565 - 1574

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		

		<u>Issue</u>	<u>Effective Date</u>
101 CMR	Executive Office of Health and Human Services		
204.00	Rates of Payment to Resident Care Facilities		
	- <i>Emergency Refile</i> (MA Reg. # 1563)	1569	12/5/25
	- <i>Compliance</i> (MA Reg. # 1563)	1572	12/5/25
206.00	Standard Payments to Nursing Facilities		
	- <i>Emergency Refile</i> (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 - <i>Emergency Refile</i> (MA Reg. # 1561) . .	1567	11/7/25
	. . . . .	1573	5/8/26
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		
	- <i>Emergency Refile</i> (MA Reg. # 1557)	1564	9/26/25
	- <i>Compliance</i> (MA Reg. # 1557)	1570	9/26/25
	- <i>Correction</i> (MA Reg. # 1557)	1571	9/26/25
347.00	Rates for Freestanding Ambulatory Surgery Center Services	1572	4/24/26
349.00	Rates for Early Intervention Program Services		
	- <i>Future Effective Regulation</i>	1565	7/1/26
355.00	Rates for Freestanding Birth Center Services.	1567	2/13/26
414.00	Rates for Family Stabilization Services	1574	5/22/26
416.00	Rates for Clubhouse Services.	1574	5/22/26
417.00	Rates for Certain Elder Care Services	1570	3/27/26
422.00	Rates for General Programs Disability Services	1574	5/22/26
614.00	Health Safety Net Payments and Funding		
	- <i>Emergency Refile</i> (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
	- <i>Correction</i> (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 - <i>Emergency</i>	1564	12/12/25
	- <i>Compliance</i> (MA Reg. # 1564)	1570	12/12/25
124 CMR	Massachusetts Office for Victim Assistance		
2.00	Compensation for Victims of Violent Crimes		
	- <i>Compliance</i> (MA Reg. # 1554)	1564	8/4/25
	- <i>Correction</i> (MA Reg. # 1564)	1565	8/4/25

		<u>Issue</u>	<u>Effective Date</u>
130 CMR	Division of Medical Assistance		
449.000	Correctional Facility Services - <i>Emergency Refile</i> (MA Reg. # 1561).	1567	11/7/25
	- <i>Emergency Refile</i> (MA Reg. # 1561)	1573	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
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
	- <i>Correction</i> (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
	- <i>Correction</i> (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 - <i>Emergency</i>	1571	3/27/26
101.00	M.G.L. c. 23K Adjudicatory Proceedings	1572	4/24/26
116.00	Persons Required to Be Licensed or Qualified.	1569	3/13/26
133.00	Voluntary Self-exclusion	1574	5/22/26
134.00	Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations	1572	4/24/26
138.00	Uniform Standards of Accounting Procedures and Internal Controls - <i>Correction</i> (MA Reg. # 1492)	1571	3/9/23
147.00	Uniform Standards of Rules of the Games.	1574	5/22/26
149.00	Race Horse Development Fund	1572	4/24/26
234.00	Sports Wagering Vendors - <i>Compliance</i> (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
	- <i>Correction</i> (MA Reg. # 1569)	1571	3/13/26
	. . . . .	1572	4/24/26
239.00	Continuing Disclosure and Reporting Obligations of Sports Wagering Licensees - <i>Correction</i> (MA Reg. # 1558)	1571	10/10/25
	- <i>Correction</i> (MA Reg. # 1558)	1572	10/10/25
247.00	Uniform Standards of Sports Wagering	1572	4/24/26
248.00	Sports Wagering Account Management	1572	4/24/26
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

		<i>Issue</i>	<i>Effective Date</i>
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
	- <i>Correction</i> (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
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 - <i>Correction</i> (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

		<i>Issue</i>	<i>Effective Date</i>
321 CMR	Division of Fisheries & Wildlife		
3.00	Hunting - Emergency	1564	12/19/25
	- <i>Emergency Correction</i> (MA Reg. # 1564)	1565	12/19/25
	. . . . .	1564	1/2/26
	- <i>Compliance</i> (MA Reg. # 1564)	1571	12/19/25
322 CMR	Division of Marine Fisheries		
4.00	Fishing and Shellfishing Equipment	1566	1/30/26
	. . . . .	1573	5/8/26
6.00	Regulation of Catches - <i>Emergency</i>	1573	4/24/26
	. . . . .	1573	5/8/26
7.00	Permits	1566	1/30/26
	. . . . .	1567	2/13/26
	. . . . .	1573	5/8/26
15.00	Management of Marine Aquaculture	1566	1/30/26
400 CMR	Executive Office of Economic Development		
9.00	Qualified Data Centers	1570	3/27/26
527 CMR	Board of Fire Prevention Regulations		
12.00	Massachusetts Electrical Code	1572	4/24/26
603 CMR	Department of Elementary and Secondary Education\		
7.00	Educator Licensure and Preparation Program Approval	1574	5/22/26
23.00	Student Records	1568	2/27/26
31.00	Certificate of Mastery and State Seal of Biliteracy	1568	2/27/26
606 CMR	Department of Early Education and Care		
10.00	Child Care Financial Assistance	1566	1/30/26
610 CMR	Board of Higher Education		
16.00	Degree Granting Regulation for Pilot Proposals on Innovation	1568	2/27/26
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
	. . . . .	1568	2/27/26

		<u>Issue</u>	<u>Effective Date</u>
807 CMR	Teachers' Retirement Board		
25.00	Interest on Delayed Corrections	1570	3/27/26
815 CMR	Office of the Comptroller		
2.00	State Grants, Federal Grant Awards, Federal Subgrants and Subsidies	1574	5/22/26
3.00	Ready Payment System.	1574	5/22/26
4.00	Late Penalty Interest	1574	5/22/26
6.00	Interdepartmental Fiscal Business	1574	5/22/26
8.00	Contingent Fee Contracts for Non-tax Revenue Maximization	1574	5/22/26
9.00	Debt Collection and Intercept.	1574	5/22/26
830 CMR	Department of Revenue		
62C.00	Administrative Provisions Relative to State Taxation - <i>Emergency</i> . .	1568	2/5/26
840 CMR	Public Employee Retirement Administration Commission		
28.00	Electronic Signatures	1573	5/8/26
935 CMR	Cannabis Control Commission		
500.000	Adult Use of Marijuana	1564	1/2/26
	- <i>Correction</i> (MA Reg. # 1564)	1568	1/2/26
	. . . . .	1570	3/27/26
	- <i>Correction</i> (MA Reg. # 1570)	1572	3/27/26
501.000	Medical Use of Marijuana	1564	1/2/26
	- <i>Correction</i> (MA Reg. # 1564)	1565	1/2/26
	- <i>Correction</i> (MA Reg. # 1564)	1568	1/2/26
	. . . . .	1570	3/27/26
	- <i>Correction</i> (MA Reg. #1570).	1572	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
957 CMR	Center for Health Information and Analysis		
3.00	Assessment on Certain Health Care Providers and Surcharge Payers - <i>Emergency</i>	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

		<i>Issue</i>	<i>Effective Date</i>
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
958 CMR	Health Policy Commission		
6.00	Registration of Provider Organizations	1573	5/8/26
7.00	Notices of Material Change and Cost and Market Impact Reviews . . .	1573	5/8/26
9.00	Assessment on Certain Health Care Providers and Pharmacy Benefit Managers	1573	5/8/26
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
15.00	Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria	1573	5/8/26
16.00	Pre-filing Consultation and Engagement Requirements	1568	2/27/26

THE COMMONWEALTH OF MASSACHUSETTS

Office of the Secretary of the Commonwealth

NOTICE OF EXPIRATION OF EMERGENCY REGULATION

CHAPTER NUMBER: **830 CMR 62C.00**

CHAPTER TITLE: **Administrative Provisions Relative to State Taxation**

AGENCY: **Department of Revenue**

THIS REGULATION WAS ORIGINALLY ADOPTED AS AN EMERGENCY:

EFFECTIVE: **2/5/26**

*Published in Massachusetts Register Number: **1568** Date: **2/27/26***

There having been no action by the agency in compliance with the public review provisions of M.G.L. c. 30A, section 2 or 3 during the three months after this regulation was filed with the State Secretary, this emergency is deemed to have expired and is removed from all current records of the Code of Massachusetts Regulations. Emergency expired effective:

05/05/2026



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **101 CMR 414.00**

CHAPTER TITLE: **Rates for Family Stabilization Services**

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

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

Governs the payment rates for family stabilization services provided to publicly aided individuals by governmental units. These services are purchased by the Department of Developmental Services, the Massachusetts Commission for the Blind, the Department of Children and Families, and the Department of Mental Health.

REGULATORY AUTHORITY: **M.G.L. c. 118E**

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

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

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.*

Executive Order 145 notifications: 1/9/26
Regulatory Review approval: 5/5/26

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: **2/20/26**

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

For the first and second year: estimated total annualized increase of \$37.98 million

For the first five years: _____

No fiscal effect: _____

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: N/A

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

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 101 CMR 414.00.

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: May 08 2026

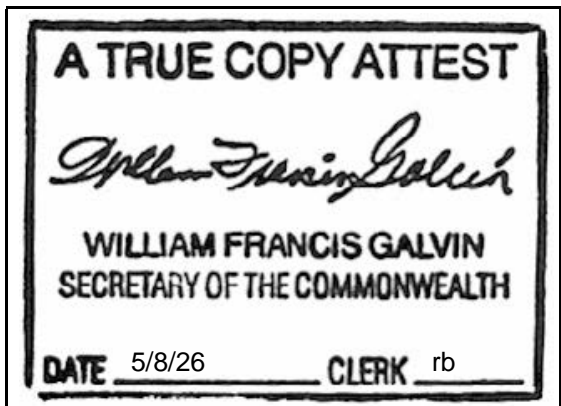
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these Pages:</i>	<i>Insert these Pages:</i>
951 - 960	951 - 960



101 CMR 414.00: RATES FOR FAMILY STABILIZATION SERVICES

Section

- 414.01: General Provisions
- 414.02: Definitions
- 414.03: Rate Provisions
- 414.04: Filing and Reporting Requirements
- 414.05: Severability

414.01: General Provisions

(1) Scope. 101 CMR 414.00 establishes the payment rates for family stabilization services that provide support to individuals and families to promote family stability and to prevent unnecessary out-of-home placements. These rates are established for the services listed in 101 CMR 414.03(6). The rates for other family stabilization services are established by other EOHHS regulations as listed in 101 CMR 414.01(3).

(2) Applicable Dates of Service. Rates contained in 101 CMR 414.00 apply for dates of service provided on or after January 1, 2026.

(3) Services and Rates Covered by Other Regulations. Payment rates for the following services are not included within the scope of 101 CMR 414.00 and are governed by other regulations promulgated by EOHHS as follows.

Service	Regulation
Individual Support and Community Habilitation	101 CMR 423.00: <i>Rates for Certain In-home Basic Living Supports</i>

(4) Disclaimer of Authorization of Services. 101 CMR 414.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 414.00. Governmental units that purchase family stabilization services are responsible for the definition, authorization, and approval of services provided to participants.

(5) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 414.00.

414.02: Definitions

As used in 101 CMR 414.00, unless the context requires otherwise, terms have the meanings in 101 CMR 414.02.

Adolescent Support Network. This service provides young adults with a diverse range of supportive services offered within community advocacy centers. Services are provided by staff trained specifically in the issues of this population, six days per week, and with 24-hour emergency coverage. The service utilizes flexible supports within the community to better assist youth through life transitions in order to meet each person's needs and develop their capacity to make empowering choices that promote safety, well-being, and productivity.

Adult Companion and Adult Companion Group Services. Nonmedical care, supervision, and socialization services provided by a companion to a single participant or a small group of two or three participants. Companions may assist or supervise the participant with such light household tasks as meal preparation, laundry, and shopping.

After-school Respite. These services provide after-school supervision and activities for children and adolescents with developmental or behavioral challenges.

Agency Rate. The fee for services performed by a person whose wage is paid by a corporation or partnership that is a MassHealth provider or provider of human services purchased by any governmental unit of the Commonwealth.

414.02: continued

Agency with Choice. The Agency with Choice program supports individual/family self-determination in managing the receipt of certain services. This program allows individuals/families to have an increased level of self-determination when they share responsibility for the hiring and management of employees/workers who provide services to them. The Agency with Choice provider is the common law employer of record and the individual/family is the managing employer. Fees for these services are not to exceed the equivalent published rate.

Autism Support Center Services. The array of information and referral services, resources, and support services to children and young adults with autism spectrum disorders and their families, including information and referral, family clinics, support groups, access to the latest information on autism, family trainings, parent networking and mentoring, and social/recreational events, among other activities.

Behavioral Support Services. Services designed to remediate identified challenging behaviors or to help individuals acquire socially appropriate behaviors that are necessary to improve the individual's independence and integration into their community. Behavioral support services and consultation are provided by psychology, mental health, and special education professionals.

Center Size. The number of direct-care full-time equivalent employees (FTEs) required to staff a family support center or autism support center as determined by the Department of Developmental Services (DDS).

Child Requiring Assistance (CRA). A child who is having serious problems at home and at school, including runaways, truants, and sexually exploited children, as designated by St. 2012, c. 240.

Chore. An unusual or infrequent household maintenance task needed to maintain the participant's home in a clean, sanitary, and safe environment. This service includes heavy household chores such as washing floors, windows, and walls; tacking down loose rugs and tiles; and moving heavy items of furniture to provide safe access and egress.

Client Financial Assistance/Flexible Funding. A method whereby, subject to availability, a purchasing governmental unit may provide individual resource allocations to both families of children and adults across the state. Flexible funding may be provided through a number of means, including a stipend issued directly to the family; reimbursement to the family for specific expenses and support services; or funds directed by the family to a qualified provider for specific services.

Client Financial Assistance/Flexible Funding Administration. A service in which the provider performs the function necessary to successfully administer flexible funding expenditures to families for permissible support services, other services, or goods.

Combined Hourly Services. These services, individual or group in nature, are based upon an hour's service time of direct-care staff. While most services are nonclinical, some may be clinical.

Community-based After-school Social and Recreation Program Services. After-school programs for blind children with the following elements: community-based recreation, social-skill development, peer support, and community integration.

Comprehensive Services. These family-oriented services reflect a range of either nonclinical or clinical, or blended models of the two, established on a per-full-day-of-service basis. Within model types, the client-to-staff ratio, or intensity of service, differentiates one from another.

Cost Report. The document used to report costs and other financial and statistical data. The Uniform Financial Statements and Independent Auditor's Report (UFR) is used when required.

Educational Coordination. This is an educational support service providing pre- and post-adoption support for foster, adoptive, or guardianship families, and is based upon an enrolled day of service.

414.02: continued

EOHHS. The Executive Office of Health and Human Services established under M.G.L. c. 6A.

Family Navigation Services. Referral support services and expert advice designed to assist families to identify needs and to facilitate and gain access to local generic support services through coordination between family and other service providers. The family navigator acts as a guide and resource development expert to ensure that families have knowledge and access to a broad array of generic community resources, to assist in navigating the system, and to recognize and promote the value of natural support services.

Family Navigation Administrative Services. A Massachusetts Commission for the Blind (MCB) specific service in which the provider performs all necessary accounting functions to successfully administer expenditures to families for permissible support services.

Family Resource Center (FRC). Community-based, culturally competent programs that provide evidence-based parent education groups, information and referral, mentoring, and other opportunities for children and families in need. FRCs also provide CRA-specific services such as intake, screening, and assessments.

Family Skills Development Program Model. A ten-to-13-week curriculum-based program that engages multiple (ten to 12) families with children from newborn to adolescence, to participate in ten to 13, 2½ hour sessions led by a trained team of four facilitators and other volunteers. The goal is to develop strategies to increase communication skills, develop family rules, use positive discipline, address conflict, share feelings, and enjoy family fun. The program includes a full meal for all participants, and may include transportation for participants and child care for infants and other children.

Family Stabilization Services. Services that provide support to individuals and families to promote family stability and to prevent unnecessary out-of-home placements. Family stabilization services include adult companion group services, after-school respite, autism support center services, behavioral support services, case consultation services, chore services, client financial assistance/flexible funding, client financial assistance/flexible funding administration, combined hourly services, community-based after-school social and recreation program services, comprehensive services, educational coordination, family navigation services, family support centers, family systems intervention, family training, family training groups, homemaker services, individual support and community habilitation services, individual youth support services, intensive flexible family support services (IFFS), medically complex programs, occupational therapy, peer support services, physical therapy, planned facility-based respite for children, respite in the caregiver's home, respite in the client's home, site-based respite, specialized medical equipment, speech therapy, unbundled intensive foster care special support services, and youth support groups.

Family Support Centers. Programs that establish a local presence and act as a hub for offering a wide range of general family support services and activities to families of children and adults who are eligible for DDS services. Centers provide information, referrals, and service navigation to DDS eligible families, connecting these families to services they may need, and host community activities such as guest speakers and trainings. Centers also play a role in the administration of client funds. Cultural/linguistic-specific family support centers have been created to respond to the unique needs of specific cultural and linguistic family groups in specified areas or regions of the state.

Family Training. Training and instruction for family members concerning the treatment regimes, behavior plans, and the use of specialized equipment that supports the individual waiver participant to participate in the community. Community family training may also include training in family leadership, support of self-advocacy, and independence for the family members.

Family Training Groups. These groups are designed to improve parenting skills. Of the three model types, two are multi-family in nature, and the third is designed for the parents alone. These groups run usually on a once-per-week basis, and generally range from ten to 16 weeks in duration. The most robust family model may include as many as 60 attendees, while parent groups typically include up to 20.

414.02: continued

Flexible Support Services (FSS). An individualized and targeted set of interventions and services provided to children/youth/young adults with serious emotional disturbance (SED). Flexible support services strengthen the well-being of children/youth/young adults and their families; builds family cohesion; and prevents the need for more intensive services. Through this service, children/youth/young adults and their families develop the skills, strategies, and supports needed to live successfully in the community and to support the youth's ongoing development of age-appropriate social, emotional, academic, and pre-vocational competencies. FSS is designed to be highly flexible to meet the varying needs of those served. The FSS service array includes parent peer support, peer mentoring, therapeutic support, and clinical services delivered through one of three modalities: an interdisciplinary team, a group, or as an individual service.

Governmental Unit. The Commonwealth, any board, commission, department, division, or agency of the Commonwealth, and any political subdivision of the Commonwealth.

Homemaker. A person who performs light housekeeping duties (for example, cooking, cleaning, laundry, and shopping) for the purpose of maintaining a household.

Individual Consideration (IC) Payment rates for certain services are designated as individual consideration (IC). Where IC rates are designated, the purchasing governmental unit will determine the appropriate payment as the actual cost of the item or service as evidenced by invoice, published tuition amount, or other price reasonably obtained by a competitive market for the product or service.

Intensive Flexible Family Support Services (IFFS). Services that support families with one or more members with a disability who are experiencing significant challenges that put the child/individual at risk of out-of-home placement. This is a time-limited (six to 12 months) and goal-oriented service that provides more focused and intensive supports in response to identified areas of need and difficulty and that builds and strengthens the family's capacity to support their child at home.

Medically Complex Programs. Family-driven models of care that support families with children and young adults who have significant cognitive, physical, and complex health care needs and who are living at home. The goal is to provide comprehensive wrap-around support services, which consist of specialized case management activities that help families integrate the variety of resources and support services they are receiving to care for their family member at home.

Micro Family Resource Center. A reduced FRC staffing model, which may be affiliated with an FRC.

Micro Family Resource Center Add-on. Additional staff time allocated to an FRC or Micro FRC to increase its CRA staff capacity.

Occupational Therapy. Therapy services, including diagnostic evaluation and therapeutic intervention, designed to improve, develop, correct, rehabilitate, or prevent the worsening of functions that affect the activities of daily living that have been lost, impaired, or reduced as a result of acute or chronic medical conditions, congenital anomalies, or injuries. Occupational therapy programs are designed to improve quality of life by recovering competence and preventing further injury or disability, and to improve the individual's ability to perform tasks required for independent functioning, so that the individual can engage in activities of daily living.

Parent Skill Development Program Model. A 12-to-14-week program based on curricula that promote positive parenting and skill building for parents and other care givers. Child care may be provided, but there are no children's groups. The program focuses on the specific needs of parents in their role in the family. The program includes a full meal for all participants, and may include transportation for participants and child care for infants and other children.

414.02: continued

Peer Support Services. Services that are designed to provide training, instruction, and mentoring to individuals about self-advocacy, participant direction, civic participation, leadership, benefits, and participation in the community. These services may be provided either by an individual with an intellectual disability or an advisor or support person to a self-advocacy group.

Physical Therapy. Therapy services, including diagnostic evaluation and therapeutic intervention, designed to improve, develop, correct, rehabilitate, or prevent the worsening of physical functions that have been lost, impaired, or reduced as a result of acute or chronic medical conditions, congenital anomalies, or injuries. Physical therapy emphasizes a form of rehabilitation focused on treatment of dysfunctions involving neuromuscular, musculoskeletal, cardiovascular/pulmonary, or integumentary systems through the use of therapeutic interventions to optimize functioning levels.

Planned Facility-based Respite for Children. Services that provide out-of-home supervision and care in a licensed respite home to provide relief for the parents/primary caregivers.

Provider. Any individual, group, partnership, trust, corporation, or other legal entity that offers services for purchase by a governmental unit and that meets the conditions of purchase or licensure that have been adopted by a purchasing governmental unit.

Reporting Year. The provider's fiscal year for which costs incurred are reported to the Operational Services Division on the Uniform Financial Statements and Independent Auditor's Report (UFR).

Respite in the Caregiver's Home. Supervision and care provided in the caregiver's home on a short-term basis, including on a short-term overnight basis, where there is an absence of or need for relief for those persons who normally provide care for the participant. Since this service is provided in the caregiver's home, applicable license or certification is necessary.

Respite in the Recipient's Home. Supervision and care provided in the home of the client, by qualified staff that possess a high school diploma, GED, or equivalencies or relevant competencies, on a short-term basis, including on a short-term overnight basis, where there is an absence or need for relief of those persons who normally provide care for the participant.

Self-employed Provider Rate. The fee for services performed by a person that is a provider and is not paid a wage by another person or entity for services performed.

Session. A single group meeting.

Site-based Respite. Services provided by a licensed respite home designed to provide out-of-home supervision and care to provide relief for the parents/primary caregivers.

Specialized Medical Equipment and Supplies. Devices, controls, or appliances to increase abilities in activities of daily living, or to control or communicate with the environment.

Specialty Family Skills Development Program Model. A 14-to-16-week curriculum-based program that engages multiple (ten to 12) families with children from newborn to adolescence, to participate in 14 to 16, 2½ hour sessions led by a trained team of eight to 12 facilitators, professionals, specialty providers, and volunteers. These groups are designed to address families with unique and/or multiple challenges, and special support needs. The program includes a full meal for all participants, and may include transportation for participants and child care for infants and other children.

Speech/Language Therapy. Therapy services, including diagnostic evaluation and therapeutic intervention, that are designed to improve, develop, correct, rehabilitate, or prevent the worsening of speech/language communication and swallowing disorders that have resulted in lost, impaired, or reduced speech/language communication and swallowing abilities as a result of acute or chronic medical conditions, congenital anomalies, or injuries. Speech and language disorders are those that affect articulation of speech, sounds, fluency, voice, swallowing (regardless of presence of a communication disability), and those that impair comprehension, or spoken, written, or other symbol systems used for communication.

414.02: continued

State Funding. The aggregate state fiscal year amount of payments to a provider by a governmental unit for services purchased at rates established in 101 CMR 414.00. State funding does not include any amounts attributable to federal funding or grant funds.

Unbundled Intensive Foster Care Special Support Services. This model of intensive foster care represents a modification of the model that is the basis for 101 CMR 411.00: *Rates for Certain Placement, Support, and Shared Living Services*. This model was requested by the Department of Children and Families (DCF) and eliminates the family resource worker because a DCF employee fulfills this role.

414.03: Rate Provisions

(1) Services Included in the Rate. The approved rate includes payment for all care and services that are part of the program of services of an eligible provider, as explicitly set forth in the terms of the purchase agreement between the eligible provider and the purchasing governmental unit(s).

(2) Reimbursement as Full Payment. Each provider must, as a condition of acceptance of payment made by any purchasing governmental units for services rendered, accept the approved program rate as full payment and discharge of all obligations for the services rendered. Payment from any other source will be used to offset the amount of the purchasing governmental unit's obligation for services rendered to the participant.

(3) Payment Limitations. No purchasing governmental unit may pay less than or more than the approved program rate.

(4) Services Provided in Dukes or Nantucket County. In accordance with the provisions of St. 2016, c. 133, payment for services provided in programs located in Dukes or Nantucket County is the rate for the service contained in 101 CMR 414.03(6) times a factor of 1.07.

(5) Administrative Adjustment for Extraordinary Circumstances. A method whereby, subject to availability of funds, a purchasing governmental unit may provide additional resource allocations to a qualified provider in response to unusual and unforeseen circumstances that substantially increase the cost of service delivery in ways not contemplated in the development of current rates. It must be demonstrated that such cost increases gravely threaten the stability of service provision such that client or consumer access to necessary services is at risk. The purchasing governmental unit will evaluate the need for the administrative adjustment, determine whether funding is available, and convey that information to EOHHS for review to determine the amount of any adjustment.

(6) Approved Rates. The approved rate is the lower of the provider's charge or amount accepted as payment from another payer or the rate listed in 101 CMR 414.03(6).

(a) Family Support Services.

Service	Center Size	Unit of Service	Agency Rate
Adolescent Support Network	--	Enrolled day	\$31.88
Adult Companion	--	15 minutes	\$10.70
Adult Companion Group Services Group of 2	--	15 minutes	\$5.35
Adult Companion Group Services Group of 3	--	15 minutes	\$3.57
After-school Respite	--	Half day	\$68.40
After-school Respite	--	Full day	\$118.65
Autism Support Center/Family Support Center	0.5	Month	\$6,480.73
Autism Support Center/Family Support Center	1	Month	\$12,961.46
Autism Support Center/Family Support Center	1.5	Month	\$19,442.20
Autism Support Center/Family Support Center	2	Month	\$25,922.93

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

414.03: continued

Service	Center Size	Unit of Service	Agency Rate
Autism Support Center/Family Support Center	2.5	Month	\$30,789.73
Autism Support Center/Family Support Center	3	Month	\$36,232.82
Autism Support Center/Family Support Center	3.5	Month	\$41,606.07
Autism Support Center/Family Support Center	4	Month	\$46,894.42
Autism Support Center/Family Support Center	4.5	Month	\$52,094.30
Autism Support Center/Family Support Center	5	Month	\$57,262.78
Autism Support Center/Family Support Center	5.5	Month	\$62,392.46
Autism Support Center/Family Support Center	6	Month	\$67,666.93
Autism Support Center/Family Support Center	6.5	Month	\$72,935.61
Autism Support Center/Family Support Center	7	Month	\$78,163.06
Autism Support Center/Family Support Center	7.5	Month	\$83,392.89
Autism Support Center/Family Support Center	8	Month	\$88,554.72
Autism Support Center/Family Support Center	8.5	Month	\$93,628.17
Autism Support Center/Family Support Center	9	Month	\$98,671.39
Autism Support Center/Family Support Center	9.5	Month	\$103,714.62
Autism Support Center/Family Support Center	10	Month	\$108,733.03
Autism Support Center/Family Support Center	10.5	Month	\$113,759.95
Autism Support Center/Family Support Center	11	Month	\$118,782.82
Autism Support Center/Family Support Center	11.5	Month	\$123,826.88
Autism Support Center/Family Support Center	12	Month	\$128,897.60
Agency with Choice	-	N/A	IC
Agency with Choice Admin Fee	-	Month	\$420.63
Behavioral Support Services Bachelor's	-	15 minutes	\$23.08
Behavioral Support Services Master's	-	15 minutes	\$33.90
Behavioral Support Services PhD	-	15 minutes	\$43.65
Client Financial Assistance/Flex Funding	-	N/A	IC
Client Financial Assistance/Flex Funding Administration	-	Transaction	\$20.84
Community-based After-school Social and Recreation Programs	-	Group Hour	\$46.50
Combined Hourly Services:			
Nonclinical	-	Hour	\$76.20
Clinical	-	Hour	\$107.71
Comprehensive Services:			
Model A-1 Direct Care - Nonclinical, Less Intensive	-	Enrolled day	\$52.06
Model A-2 Direct Care - Nonclinical, More Intensive	-	Enrolled day	\$78.82
Model B Direct Care and Clinical, Less Intensive	-	Enrolled day	\$97.28
Model C Direct Care and Clinical, More Intensive	-	Enrolled day	\$98.89
Model D Clinical	-	Enrolled day	\$98.04
Model E Direct Care and Clinical High Intensive	-	Enrolled day	\$141.61
Model F Direct Care and Clinical Highest Intensive	-	Enrolled day	\$236.58
Model G Direct Care and Clinical Higher Intensive	-	Enrolled day	\$174.66
Educational Coordination	-	Enrolled day	\$24.26

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

414.03: continued

Service	Center Size	Unit of Service	Agency Rate
Family Navigation	-	15 minutes	\$20.93
Family Resource Center	-	Month	\$68,425
Micro Family Resource Center	-	Month	\$27,988
Micro Family Resource Center Add-on	-	Month	\$7,940
Family Resource Center <i>Per Diem</i> Add-on: Family Support Worker	-	<i>Per Diem</i>	\$297.30
Family Resource Center <i>Per Diem</i> Add-on: Clinician (LCSW)	-	<i>Per Diem</i>	\$411.81
Family Resource Center <i>Per Diem</i> Add-on: Clinician (LICSW)	-	<i>Per Diem</i>	\$490.58
Family Resource Center <i>Per Diem</i> Add-on: Family Partner	-	<i>Per Diem</i>	\$228.71
Family Resource Center <i>Per Diem</i> Add-on: School Liaison	-	<i>Per Diem</i>	\$377.95
Family Training Groups:			
Specialty Family Skills Development Program Model	-	Session	\$3,125.72
Add-ons for a Specialty Family Skills Development Program Model:			
Occupancy Purchase of Space	-	Session	\$144.33
Family Skills Development Program Model	-	Session	\$2,135.18
Add-ons for a Family Skills Development Program Model:			
Facilitator/Coordinator	-	Session	\$72.36
Meals	-	Session	\$177.48
Child Care	-	Session	\$51.17
Occupancy Purchase of Space	-	Session	\$144.33
Transportation	-	Session	\$173.21
Parent Skill Development Program Model	-	Session	\$1,672.49
Add-ons for a Parent Skill Development Program Model:			
Facilitator/Coordinator	-	Session	\$72.36
Meals	-	Session	\$177.48
Child Care	-	Session	\$51.17
Occupancy Purchase of Space	-	Session	\$144.33
Transportation	-	Session	\$173.21
Family Training	-	15 minutes	\$14.67
Family Training Group of 2	-	15 minutes	\$7.34
Family Training Group of 5	-	15 minutes	\$2.93
Intensive Flexible Family Support Services	-	Enrolled day	\$27.33
Medically Complex Programs	-	Month	\$462.10
Peer Support	-	15 minutes	\$10.70
Peer Support Group of 2	-	15 minutes	\$5.35
Peer Support Group of 5	-	15 minutes	\$2.14
Planned Site-based Respite for Children	-	Day	\$471.77

414.03: continued

Service	Center Size	Unit of Service	Agency Rate
Planned Site-based Respite for Children, High-intensity Support Needs	-	Day	\$615.38
Planned Site-based Respite for Children	-	30 minutes	\$29.49
Planned Site-based Respite for Children, High-intensity Support Needs	-	30 minutes	\$38.46
Respite in Caregiver's Home, Level 1	-	Day	\$151.92
Respite in Caregiver's Home, Level 2	-	Day	\$183.53
Respite in Caregiver's Home, Level 3	-	Day	\$215.15
Respite in Recipient's Home, 1:1	-	15 minutes	\$10.70
Respite in Recipient's Home, 1:2	-	15 minutes	\$5.35
Respite in Recipient's Home, 1:3	-	15 minutes	\$3.57
Respite in Recipient's Home	-	Day	\$385.20
Site-based Respite	-	Day	\$326.33
Site-based Respite with Nursing	-	Day	\$410.36
Unbundled Intensive Foster Care Special Support	-	Child day	\$67.44
Family Navigation Administrative Service	-	Transaction	\$42.13

(b) Flexible Support Services.

Flexible Supports Service	Level	Hourly Rate	Monthly Rate 1.0 FTE	Monthly Rate 0.75 FTE	Monthly Rate 0.5 FTE	Monthly Rate 0.25 FTE
Program Manager	1	N/A	\$10,719	\$8,040	\$5,360	\$2,680
Program Manager	2	N/A	\$11,053	\$8,290	\$5,527	\$2,763
Clinician	1	\$113.71	\$9,637	\$7,228	\$4,819	\$2,409
Clinician	2	\$132.53	\$11,232	\$8,424	\$5,616	\$2,808
Clinician	3	\$167.89	\$13,389	\$10,042	\$6,694	\$3,347
Family Partner	1	\$84.16	\$6,614	\$4,960	\$3,307	\$1,653
Family Partner	2	\$103.76	\$8,154	\$6,115	\$4,077	\$2,038
Peer Mentor/Therapeutic Support Specialist	1	\$80.69	\$6,435	\$4,826	\$3,218	\$1,609
Peer Mentor/Therapeutic Support Specialist	2	\$100.00	\$7,975	\$5,982	\$3,988	\$1,994
Support Specialist	1	\$80.69	\$6,435	\$4,826	\$3,218	\$1,609

414.04: Filing and Reporting Requirements

(1) General Provisions.

(a) Accurate Data. All reports, schedules, additional information, books, and records that are filed or made available to EOHHS must be certified under pains and penalties of perjury as true, correct, and accurate by the executive director or chief financial officer of the provider.

(b) Examination of Records. Each provider must make available to EOHHS or the purchasing governmental unit upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.

(2) Required Reports. Each provider must file

(a) an annual Uniform Financial Statements and Independent Auditor's Report completed in accordance with the filing requirements of 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*;

414.04: continued

- (b) any cost report supplemental schedule as issued by EOHHS; and
- (c) any additional information requested by EOHHS within 21 days of a written request.

(3) 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 414.04(3).

414.05: Severability

The provisions of 101 CMR 414.00 are severable. If any provision of 101 CMR 414.00 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 414.00 or application of those provisions to applicable individuals, entities, or circumstances.

REGULATORY AUTHORITY

101 CMR 414.00: M.G.L. c. 118E.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **101 CMR 416.00**

CHAPTER TITLE: **Rates for Clubhouse Services**

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

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

Governs the payment rates for clubhouse services provided to publicly aided individuals by governmental units. The Department of Mental Health purchases services with rates established by this regulation.

REGULATORY AUTHORITY: **M.G.L. c. 118E**

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

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

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.*

Executive Order 145 notifications: 11/5/25
Regulatory Review approval: 4/28/26

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: **12/12/25**

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

For the first and second year: estimated total annualized increase of \$940,600

For the first five years: _____

No fiscal effect: _____

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: N/A

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

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 101 CMR 416.00.

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: May 08 2026

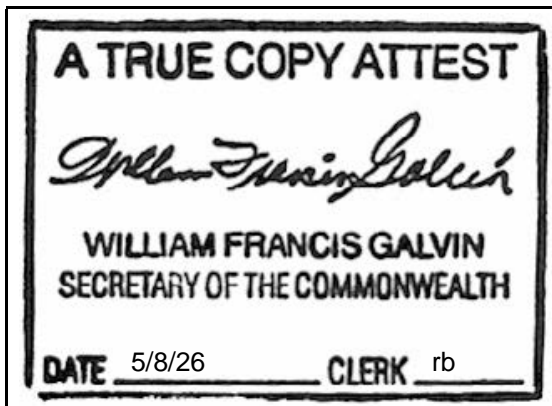
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these Pages:</i>	<i>Insert these Pages:</i>
965 & 966	965 & 966



101 CMR 416.00: RATES FOR CLUBHOUSE SERVICES

Section

- 416.01: General Provisions
- 416.02: Definitions
- 416.03: Rate Provisions
- 416.04: Filing and Reporting Requirements
- 416.05: Severability

416.01: General Provisions

- (1) Scope. 101 CMR 416.00 governs the payment rates for clubhouse services purchased by a governmental unit.
- (2) Applicable Dates of Services. Rates contained in 101 CMR 416.00 apply for dates of service provided on or after January 1, 2026.
- (3) Disclaimer of Authorization of Services. 101 CMR 416.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 416.00. The governmental unit that purchases the services is responsible for the definition, authorization, and approval of services provided to clients.
- (4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 416.00.

416.02: Definitions

As used in 101 CMR 416.00, unless the context requires otherwise, terms have the meanings in 101 CMR 416.02.

Average Daily Attendance. A measure of the average number of clients served each day by a program. The average daily attendance is assigned to the program based on prior fiscal year attendance data.

Client. An adult for whom a governmental unit purchases clubhouse services.

Clubhouse Services. Services provided under a clubhouse program to individuals with behavioral and/or mental health issues, including employment, educational, social, and support services. Clubhouse services assist individuals to develop social networking, independent living, budgeting, self-care, and other skills that will assist them to live in the community and to secure and retain employment.

Cost Report. The document used to report costs and other financial and statistical data. The Uniform Financial Statements and Independent Auditor's Report (UFR) is used when required.

EOHHS. The Executive Office of Health and Human Services established under M.G.L. c. 6A.

Governmental Unit. The Commonwealth, any board, commission, department, division, or agency of the Commonwealth, and any political subdivision of the Commonwealth.

Provider. Any individual, group, partnership, trust, corporation, or other legal entity that offers clubhouse services for purchase by a governmental unit and that meets the conditions of purchase or licensure that have been adopted by a purchasing governmental unit.

Reporting Year. The provider's fiscal year for which costs incurred are reported to the Operational Services Division on the Uniform Financial Statements and Independent Auditor's Report (UFR).

416.02: continued

Service Day. A service day is the unit of service used to bill the governmental unit. In general, a service day is a day during which an enrolled client either participates in a clubhouse services activity or activities related to a specific goal or objective documented in the client's Action Plan. The governmental unit will determine the specific events and conditions that qualify as billable activity. A provider can invoice only one unit of service per member per day.

416.03: Rate Provisions

(1) Services Included in the Rate. The approved rate includes payment for all care and services that are part of the program of services of an eligible provider, as explicitly set forth by the purchasing governmental unit(s).

(2) Reimbursement as Full Payment. Each eligible provider must, as a condition of payment by any purchasing governmental unit, accept the approved rate as full payment and discharge of all obligations for the services rendered. Payment by the purchasing governmental unit for services rendered to the client will be reduced by the amount of any payment from any other source.

(3) Payment Limitations. No purchasing governmental unit may pay less than, or more than, the approved rate.

(4) Approved Rates. The approved rate is the lower of the provider's charge or amount accepted as payment from another payer, or the rate listed in 101 CMR 416.03(4).

Clubhouse Services Rates	Unit	Rate
Average Daily Attendance of 29 and under	Per Service Day	\$82.16
Average Daily Attendance of 30 through 70	Per Service Day	\$78.98
Average Daily Attendance of 71 and above	Per Service Day	\$58.89
Program located in Nantucket or Dukes County	Per Service Day	\$103.14

416.04: Filing and Reporting Requirements

(1) General Provisions.

(a) Accurate Data. All reports, schedules, additional information, books, and records that are filed or made available to EOHHS must be certified under pains and penalties of perjury as true, correct, and accurate by the executive director or chief financial officer of the provider.

(b) Examination of Records. Each provider must make available to EOHHS or the purchasing governmental unit upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.

(2) Required Reports. Each provider must file

(a) an annual Uniform Financial Statements and Independent Auditor's Report completed in accordance with the filing requirements of 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*;

(b) any cost report supplemental schedule as issued by EOHHS; and

(c) any additional information requested by EOHHS within 21 days of a written request.

(3) 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 416.04(3).



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **101 CMR 422.00**

CHAPTER TITLE: **Rates for General Programs Disability Services**

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

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

Establishes the payment rates for disability programs and services provided to publicly aided individuals by governmental units under EOHHS' regulatory authority. Services with rates established by this regulation are purchased by the Department of Developmental Services, the Massachusetts Commission for the Blind, and MassAbility.

REGULATORY AUTHORITY: **M.G.L. c. 118E**

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

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

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.*

Executive Order 145 notifications: 12/10/25
Regulatory Review approval: 5/5/26

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: **1/23/26**

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

For the first and second year: estimated total annualized increase of \$592,753

For the first five years: _____

No fiscal effect: _____

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: N/A

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

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 101 CMR 422.00.

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: May 08 2026

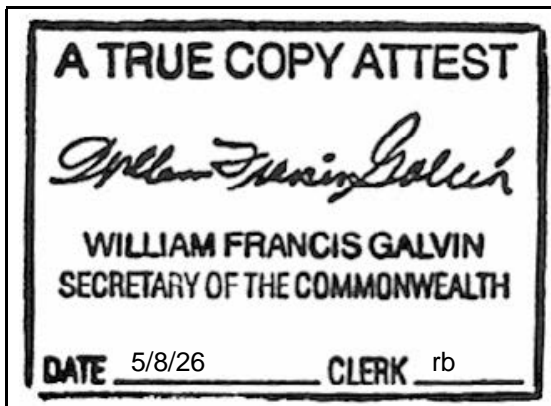
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these Pages:</i>	<i>Insert these Pages:</i>
1021 - 1024	1021 - 1024



101 CMR 422.00: RATES FOR DISABILITY PROGRAMS AND SERVICES

Section

- 422.01: General Provisions
- 422.02: Definitions
- 422.03: Rate Provisions
- 422.04: Filing and Reporting Requirements
- 422.05: Severability

422.01: General Provisions

- (1) Scope. 101 CMR 422.00 governs the payment rates for disability programs and services purchased by a governmental unit. These services are designed to provide various types of assistance to disabled individuals to aid them in achieving personal independence.
- (2) Applicable Dates of Service. The rates contained in 101 CMR 422.00 apply for dates of service provided on or after January 1, 2026.
- (3) Disclaimer of Authorization of Services. 101 CMR 422.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 422.00. Governmental units that purchase the services described in 101 CMR 422.00 are responsible for the definition, authorization, and approval of services extended to clients.
- (4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 422.00.
- (5) Services and Rates Covered by Other Regulations. Payment rates for the following services are not included within the scope of 101 CMR 422.00 and are governed by other regulations promulgated by EOHHS as follows.

Service	Regulation
Client Financial Assistance/Flex Funding Administration	101 CMR 414.00: <i>Rates for Family Stabilization Services</i>

422.02: Definitions

As used in 101 CMR 422.00, unless the context requires otherwise, terms have the meanings in 101 CMR 422.02.

Assistive Technology Independent Living. A program that provides services to assist an individual with severe disabilities in the selection, acquisition, and/or use of an assistive device (any item that is used to increase, maintain, or improve functional capabilities of individuals with disabilities). Services include a functional evaluation of the individual client, guidance in the acquisition and maintenance of assistive technology devices, the coordination of therapies using assistive technology devices, and training and technical assistance for the client, their family, and the client's employer.

Brain Injury Community Center. A community center-based rehabilitation program that provides supports through a membership-based program with an emphasis on abilities rather than disabilities. All members are involved in the operation of the community center. This responsibility fosters essential skills and self-esteem development, which are supported by social relationships and training.

Brain Injury Site-based and Community Outreach. Site- and community-based services that provide support and opportunities for people with brain injury to enrich their lives, develop personal skills and competencies, and participate in their communities. These services have an array of day supports promoting opportunities to acquire, improve, and maintain skills and abilities needed for community participation, meaningful socialization, and quality of life.

422.02: continued

Client. A person receiving disability programs and services purchased by a governmental unit.

Cost Report. The document used to report costs and other financial and statistical data. The Uniform Financial Statements and Independent Auditor's Report (UFR) is used when required.

Deaf/Blind Community Access Network. A program that serves individuals who are deaf and/or blind and have complex needs requiring a continuum of supports to live and work in the community. This program empowers deaf/blind consumers to increase and sustain their independence by offering highly specialized personal assistance services that enhance community integration, such as shopping, tending to personal business matters, attending community educational events, and accessing medical care.

Disability Programs and Services. Programs and services purchased by the Department of Developmental Services (DDS), the Massachusetts Commission for the Blind (MCB), and MassAbility (formerly the Massachusetts Rehabilitation Commission) that provide various types of assistance to disabled individuals to aid them in achieving personal independence. These programs and services include the following:

- (a) orientation and mobility;
- (b) mobile eye clinic;
- (c) deaf/blind community access network;
- (d) assistive technology independent living;
- (e) home care assistance; and
- (f) vocational rehabilitation assistant.

EOHHS. The Executive Office of Health and Human Services established under M.G.L. c. 6A.

Governmental Unit. The Commonwealth, any board, commission, department, division, or agency of the Commonwealth, and any political subdivision of the Commonwealth.

Home Care Assistance. A program that provides homemaking services to eligible disabled adults 18 through 59 years old who have medically documented physical or mental disabilities that prevent them from performing essential homemaking activities and who need assistance with homemaking and coordination of services in order to live independently and avoid hospitalization or institutionalization.

Homemaking Services. Direct assistance with meal preparation, grocery, shopping, medication pick-up, laundry, and light housekeeping.

Orientation and Mobility. A service that provides individualized travel training programs to consumers in their homes, workplaces, and communities in addressing the many new challenges encountered by individuals experiencing vision loss. Certified Orientation and Mobility Specialists assess the individual's travel needs, motivation, and visual and physical abilities. Training is developed with the goal of maximizing independence or providing orientation to a new environment, such as a college campus, work location, or new residence, based upon the assessment.

Provider. Any individual, group, partnership, trust, corporation, or other legal entity that offers services for purchase by a governmental unit and that meets the conditions of purchase or licensure that have been adopted by a purchasing governmental unit.

State Funding. The aggregate state fiscal year amount of payments to a provider by a governmental unit for services purchased at rates established in 101 CMR 422.00. State funding does not include any amounts attributable to federal funding or grant funds.

Vocational Rehabilitation Assistant (VRA). A program that provides orientation and mobility services for individuals with legal blindness and intellectual disabilities who reside in the community and may also provide trainings for individuals and families and staff. Vocational rehabilitation assistants work under the clinical supervision of certified staff.

Workforce Initiatives. Funds directed to a provider for workforce development.

422.03: Rate Provisions

- (1) Services Included in the Rate. The approved rate includes payment for all care and services that are part of the program of services of an eligible provider, as explicitly set forth by the purchasing governmental unit(s).
- (2) Reimbursement as Full Payment. Each eligible provider must, as a condition of payment by any purchasing governmental unit, accept the approved rate as full payment and discharge of all obligations for the services rendered. Payments by the purchasing governmental unit for services rendered to the client are reduced by the amount of any payment from any other source.
- (3) Payment Limitations. Except as provided in 101 CMR 422.03(2) and (4), each purchasing governmental unit pays for services at the rates established in 101 CMR 422.03(4).
- (4) Services Provided in Dukes or Nantucket County. In accordance with the provisions of St. 2016, c. 133, payment for services provided in programs located in Dukes or Nantucket County is the rate for the service contained in 101 CMR 422.03(5) times a factor of 1.185.
- (5) Approved Rates. The rates set forth in 101 CMR 422.03(5) govern payments for services provided pursuant to contracts executed under the FY 2013 or subsequent procurements of the governmental unit procuring the service. The approved rate is the lower of the provider's charge or amount accepted as payment from another payer or the rate listed in 101 CMR 422.03(5).

Service Classification	Rate	Unit
Orientation and Mobility (Level 1)	\$105.84	Per Hour
Orientation and Mobility (Level 2)	\$119.72	Per Hour
Orientation and Mobility (Level 3)	\$133.60	Per Hour
Deaf/Blind Community Access Network	\$49.29	Per Hour
Assistive Technology Independent Living	\$187.13	Per Hour
Assistive Technology Independent Living	IC	Device
Home Care Assistance		
West	\$35.12	Per Hour
Central	\$33.04	Per Hour
Metropolitan Boston	\$33.20	Per Hour
North	\$34.22	Per Hour
South	\$34.11	Per Hour
Vocational Rehabilitation Assistant	\$73.47	Per Hour
Brain Injury Community Outreach Service	\$25.71	Per ¼ hour
Brain Injury Site-based Service	\$81.83	Half Day
Brain Injury Site-based Service	\$163.66	Full Day
Brain Injury Direct Care Add-on	\$7.69	Per ¼ hour

422.03: continued

(6) Geographic Areas for Home Care Assistance Rates. The following cities and towns comprise the geographic areas encompassed by the rates for Home Care Assistance.

(a) Central: Ashburnham, Ashby, Ashland, Athol, Auburn, Ayer, Barre, Bellingham, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dover, Dudley, East Brookfield, Fitchburg, Framingham, Franklin, Gardner, Grafton, Groton, Hardwick, Harvard, Holden, Holliston, Hopedale, Hopkinton, Hubbardston, Hudson, Lancaster, Leicester, Leominster, Lunenburg, Marlborough, Medway, Mendon, Milford, Millbury, Millville, Natick, Needham, New Braintree, North Brookfield, Northborough, Northbridge, Oakham, Oxford, Paxton, Pepperell, Petersham, Phillipston, Princeton, Royalston, Rutland, Sherborn, Shirley, Shrewsbury, Southborough, Southbridge, Spencer, Sterling, Sturbridge, Sudbury, Sutton, Templeton, Townsend, Upton, Uxbridge, Warren, Wayland, Webster, Wellesley, West Boylston, West Brookfield, Westborough, Westminster, Weston, Winchendon, Worcester.

(b) Metropolitan Boston: Belmont, Boston, Brookline, Cambridge, Chelsea, Newton, Revere, Somerville, Waltham, Watertown, Winthrop.

(c) North: Acton, Amesbury, Andover, Arlington, Bedford, Beverly, Billerica, Boxborough, Boxford, Burlington, Carlisle, Chelmsford, Concord, Danvers, Dracut, Dunstable, Essex, Everett, Georgetown, Gloucester, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lexington, Lincoln, Littleton, Lowell, Lynn, Lynnfield, Malden, Manchester-by-the-Sea, Marblehead, Maynard, Medford, Melrose, Merrimac, Methuen, Middleton, Nahant, Newbury, Newburyport, North Andover, North Reading, Peabody, Reading, Rockport, Rowley, Salem, Salisbury, Saugus, Stoneham, Stow, Swampscott, Tewksbury, Topsfield, Tyngsborough, Wakefield, Wenham, Westford, West Newbury, Wilmington, Winchester, Woburn.

(d) South: Abington, Acushnet, Aquinnah, Attleboro, Avon, Barnstable, Berkeley, Bourne, Braintree, Brewster, Bridgewater, Brockton, Canton, Carver, Chatham, Chilmark, Cohasset, Dartmouth, Dedham, Dennis, Dighton, Duxbury, East Bridgewater, Eastham, Easton, Edgartown, Fairhaven, Fall River, Falmouth, Foxborough, Freetown, Gosnold, Halifax, Hanover, Hanson, Harwich, Hingham, Holbrook, Hull, Kingston, Lakeville, Mansfield, Marion, Marshfield, Mashpee, Mattapoisett, Medfield, Middleborough, Millis, Milton, Nantucket, New Bedford, Norfolk, North Attleboro, Norton, Norwell, Norwood, Oak Bluffs, Orleans, Pembroke, Plainville, Plymouth, Plympton, Provincetown, Quincy, Randolph, Raynham, Rehoboth, Rochester, Rockland, Sandwich, Scituate, Seekonk, Sharon, Somerset, Stoughton, Swansea, Taunton, Tisbury, Truro, Walpole, Wareham, Wellfleet, West Bridgewater, Westport, West Tisbury, Westwood, Weymouth, Whitman, Wrentham, Yarmouth.

(e) West: Adams, Agawam, Alford, Amherst, Ashfield, Becket, Belchertown, Bernardston, Blandford, Brimfield, Buckland, Charlemont, Cheshire, Chester, Chesterfield, Chicopee, Clarksburg, Colrain, Conway, Cummington, Dalton, Deerfield, Easthampton, East Longmeadow, Egremont, Erving, Florida, Gill, Goshen, Granby, Granville, Great Barrington, Greenfield, Hadley, Hampden, Hancock, Hatfield, Hawley, Heath, Hinsdale, Holland, Holyoke, Huntington, Lanesborough, Lee, Lenox, Leverett, Leyden, Longmeadow, Ludlow, Middlefield, Monroe, Monson, Montague, Monterey, Montgomery, Mount Washington, New Ashford, New Marlborough, New Salem, North Adams, Northampton, Northfield, Orange, Otis, Palmer, Pelham, Peru, Pittsfield, Plainfield, Richmond, Rowe, Russell, Sandisfield, Savoy, Sheffield, Shelburne Falls, Shutesbury, Southampton, South Hadley, Southwick, Springfield, Stockbridge, Sunderland, Tolland, Tyringham, Wales, Ware, Warwick, Washington, Wendell, Westhampton, Westfield, West Springfield, West Stockbridge, Whately, Wilbraham, Williamsburg, Williamstown, Windsor, Worthington.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **205 CMR 133.00**

CHAPTER TITLE: **Voluntary Self-exclusion**

AGENCY: **Massachusetts Gaming Commission**

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

205 CMR 133.00 governs the procedures and protocols relative to the list of self-excluded persons who are excluded from entering the gaming area of a gaming establishment or any area in which parimutuel or simulcasting wagers are placed.

REGULATORY AUTHORITY: **MGL c. 23K, § 45(f)**

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: 3/12/2026

Notice to the Secretary of the Commonwealth: 3/27/2026

Publication in the Boston Herald: 3/31/2026

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: **04/21/2026**

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

For the first and second year:	<u>0.00</u>
For the first five years:	<u>0.00</u>
No fiscal effect:	<u>0.00</u>

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: 5/7/2026

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation: **Massachusetts Gaming Commission, Voluntary self-exclusion, gaming, gaming establishment, wagers, simulcast, parimutuel wagers**

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 133.00, specifically 205 CMR 133.02:: Placement on the Self-exclusion List.

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: May 08 2026

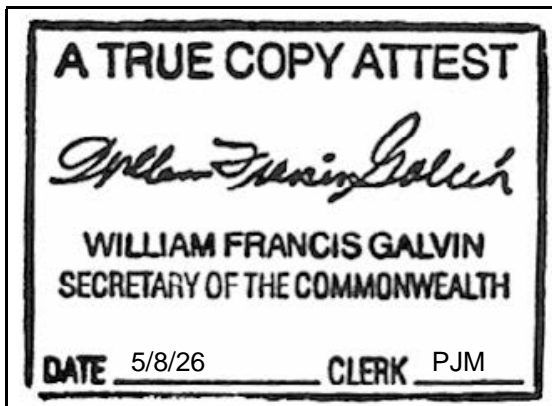
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these Pages:</i>	<i>Insert these Pages:</i>
431 & 432	431 & 432



205 CMR 133.00: VOLUNTARY SELF-EXCLUSION

Section

- 133.01: Scope and Purpose
- 133.02: Placement on the Self-exclusion List
- 133.03: Contents of the Application
- 133.04: Duration of Exclusion and Reinstatement from the List
- 133.05: Maintenance and Custody of the List
- 133.06: Responsibilities of the Gaming Licensees
- 133.07: Sanctions against a Gaming Licensee
- 133.08: Collection of Debts

133.01: Scope and Purpose

In accordance with M.G.L. c. 23K, § 45(f), the commission shall establish a list of self-excluded persons from gaming establishments. 205 CMR 133.00 shall govern the procedures and protocols relative to the list of persons self-excluded from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed. The voluntary self-exclusion list shall consist of names and information relative to those individuals who have complied with the requirement of 205 CMR 133.00 and have been placed on the list by the commission. Placement of one's name on the voluntary self-exclusion list is intended to offer individuals one means to help address problem gambling behavior or deter an individual with family, religious, or other personal concerns from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed.

For purposes of 205 CMR 133.00, the term 'problem gambler' shall mean an individual who believes their gambling behavior is currently, or may in the future without intervention, cause harm in their life or on the lives of their family, friends, and/or co-workers.

133.02: Placement on the Self-exclusion List

(1) An individual whose name is placed on the voluntary self-exclusion list shall be prohibited from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed for the duration of the exclusion period, and shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. Provided, however, that an employee of a gaming licensee or vendor who is licensed or registered as a key gaming employee, gaming employee, or gaming service employee in accordance with 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations* and who is on the voluntary self-exclusion list may be in the gaming area of a gaming establishment or an area in which pari-mutuel or simulcasting wagers are placed solely for purposes of performing their job functions.

(2) An individual may request to have their name placed on the voluntary self-exclusion list by completing the application and procedure outlined in 205 CMR 133.02. Applications shall be submitted in a format approved by the commission and shall be available on the commission's website and at designated locations on and off the premises of the gaming establishments as determined by the commission.

(3) An application for placement on the voluntary self-exclusion list may only be accepted, and an intake performed, by an available designated agent. An individual may only become a designated agent by successfully completing a course of training approved and administered by the commission or its designee. The course of training shall include, at a minimum, instruction on completion of the application, instruction on maintaining confidentiality of personal protected information, information relative to problem gambling and resources, and an understanding of 205 CMR 133.00. A designated agent is any individual authorized by the commission for the purpose of administering the voluntary self-exclusion program including, but not limited to, a player health advisor; a health or mental health professional; or an employee of a gaming licensee, the commission, or other government entity. The commission may refuse to offer training to any individual whose service as a designated agent it determines would be contrary to the aims of 205 CMR 133.00.

133.02: continued

- (4) Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application, as provided by 205 CMR 133.03. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
- (5) A designated agent may not sign an application if
 - (a) any required information is not provided; or
 - (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the self-exclusion list.
- (6) Designated agents completing an electronic form of the approved application shall deliver electronically the signed application for voluntary self-exclusion to the commission immediately upon completion. Designated agents completing a paper form of the approved application shall forward the signed application for voluntary self-exclusion to the commission within 48 hours of completion in a manner directed by the commission.
- (7) Upon receipt of an application, the commission, or its designee, shall review it for completeness. If the application meets all requirements of 205 CMR 133.02 the application shall be approved and the individual's name shall be added to the voluntary self-exclusion list. If the application is incomplete, the commission, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
- (8) If the gaming licensee utilizes an internal management system to track individuals on the self-exclusion list, they shall update that system at least every 72 hours with names of individuals being added or removed from the self-exclusion list.
- (9) The commission, or its designee, shall add to the list of voluntarily self-excluded persons the name of any individual provided from a gaming jurisdiction outside of Massachusetts, with which the commission has entered into an interstate compact, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.
- (10) If the applicant has elected the services identified in 205 CMR 133.03(8), the commission, or its designee shall contact the designated coordinating organization for the provision of requested services.

133.03: Contents of the Application

The application for voluntary self-exclusion shall require provision of, at a minimum, the following content:

- (1) Name, home address, email address or telephone number, date of birth, and last four digits of social security number of the applicant;
- (2) A passport style photo of the applicant without headwear, unless worn daily for religious purposes and provided that the applicant's facial features are not obscured;
- (3) A statement from the applicant that one or more of the following apply:
 - (a) they identify as a problem gambler as defined in 205 CMR 133.01;
 - (b) they feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or
 - (c) there is some other reason why they wish to add their name to the list.
- (4) An election of the duration of the exclusion in accordance with 205 CMR 133.04;



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **205 CMR 147.00**

CHAPTER TITLE: **Uniform Standards of Rules of the Games**

AGENCY: **Massachusetts Gaming Commission**

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

205 CMR 147.00 governs the authorization of the rules of the game for table games offered for play in a gaming establishment and the standards applicable to table games offered for play in a gaming establishment.

REGULATORY AUTHORITY: **G.L. c. 23K, §§ 2, 4(37) and 5.**

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: 3/12/2026

Notice to the Secretary of the Commonwealth: 3/27/2026

Publication in the Boston Herald: 3/31/2026

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: **04/21/2026**

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

For the first and second year:	<u>0.00</u>
For the first five years:	<u>0.00</u>
No fiscal effect:	<u>0.00</u>

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: 5/7/2026

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:
Massachusetts Gaming Commission, casino, gaming, rules of the game, tournaments, petition for new game, wagers

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 147.00, specifically 205 CMR 147.03:: Notice and Patron Access.

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: May 08 2026

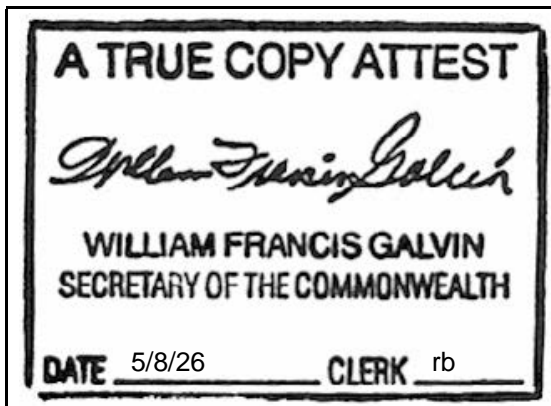
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these Pages:</i>	<i>Insert these Pages:</i>
521 & 522	521 & 522



205 CMR 147.00: UNIFORM STANDARDS OF RULES OF THE GAMES

Section

- 147.01: Scope and Purpose
- 147.02: Rules of the Game
- 147.03: Notice and Patron Access
- 147.04: Petition for a New Game or Game Variation
- 147.05: Gaming Tournaments: (Reserved)
- 147.06: Electronic, Electrical, and Mechanical Devices Prohibited
- 147.07: Minimum and Maximum Wagers; Additional Wagering Requirements

147.01: Scope and Purpose

205 CMR 147.00 shall govern the authorization of the rules of the game for table games offered for play in a gaming establishment and the standards applicable to table games offered for play in a gaming establishment.

147.02: Rules of the Game

Only those table games and their rules authorized by the Commission and posted on the Commission's website in accordance with 205 CMR 147.03(1) may be offered for play in a gaming establishment. A gaming licensee shall not offer a new game or game variation for play until the new game or game variation has been approved by the Commission in accordance with 205 CMR 147.04.

147.03: Notice and Patron Access

- (1) The Commission shall maintain on its website the complete text of the rules of all authorized table games.
- (2) Each gaming licensee shall maintain a printed or digital copy of the complete text of the rules of all authorized table games in the player health resource and information center.
- (3) A gaming licensee shall not change the rules of a table game that is presently being operated from one authorized rule to another or add, change, or delete any additional wagering requirement permitted by 205 CMR 147.07(4) unless, at least ½ hour in advance of such change, the gaming licensee:
 - (a) Posts a sign at the gaming table advising patrons of the rule or wager change and the time that it will go into effect;
 - (b) Announces the rule or wager change to patrons who are at the table; and
 - (c) Notifies the Bureau of the rule or wager change, the gaming table where it will be implemented, and the time that it will become effective.
- (4) A gaming licensee may, at any time, change the permissible minimum or maximum wager at a table game without notifying the Bureau of such change upon posting a sign at the gaming table advising patrons of the new permissible minimum or maximum wager and announcing the change to patrons who are at the table.
- (5) The location, size, and language of each sign required by 205 CMR 147.03(3) and (4) shall be submitted to and approved by the Bureau prior to its use.

147.04: Petition for a New Game or Game Variation

- (1) A petitioner may petition the Bureau for approval of a new game or game variation.
- (2) A proposed new game or game variation may be a variation of an authorized game, a composite of authorized games, or a new game.
- (3) A petition for a proposed new game or game variation shall be in writing, signed by the petitioner(s), and shall include, at a minimum, the following information:

147.04: continued

- (a) The name(s) and address(es) of petitioner(s);
- (b) The name of the game, which must be different than the name of a game previously approved by the Commission;
- (c) Whether the game is a variation of an authorized game, a composite of authorized games, or a new game;
- (d) The name of the gaming licensee serving as a sponsor of the new game or game variation petition;
- (e) A complete and detailed description of the game for which approval is sought, including:
 - 1. A summary of the game, including the objectives of the game, the method of play, and the wagers offered;
 - 2. A draft of the proposed rules of the game including a description of the equipment used to play the game and specific examples and dealing procedures;
 - 3. Specific procedures to remedy all misdeals and malfunctions of any gaming equipment utilized;
 - 4. The true odds, the payout odds, and the house advantage for each wager;
 - 5. Sample(s) of new or modified gaming accessories or apparatuses associated with the game;
 - 6. A sketch or picture of the game layout, if any;
 - 7. Sketches or pictures of the equipment used to play the game; and
 - 8. The report of the Commission-certified independent testing laboratory issued pursuant to 205 CMR 147.04(4).
- (f) Whether the game, its name, or any of the equipment used to play it is covered by any copyrights, trademarks or patents, either issued or pending;
- (g) A request for a test or experiment of the game in accordance with 205 CMR 147.04(5);
- (h) Any other information or material requested by the Bureau.

(4) Independent Certified Testing. In addition to filing a request with the Bureau, the petitioner shall, at its expense, submit copies of the items listed in 205 CMR 147.04(3)(e)1. through 7. for review to an independent testing laboratory certified by the Commission pursuant to 205 CMR 144.06 to conduct a mathematical analysis of the game pursuant to 205 CMR 147.04(3)(e).

(5) Field Trials.

- (a) Petitioners shall submit the following in connection with any proposed test of the game in accordance with 205 CMR 147.04(3)(g):
 - 1. The name of the gaming establishment where the test of the proposed new game or wager will take place;
 - 2. The dates and times when the test will take place, and the gaming tables or other gaming equipment that will be involved;
 - 3. The proposed signage to be posted at or within the direct vicinity of the table where the test is to be conducted;
 - 4. The criteria proposed for use in determining the success of the test, and the methods proposed for documenting it, including any necessary forms; and
 - 5. Any other materials or information requested by the Bureau.
- (b) A test of the new game or wager shall take place at such times and places and under such conditions as the Bureau may require. The rules of the game and the test may be modified at any time during the test period if the Bureau deems it necessary to do so.

(6) Comment Period. There shall be a public comment period during which comments on proposed new games or game variations may be submitted to the Bureau for review. This comment period shall begin on the first day of the new game or game variation field trial and shall conclude on the final day of the new game or game variation field trial.

(7) Review. In reviewing a petition for a new game or game variation, the Bureau may consider rules and method of play; true and payout odds; wagers offered; layout; equipment used to play the game; personnel requirements; game security and integrity; similarity to other authorized games or other games of chance; other variations or composites of the game previously approved as authorized games; results of the field trials conducted pursuant to 205 CMR 147.04(5), as well as any other relevant factors. The Commission shall have the discretion to approve or deny with reasonable cause the gaming licensee's petition for a new game or game variation following a recommendation from the Bureau.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **603 CMR 7.00**

CHAPTER TITLE: **Educator Licensure and Preparation Program Approval**

AGENCY: **Department of Elementary and Secondary Education**

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

The regulation, **603 CMR 7.00**, sets forth requirements for educator licensure and educator preparation program approval. The amendments create a new alternative licensure pathway, consistent with Section **300(d)** of the Mass Leads Act (see link: <https://www.mass.gov/economic-development-bill>) allowing a waiver of one of the two tests that comprise the Massachusetts Tests for Educator Licensure (MTEL).

REGULATORY AUTHORITY: **M.G.L. c. 69, § 1B, M.G.L. c. 69, c. 71, § 38G, and § 300(d) of c. 238 of the Acts of 2024 (the Mass Leads Act)**

AGENCY CONTACT: **Mary Morales** PHONE: **781-338-3429**

ADDRESS: **135 Santilli Highway, Everett, MA 02149**

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.*

Prior notification sent to the Massachusetts Municipal Association on 11/21/25; the Executive Office of Healthy and Livable Communities (EOHLC) on 11/21/25; and to the Joint Committee on Education on 12/2/25.

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: **12/5/25-1/20/26**

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: 4/29/26

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

Educator Licensure
Educator Preparation Program Approval
Mass Leads Act
Alternative Licensure Pathway

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 603 CMR 7.00.

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: May 04 2026

Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

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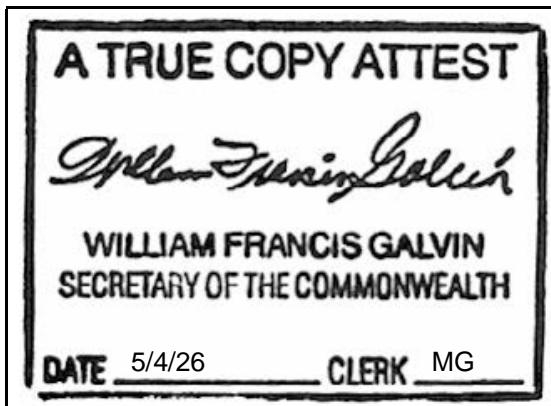


Table of Contents

	<u>Page</u>
603 CMR 1.00: CHARTER SCHOOLS	11
Section 1.01: Scope, Purpose, and Authority	11
Section 1.02: Definitions	11
Section 1.03: General Provisions	12.1
Section 1.04: Applications for and Granting of Charters	12.1
Section 1.05: Student Recruitment, Enrollment, and Retention	12..6
Section 1.06: Boards of Trustees and Staff	12.8
Section 1.07: Funding	12.9
Section 1.08: Reporting Requirements and Ongoing Review	12.11
Section 1.09: Complaint Procedure	12.13
Section 1.10: Amendments of Charters	12.13
Section 1.11: Renewal of Charters	12.15
Section 1.12: Conditions, Probation, Suspension, Revocation, and Non-renewal	12.15
Section 1.13: Severability Clause	12.17
603 CMR 2.00: ACCOUNTABILITY AND ASSISTANCE FOR SCHOOL DISTRICTS AND SCHOOLS	13
Section 2.01: Scope and Purpose	13
Section 2.02: Definitions	13
Section 2.03: Accountability and Assistance for All Districts and Schools	16
Section 2.04: Self-assessments for Districts and Schools Requiring Assistance or Intervention	16.2
Section 2.05: Accountability and Assistance for Underperforming Districts and Schools	16.2
Section 2.06: Accountability and Assistance for Chronically Underperforming Districts and Schools	16.6
Section 2.07: Mathematics Content Assessments at Underperforming and Chronically Underperforming Schools	16.12
(603 CMR 3.00: RESERVED)	17
603 CMR 4.00: CAREER TECHNICAL EDUCATION	29
Section 4.01: Purpose	29
Section 4.02: Definitions	29
Section 4.03: Program Approval Criteria and Operational Requirements	32
Section 4.04: Program Approval Procedures and Policies	38.2
Section 4.05: Program Outcomes	38.2
Section 4.06: Unpaid Off-campus Construction and Maintenance Projects	39
Section 4.07: Types of Career Technical Teacher Licenses, Requirements for Licensure and Licenses Issued	39
Section 4.08: Types of Career Technical Administrator Licenses and Requirements for Licensure	42
Section 4.09: Types of Career Technical Cooperative Education Coordinator Licenses and Requirements for Licensure	43
Section 4.10: Professional Standards	44
Section 4.11: Extension of Preliminary Career Technical Teacher License	48
Section 4.12: Professional Career Technical Educator License Renewal and Professional Development	50.1
Section 4.13: General Provisions Regarding Educator Licensure	50.2
Section 4.14: Certificate of Occupational Proficiency	50.7
Section 4.15: Endorsements	50.7
Section 4.16: Pilot Programs	50.9

Table of Contents

	<u>Page</u>
603 CMR 5.00: DISPUTE RESOLUTION UNDER PARENTAL NOTIFICATION LAW	51
Section 5.01: Authority, Scope and Purpose	51
Section 5.02: Definitions	51
Section 5.03: Local Process for Dispute Resolution	51
Section 5.04: Department of Education Process for Dispute Resolution	52
(603 CMR 6.00: RESERVED)	53
603 CMR 7.00: EDUCATOR LICENSURE AND PREPARATION PROGRAM APPROVAL	55
Section 7.01: Purpose	55
Section 7.02: Definitions	55
Section 7.03: Educator Preparation Program Approval	60
Section 7.04: Types of Educator Licenses, Requirements for Licensure, Licenses Issued, and Requirements for Field-based Experience	63
Section 7.05: Routes to an Initial Teacher and Specialist Teacher Licenses	65
Section 7.06: Subject Matter Knowledge Requirements	66
Section 7.07: Specialist Teacher Licenses	66
Section 7.08: Professional Standards for Teachers	67
Section 7.09: Licenses and Routes for Administrators	68
Section 7.10: Professional Standards for Administrative Leadership	72
Section 7.11: Professional Support Personnel Licenses	72
Section 7.12: Standards for Induction Programs for Teachers	74
Section 7.13: Standards for Induction Programs for Administrators	75
Section 7.14: Endorsements	75
Section 7.15: General Provisions	81
603 CMR 8.00: KINDERGARTENS: MINIMUM SCHOOL AGE	91
Section 8.01: Kindergartens	91
Section 8.02: Mandatory Minimum Age for School Attendance	91
Section 8.03: Waivers	91
(603 CMR 9.00: RESERVED)	93
603 CMR 10.00: SCHOOL FINANCE	99
Section 10.01: Authority, Scope and Purpose	99
Section 10.02: Definitions	99
Section 10.03: Accounting and Reporting: School Districts	100.1
Section 10.04: Financial Accounting and Reporting: Other Municipal Departments	102
Section 10.05: Documentation Requirements	104
Section 10.06: Annual School Spending Requirements	105
Section 10.07: Special Education Payments and Reimbursements	106
Section 10.08: Transportation Reimbursement, Resident Students	109
Section 10.09: Transportation Reimbursement, School Choice, Homeless and Charter School Students	110
Section 10.10: Audit Procedures	111
(603 CMR 11.00 THROUGH 13.00: RESERVED)	137

603 CMR 7.00: EDUCATOR LICENSURE AND PREPARATION PROGRAM APPROVAL

Section

- 7.01: Purpose
- 7.02: Definitions
- 7.03: Educator Preparation Program Approval
- 7.04: Types of Educator Licenses, Requirements for Licensure, Licenses Issued, and Requirements for Field-based Experience
- 7.05: Routes to an Initial Teacher and Specialist Teacher Licenses
- 7.06: Subject Matter Knowledge Requirements
- 7.07: Specialist Teacher Licenses
- 7.08: Professional Standards for Teachers
- 7.09: Licenses and Routes for Administrators
- 7.10: Professional Standards for Administrative Leadership
- 7.11: Professional Support Personnel Licenses
- 7.12: Standards for Induction Programs for Teachers
- 7.13: Standards for Induction Programs for Administrators
- 7.14: Endorsements
- 7.15: General Provisions

7.01: Purpose

The provisions of 603 CMR 7.00 are intended to accomplish several major objectives:

- (a) Strengthen the subject matter knowledge required for each license;
- (b) Strengthen the subject matter knowledge required for the teaching of reading for all teacher licenses;
- (c) Clarify and strengthen the professional standards for practice for teachers and administrators;
- (d) Clarify alternate ways in which prospective teachers and administrators can be prepared for a career in education;
- (e) Strengthen safeguards for parents and students by requiring strong induction programs and three years of employment before new teachers can obtain a Professional license;
- (f) Prepare educators to help all students achieve; and
- (g) Strengthen accountability for providers of preparation programs by linking state approval to the performance of their candidates on state licensing tests, and performance assessments, as well as results of state administered surveys, employment data and evaluation ratings data.

7.02: Definitions

As used in 603 CMR 7.00, the following terms shall have the following meanings:

Academic Discipline Appropriate to the Instructional Field of the License: The subject knowledge specified in appropriate provisions of 603 CMR 7.06 for teacher licenses and in 603 CMR 7.07 for specialist teacher licenses.

Administrative Apprenticeship/Internship: A comprehensive field-based learning experience of at least 300 hours in the role and at the level of the license sought, guided by a trained mentor who holds a Professional license in the same role. It shall provide seminars, workshops, and other opportunities for candidates to address the Professional Standards for Administrators set forth in 603 CMR 7.10 and prepare candidates for a Performance Assessment for Initial License. Such experience should be regularly spaced over the course of an academic year and may be completed as a paid or unpaid apprenticeship or as an internship while the candidate is employed as an acting administrator.

Aggregate Pass Rate: The number of educator preparation program completers who passed all the Massachusetts Tests for Educator Licensure or Alternative Assessments they took in a category of tests divided by the number of completers who took one or more of the tests in that category, expressed as a percent.

7.02: continued

Alternative Assessment: An alternative assessment to the communication and literacy skills, and subject matter knowledge Massachusetts Tests for Educator Licensure (MTEL) that has been approved by the Commissioner based on Department issued Guidelines. An approved alternative assessment can be used by an educator licensure candidate to meet licensure requirements.

Alternative Licensure Pathway: Optional pathway candidates may use to meet the requirements for the license that allows the Department to waive the Communication and Literacy Skills Test as outlined in 603 CMR 7.04(2) (g).

Alternative Preparation Organization: An organization, other than an institution of higher education, that prepares individuals for educator licensure. The organization could be sponsored by a school district, educational collaborative, professional association, or other non-higher education institution.

Alternative within an Institution of Higher Education: A non-degree post-baccalaureate educator preparation program leading to the Initial License.

Apprenticeship: A paid or unpaid field-based experience of at least one semester in the role and at the level of the license sought, in a classroom with a supervising classroom teacher who holds a Professional license.

Approved Preparation Program: A program approved by the Commissioner to prepare individuals for educator licensure in the Commonwealth of Massachusetts.

Assistive Technology: Assistive technology devices and services as defined under the Individual with Disabilities Education Act, 20 USC §§1401(1),1401(2); 34 CFR §§ 300.5, 300.6.

Augmentative and Alternative Communication: Methods of communication other than oral speech that enhance or replace conventional forms of expressive and receptive communication to facilitate interaction by and with persons with disabilities who are nonverbal or have limited speech including, but not limited to: specialized gestures and signs; communication aids such as charts, symbol systems, visual supports, and language boards; mouth sticks; and electronic communication devices such as switches, head pointers, eye tracking, dynamic displays, auditory scanning, and voice output devices.

Bachelor's Degree: For an undergraduate student seeking a first teaching license, a Bachelor of Science or Bachelor of Arts degree from an accredited college or university resulting from the completion of an undergraduate program in which the student has satisfactorily met the requirements for a major in one or more academic subjects in the arts or sciences or for a major appropriate to the instructional field of the license sought. For a post-baccalaureate student, a Bachelor of Science or Bachelor of Arts degree resulting from the completion of an undergraduate program in which the student has satisfactorily met its requirements.

Bilingual Education: An educational program that involves teaching academic content in two languages, English and another language. Program types determine the varying amounts of each language used in instruction. Bilingual education programs include dual language education or two-way immersion and transitional bilingual education programs, as defined in M.G.L. c. 71A, § 2, and any other bilingual program types that may be approved by the Department.

Board: The Massachusetts Board of Elementary and Secondary Education.

Career Vocational Technical Teacher: For purposes of Sheltered English Immersion, a teacher of a career vocational technical subject in a career vocational technical education program at the secondary level.

Career Vocational Technical Education Program: For purposes of Sheltered English Immersion, a career vocational technical education program shall include programs approved under M.G.L. c. 74; programs that meet the definition of career and technical education listed in the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. § 2302(5); and any other programs that may be designated by the Commissioner.

7.02: continued

Career Vocational Technical Subjects: For purposes of Sheltered English Immersion, such subjects shall include automotive technology, carpentry, culinary arts, engineering, exploratory, masonry, information technology, and any other subjects listed by the Department in guidance.

Cohort: For Title II of the Higher Education Act and state reporting purposes, any group of candidates who complete an educator preparation program from September 1st through August 31st of any year.

Commissioner: The Commissioner of Elementary and Secondary Education or their designee.

Communication and Literacy Skills Test: The test of communication and literacy skills included in the Massachusetts Tests for Educator Licensure or Alternative Assessment as outlined in 603 CMR 7.04(2)(f).

Competency Review: The process for determining whether the subject matter knowledge requirements for a license have been met in a field for which there is no Subject Matter Knowledge Test, using Department guidelines.

Core Academic Subjects: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

Core Academic Teachers: For purposes of Sheltered English Immersion instruction and Bilingual Education, early childhood and elementary teachers, teachers of students with moderate disabilities, teachers of students with severe disabilities, and teachers of the following academic subjects: English, reading or language arts, mathematics, science, civics and government, economics, history, and geography.

Department: The Massachusetts Department of Elementary and Secondary Education.

Educator: Any person employed by a school or school district in a position requiring a license.

Endorse: The action taken by a sponsoring organization when a Program Completer has successfully completed all of the approved program requirements, regardless of whether or not the individual has taken or passed the Massachusetts Tests for Educator Licensure.

Endorsement: A supplementary credential issued to an Educator licensed under 603 CMR 7.00, or a credential issued to an individual otherwise required by law or regulation to obtain such credential, indicating satisfactory knowledge and skills to perform services in the area(s) specified.

Enrolled: The point at which an individual has met all the sponsoring organization's requirements to be formally admitted into the educator preparation program.

Field: The subject, population, or professional role specified in the title of a license issued by the Department.

Field-based Experience: Experiences such as observation of a variety of classrooms, pre-practicum, practicum/practicum equivalent, internship, apprenticeship, or administrative internship that are integral components of any program for the preparation of educators. Field-based experiences shall cover a range of time periods within the school year.

Guidelines: All Guidelines identified in 603 CMR 7.00 will be issued by the Department and approved by the Commissioner following a period of public comment that shall be a minimum of 30 days.

Inclusive General Education Classroom Experience: A practicum that takes place in a classroom that serves both students with and without disabilities. The students with disabilities must be receiving some of their Individualized Education Program services in the classroom setting. The teacher candidate must address the individual and group needs of all of the students (with and without disabilities) who are assigned to the classroom and receive supervision from both a special educator and a general educator during the practicum.

7.02: continued

Induction Program: A planned program of professional support for new teachers and administrators provided by the school district, including orientation, opportunities for classroom observation and conferencing, and peer group meetings. An Induction Program should be an integral part of a school district's professional development plan.

Initial License: An educator license issued to a person who has completed a bachelor's degree, met the assessment requirements for the license through MTEs, Alternative Assessments, or a combination of MTEs, Alternative Assessments and the Alternative Licensure Pathway, as outlined in 603 CMR 7.04 (2) (g); completed an educator preparation program approved by the Commissioner, ; and met other eligibility requirements established by the Board. The Initial license is valid for five years of employment and may be extended at the discretion of the Commissioner for an additional five years. This license is equivalent to a provisional educator certificate with advanced standing as defined in M. G. L. c. 71, § 38G.

Institution of Higher Education: A college or university sponsored degree-granting educator preparation program.

Interim Review: An on-site review conducted by the Department to determine whether an approved preparation program is meeting the standards and benchmarks set forth in 603 CMR 7.03(2) and (3) and the Guidelines for Program Approval.

Internship: A paid or unpaid, supervised, and mentored field-based experience, outside of an approved program, in the role and at the level of the license sought. Interns must be evaluated through a Performance Assessment for Initial License, using Department guidelines.

Level: The range of grades within which a given license is valid.

License: Any credential issued to an Educator as specified in 603 CMR 7.04(1). The terms "license" and "licensure" as used in 603 CMR 7.00 are equivalent to the terms "certificate" and "certification" as used in M.G.L. c. 71, § 38G.

Massachusetts Tests for Educator Licensure (MTEL): Examinations candidates can use for licensure. The MTEL examines communication and literacy skills, and subject matter knowledge appropriate to the license sought.

Mentor: An Educator who has at least three full years of experience under an Initial or Professional License and who has been trained to assist a beginning Educator in the same professional role with their professional responsibilities and general school/district procedures. In addition, a mentor may assist an experienced educator who is new to a school, subject area, or grade level. A mentor may also assist an educator who is participating in a performance assessment or a district-based program for licensure.

Military Spouse: An individual who is the spouse of a military service member who is:
(a) in the armed forces of the United States, a reserve unit of the armed forces of the United States or the National Guard of another state; and
(b) serving in the Commonwealth or in a bordering state while living in the Commonwealth.

Military Spouse License: An educator license issued to a Military Spouse who has a bachelor's degree, holds a valid educator license from another state, and has not satisfied the testing requirements for a Massachusetts educator license. The Military Spouse License is valid for three years of employment.

NASDTEC Interstate Agreement: The agreement sponsored by the National Association of State Directors of Teacher Education and Certification (NASDTEC) concerning reciprocal licensing of educational personnel among participating jurisdictions.

Panel Review: The process used by the Department for reviewing and recommending candidates for Initial licensure who have substantial experience and formal education relevant to the license sought but have not met the specific license requirements.

7.02: continued

Performance Assessment for Initial License: Assessment of educator performance for Initial licensure using Department guidelines.

Performance Assessment Program: A Department-sponsored Performance Assessment Program for the Professional license that includes a series of seminars and a performance assessment.

Performance Review Program for Initial Licensure (PRPIL): A performance review that satisfies the requirements for a Practicum/Practicum Equivalent based on eligibility requirements, portfolio review, supervision and mentoring during an internship, and the completion of a Performance Assessment for Initial License.

Practicum/Practicum Equivalent: A field-based experience within an approved program in the role and at the level of the license sought, during which a candidate's performance is supervised jointly by the sponsoring organization and the supervising practitioner and evaluated in a Performance Assessment for Initial License. *See* 603 CMR 7.04(4) for practicum hours. The duration of any equivalent to a practicum shall be no fewer hours than provided for the practicum in 603 CMR 7.04(4). An equivalent to a practicum may include an apprenticeship, the initial five-month period of service as teacher or administrator of record under a Provisional License, or others approved by the Department.

Pre-practicum: Early field-based experiences with diverse student learners, integrated into courses or seminars that address either the Professional Standards for Teachers as set forth in 603 CMR 7.08 or the Professional Standards for Administrative Leadership as set forth in 603 CMR 7.10, in accordance with the Pre-practicum Guidelines. For candidates serving an apprenticeship or employed as educator of record, these experiences may occur simultaneously with the practicum or practicum equivalent.

Professional License: An educator's license issued to a person who has met the requirements for an Initial License in that field and met requirements established by the Board set forth in 603 CMR 7.04(2)(c), 7.09, or 7.11. The Professional License is valid for five years and renewable for additional five-year terms as set forth in 603 CMR 44.00: *Educator License Renewal*. This license is equivalent to a standard educator certificate as defined in M.G.L. c. 71, § 38G.

Program Approval: State authorization of an educator preparation program or its sponsoring organization to endorse program completers prepared in Massachusetts for educator licensure in the Commonwealth of Massachusetts. Also, the process through which a program or sponsoring organization may receive state approval.

Program Completer: An individual who has completed all the requirements of a state-approved preparation program (*i.e.*, instruction/course work and practicum), regardless of whether that person has taken and passed state tests or assessments for licensure or has been endorsed for licensure by the program or its sponsoring organization.

Program of Study: The coursework, seminars, workshops, webinars, field experiences, and other program components that are required for the completion of an approved program.

Program Supervisor: The supervisor from the sponsoring organization, under whose immediate supervision the candidate for licensure practices during a practicum.

Provisional License: A license issued to a person who holds a bachelor's degree and has met the assessment requirements for the license through MTEs, Alternative Assessments, or a combination of MTEs, Alternative Assessments and the Alternative Licensure Pathway, as outlined in 603 CMR 7.04(2)(g); and met other eligibility requirements established by the Board in 603 CMR 7.04(2) and 7.09(1). The Provisional license is valid for five years of employment. An educator who holds one or more provisional licenses may be employed under said license(s) for no more than five years in total.

School-Based Employment Experience: Experience as a school-based employee in an instructional role in one Massachusetts school district.

7.02: continued

Sheltered English Immersion (SEI): Shall have the meaning set forth in M.G.L. c. 71A, § 2.

Single Assessment Pass Rate: The number of educator preparation program completers who passed a MTEL or Alternative Assessment divided by the number of all completers who took that test, expressed as a percent.

Sponsoring Organization: Institution of Higher Education or Alternative Preparation organization that provides, or seeks to provide, approved preparation programs.

Subject Matter Knowledge Requirements: Topics from the content of a discipline or field. These topics do not necessarily coincide with academic courses or imply a specific number of credit hours. The subject matter knowledge requirements for each license will be outlined in the *Subject Matter Knowledge Guidelines*.

Subject Matter Knowledge Test: The test of subject matter knowledge included in the Massachusetts Tests for Educator Licensure or Alternative Assessment as outlined in 603 CMR 7.04(2)(f).

Summary Pass Rate: The number of a sponsoring organization's teacher preparation program completers who passed all the Massachusetts Tests for Educator Licensure or Alternative Assessment they took divided by the number of the sponsoring organization's completers who took one or more tests, expressed as a percent.

Supervising Practitioner: The Educator who has at least three full years of experience under an appropriate Initial or Professional License and has received an evaluation rating of proficient or higher, under whose immediate supervision the candidate for licensure practices during a practicum. For the Educator of record, a comparably qualified Educator will function as the Supervising Practitioner during the practicum equivalent.

Teacher: Any person employed in a school or school district under a license listed in 603 CMR 7.04(3)(a).

Teacher of Record: One or more teachers who are assigned primary responsibility for a student's learning in a subject, grade or course.

Temporary License: An educator license issued to a person who holds a bachelor's degree and valid license or certificate from another state or jurisdiction, and who has been employed under such license for a minimum of three years and has met the requirements set forth in 603 CMR 7.04(2)(d). It is valid for one year of employment and is nonrenewable. Service under a Temporary license shall be counted as service in acquiring professional teacher status, contingent upon the educator earning an Initial or Provisional license.

Temporary Substitute Teacher: An Educator who is employed, on a temporary basis, for less than 90 consecutive school days in the same role, to take the place of a regularly employed Educator who is absent. Any Educator who is employed on a temporary basis for more than 90 consecutive school days in the same role must either be licensed for the role or working under a hardship waiver.

Transition Services: Shall have the meaning given it in federal law at 20 USC 1401(34).

7.03: Educator Preparation Program Approval

(1) Program Approval. The Department shall issue Guidelines for Program Approval to be used in reviewing programs seeking state approval. The Guidelines for Program Approval will include detailed effectiveness indicators for each program approval standard set forth in 603 CMR 7.03(2).

(a) Candidates may qualify for licensure through successful completion of an approved preparation program leading to the license sought, providing they meet all other requirements. Individuals who complete approved preparation programs may be eligible for licensure reciprocity with other states that are parties to the NASDTEC Interstate Agreement.

7.03: continued

(b) Sponsoring organizations with approved preparation programs have the authority to review prior course work and work experience of their candidates and waive otherwise required course work, including the first half of the practicum or practicum equivalent, when designing programs of study for them. Granting such waivers is the official responsibility of the sponsoring organization. Records of candidates for whom coursework or other program requirements have been waived must be available during on-site review.

(c) A sponsoring organization that has received approval of one or more of its preparation programs shall endorse candidates who complete the approved preparation program.

(d) A sponsoring organization seeking approval of its preparation program(s) shall invite the Department to review them. The sponsoring organization shall provide written evidence in accordance with the Guidelines for Program Approval, demonstrating that it satisfies the requirements set forth in 603 CMR 7.03 (1) through (4) for each program for which approval is sought. As part of the formal review process, the Department shall review the written evidence for each proposed program and evidence collected by the Department. The Department shall use the same standards in reviewing all programs and sponsoring organizations for approval.

(e) Program approval will be for a period of seven years, unless the program ceases to meet the requirements set forth in 603 CMR 7.03(2) through (4) and in accordance with the *Guidelines for Program Approval*.

(f) During the seven-year approval period a sponsoring organization that seeks approval of a new program may ask the Department for an informal review of that program. Sponsoring organizations seeking approval for the first time may also request an informal review. If the review is favorable, individual candidates who complete the program will be deemed to have met the requirements for licensure in Massachusetts, providing they meet all other requirements. Approval of the program will be considered at the time of the next seven-year program review.

(2) Program Approval Standards. Each sponsoring organization seeking approval of its preparation program(s) shall provide evidence addressing the following Program Approval Standards, in accordance with the *Guidelines for Program Approval*.

(a) Continuous Improvement: Demonstrates continuous improvement by conducting an annual evaluation to assess program compliance, effectiveness, and impact using an evidence-based system that includes the analysis of state available data.

(b) Collaboration and Program Impact: Collaborate with school districts to ensure positive impact in meeting the needs of the districts.

(c) Capacity: Create, deliver and sustain effective preparation programs.

(d) Subject Matter Knowledge:

1. Initial License – Subject Matter Knowledge: Demonstrate that program completers have content mastery based on the subject matter knowledge requirements; 603 CMR 7.06, 7.07, 7.09 and 7.11, at the level of an initially licensed educator.

2. Professional License – Advanced Subject Matter Knowledge: Demonstrate that program completers have advanced content mastery based on the subject matter knowledge requirements; 603 CMR 7.06 and 7.07, at the level of a professionally licensed educator.

(e) Professional Standards for Teachers:

1. Initial License – Professional Standards for Teachers: Demonstrate that program completers have been assessed and mastered the Professional Standards for Teachers at the level of an initially licensed teacher.

2. Professional License – Advanced Professional Standards for Teachers: Demonstrate that program completers have been assessed and mastered the Professional Standards for Teachers at the level of a professionally licensed teacher.

(f) Professional Standards for Administrative Leadership: Demonstrate that program completers have been assessed and mastered the Professional Standards for Administrative Leadership at the level of an initially licensed administrator.

(g) Educator Effectiveness: Demonstrate effectiveness of program completers using aggregate evaluation ratings data of program completers, employment data on program completers employed in the Commonwealth of Massachusetts, results of survey data, and other available data.

7.03: continued

(3) Preparation.

(a) Initial License. All sponsoring organizations with approved programs leading to the Initial License shall provide preparation that addresses requirements for the license, in accordance with the *Subject Matter Knowledge Guidelines* and the *Guidelines for Program Approval*.

(b) Professional License. Sponsoring organizations with approved preparation programs leading to the Professional License shall provide preparation that satisfies the requirements for the license, in accordance with the *Subject Matter Knowledge Guidelines* and the *Guidelines for Program Approval*.

(c) Assistive and Alternative Technologies. All sponsoring organizations with approved programs leading to licenses for teachers of students with moderate disabilities or teachers of students with severe disabilities shall include in such programs instruction on the appropriate use of augmentative and alternative communication and other assistive technologies.

(4) Annual Reporting. All sponsoring organizations shall submit to the Department an annual report that includes the following information for each approved preparation program, in a form prescribed by the Department:

(a) Substantial changes to a program.

(b) Candidate Data:

1. Number and list of candidates enrolled.

2. Number and list of candidates completing all coursework, except the Practicum/Practicum Equivalent.

3. Number and list of program completers.

4. Demographics:

a. Race;

b. Ethnicity;

c. Gender.

(c) Faculty and Staff Data:

1. Number of full-time equivalent.

2. Number of part-time equivalent.

3. Demographics:

a. Race;

b. Ethnicity;

c. Gender.

(d) Annual goals and attainment.

(e) Program with Zero Program Completers:

1. Reasons for zero program completers.

2. Plans for increasing enrollment and number of program completers.

(f) Types of District Partnerships and Collaborations.

(5) Public Reporting. The Department shall publish an annual report including, but not limited to the following information for each sponsoring organization and approved preparation programs:

(a) Sponsoring Organization General Information;

(b) Candidate Data;

(c) Faculty and Staff Data;

(d) District Partnerships and Collaborations;

(e) Annual Goals and Attainment;

(f) List of Approved Programs and Program of Study;

(g) Admission Requirements for Approved Programs;

(h) Manner of Exit from the Approved Program and Persistence Rates;

(i) Assessment Pass Rates:

1. Single assessment and aggregate pass rates on licensing tests or assessments as required by 603 CMR 7.00.

2. Summary pass rates on licensing tests or assessments as required by 603 CMR 7.00 at the point of: enrollment, completion of all coursework but the Practicum/Practicum Equivalent, and program completion.

(j) State Administered Survey Data from:

1. Candidates enrolled in an approved program.

7.03: continued

2. Candidates who have completed all coursework, but the Practicum/Practicum Equivalent.
 3. Program completers
 4. District personnel
 - (k) Aggregate Employment Data of Program Completers employed in the Commonwealth of Massachusetts;
 - (l) Aggregate Evaluation Ratings of Program Completers.
- (6) Revoking Approval.
- (a) The Department may conduct an Interim Review of an approved preparation program on an as-needed basis to corroborate and augment the information provided by an Approved Preparation Program pursuant to 603 CMR 7.03(4), or during the seven-year cycle review.
 - (b) Following the interim review, if the Approved Preparation Program fails to meet the requirements and benchmarks set forth in 603 CMR 7.03(2) and (3) and the Guidelines for Program Approval, it shall receive a designation of low performing.
 - (c) The sponsoring organization shall submit an improvement plan to the Department for any of its programs that receive the designation of low performing. The Department will monitor progress in meeting the goals of the improvement plan. If, after one year under review, a program has not made satisfactory progress, its approval may be revoked. The Commissioner may extend the review for a second year if additional data must be collected, *e.g.*, for small programs with enrollment of less than ten.
 - (d) The Commissioner will make the final determination regarding revocation of state approval.
- (7) Restoring Approval.
- (a) A sponsoring organization must wait two years after approval of an educator preparation program has been revoked before it can apply to the Department to restore approval. The sponsoring organization shall submit written documentation of how it will address the requirements set forth in 603 CMR 7.03(2) through (4).
 - (b) The Department will review the written documentation to determine whether the organization and its program(s) satisfy all of the requirements set forth in 603 CMR 7.03(2) through (4). Programs that demonstrate that they satisfy the requirements set forth in 603 CMR 7.03(2) and (3) will be allowed to recruit students.
- (8) Implementation.
- (a) Approved programs leading to licenses set forth in 603 CMR 7.04 will be required to implement new subject matter knowledge in accordance with the Subject Matter Knowledge Guidelines within 18 months of issuance of the new or updated Subject Matter Knowledge Guidelines.
 - (b) Approved programs leading to licenses set forth in 603 CMR 7.04(3)(a)1., 3., 6., 7., 9., 14., 22., 23., (b)1., (c)2. and (d)1., will be required to implement the new license names, levels and license type requirements by July 1, 2019.

7.04: Types of Educator Licenses, Requirements for Licensure, Licenses Issued, and Requirements for Field-based Experience

- (1) Types of Licenses.
- (a) Provisional;
 - (b) Initial;
 - (c) Professional;
 - (d) Temporary;
 - (e) Military Spouse.

7.04: continued

(2) Requirements for Teacher Licensure.(a) Provisional. This is available only for licenses under 603 CMR 7.04(3)(a).

1. Possession of a bachelor's degree.
2. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
3. Passing score on the Subject Matter Knowledge Test(s) appropriate to the license sought, based on the subject matter knowledge requirements set forth in 603 CMR 7.06, where available.
4. Competency Review for candidates seeking the following licenses:
 - a. Teacher of students with moderate disabilities, teacher of students with severe disabilities, teacher of the deaf and hard-of-hearing, and teacher of the visually impaired.
 - b. Fields for which there is no subject matter knowledge test available.
5. Additional requirements for the early childhood, elementary, teacher of students with moderate disabilities, teacher of the deaf and hard of hearing (Oral/Aural) and teacher of the visually impaired licenses:
 - a. Seminars or courses on, or demonstrated knowledge of, ways to prepare and maintain students with disabilities for general classrooms; for example, use of strategies for learning and of behavioral management principles.
 - b. Passing score on the Foundations of Reading test.
6. Additional requirements for the teacher of students with severe disabilities, and teacher of the deaf and hard of hearing (American Sign Language/Total Communication) licenses: Seminars or courses on, or demonstrated knowledge of, ways to prepare and maintain students with disabilities for general classrooms; for example, use of strategies for learning and of behavioral management principles.
7. Evidence of sound moral character.

(b) Initial.

1. Possession of a bachelor's degree.
2. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
3. Passing score on the Subject Matter Knowledge Test(s) appropriate to the license sought, based on the subject matter knowledge requirements set forth in the *Subject Matter Knowledge Guidelines*. Where no test has been established, completion of an approved program will satisfy this requirement.
4. Completion of route program for the Initial License sought as set forth in 603 CMR 7.05.
5. For core academic teachers, possession of an SEI Teacher Endorsement or a Bilingual Education Endorsement.
6. Evidence of sound moral character.

(c) Professional.

1. Possession of an Initial License in the same field as the Professional license sought.
2. Completion of a one-year induction program with a mentor and at least 50 hours of a mentored experience beyond the induction year.
3. At least three full years of employment under the Initial License.
4. Completion of one of the following:
 - a. An approved licensure program for the Professional License sought as set forth in the Guidelines for Program Approval.
 - b. A program leading to eligibility for master teacher status, such as those sponsored by the National Board for Professional Teaching Standards and others accepted by the Commissioner.
 - c. For those who have completed any master's or higher degree or other advanced graduate program in an accredited college or university, at least 12 credits of graduate level courses each of which includes subject matter knowledge, pedagogy based on the subject matter knowledge of the Professional License sought, or the Professional Standards for Teachers outlined in the Guidelines for the Professional Standards for Teachers. At least six of the 12 credits of graduate level courses must address the subject matter knowledge of the license sought and these may include credits earned prior to application for the license.

7.04: continued

5. Additional requirement for the teacher of the deaf and hard of hearing license (American Sign Language/Total Communication): Passing score on a test of sign language proficiency approved by the Department.

(d) Temporary.

1. Possession of a bachelor's degree.
2. Possession of a valid educator license or certificate from another state or jurisdiction.
3. At least three years of employment under such valid license or certificate.
4. Has not failed any part of the applicable licensure tests required by 603 CMR 7.04(2)(a)2. and 3.
5. Evidence of sound moral character.

(e) Military Spouse.

1. Possession of a bachelor's degree
2. Military Spouse as defined in 603 CMR 7.02.
3. Possession of a valid educator license/certificate issued by a state.
4. Testing requirements for the license sought not yet satisfied.
5. Evidence of a sound moral character.

(f) Alternative Assessment Options. Any candidate who passes one or more Alternative Assessments approved by the Commissioner as comparable to the MTEL Communication and Literacy Skills test or subject matter knowledge test will be deemed to have satisfied the requirements of said test. The Commissioner will publicly report annual data on all approved Alternative Assessments, including the number of candidates taking the Alternative Assessments and assessment pass rates. The Department will issue Guidelines for the approval and sustainability of all alternative assessment options.

(g) Alternative Licensure Pathways. Educator candidates can request that the Department waive the Communication and Literacy Skills MTEL or Alternative Assessment to either earn a first license or add a license. The Department may waive the Communications and Literacy Skills Test for a candidate based on the candidate meeting one of the following:

1. Obtained certification equivalent to an initial or professional Massachusetts license in another state or territory in the United States, the District of Columbia, or the Commonwealth of Puerto Rico, as approved by the Department; or
2. Obtained a master's degree or doctorate from an accredited institution; or
3. Completed an Approved Preparation Program; or
4. Completed the equivalent of two years of full-time School-Based Employment Experience in one Massachusetts school district with a letter of recommendation from the school or district leader.

The Alternative Licensure Pathway shall be in effect through June 30, 2029.

The Commissioner shall conduct or contract for an evaluation of the Alternative Licensure Pathway and will annually report to the Board on the Alternative Licensure Pathway. The Commissioner will make a recommendation regarding the continuation of the Alternative Licensure Pathway by June 30, 2029.

7.05: Routes to an Initial Teacher and Specialist Teacher Licenses

(1) Route One. Teacher candidates who complete a Massachusetts approved preparation program as set forth in 603 CMR 7.03. Teacher candidates seeking licensure under Route One shall meet the following requirements:

- (a) Bachelor's degree.
- (b) Completion of an approved program as set forth in 603 CMR 7.03.
- (c) Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
- (d) Passing score on the Subject Matter Knowledge Test(s) appropriate to the license sought, based on the subject matter knowledge requirements set forth in the Subject Matter Knowledge Guidelines.
- (e) For core academic teachers, possession of an SEI Teacher Endorsement or a Bilingual Education Endorsement.

7.05: continued

(2) Route Two The Performance Review Program for Initial Licensure process for teacher candidates who hold a Provisional License and are hired as teachers of record. The PRPIL process is through a Department approved provider. Candidates seeking licensure under Route Two shall meet the following eligibility requirements:

- (a) Possession of a Provisional License in the field and at the level of the license sought. *See* 603 CMR 7.04(3)(a).
- (b) At least three full years of employment in the role of a Provisional License issued under 603 CMR 7.04(3)(a).
- (c) Documentation of seminars, courses, and experience relevant to the Professional Standards for Teachers in 603 CMR 7.08(1) through (3).
- (d) A recommendation from the principal, superintendent or assistant superintendent of the current school/district where the candidate is employed under the Provisional License in the role of the license sought.
- (e) Completion of an induction and mentoring program as set forth under 603 CMR 7.12.
- (f) For core academic teachers, possession of an SEI Teacher Endorsement or a Bilingual Education Endorsement.

(3) Route Three For candidates from outside Massachusetts. Candidates seeking licensure under Route Three shall meet the following requirements:

- (a) Evidence of one of the following:
 1. Completion of a state-approved educator preparation program in a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.
 2. Completion of an educator preparation program sponsored by a college or university outside Massachusetts that has been accredited by a national organization accepted by the Commissioner.
 3. Possession of the equivalent of at least an Initial License/certificate issued by a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.
 4. For educators prepared outside of the United States, completion of a Panel Review in accordance with Department guidelines.
- (b) Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
- (c) Passing score on the Subject Matter Knowledge Test(s) appropriate to the license sought, where available, based on the subject matter knowledge requirements set forth in the Subject Matter Knowledge Guidelines..
- (d) For core academic teachers, possession of an SEI Teacher Endorsement or a Bilingual Education Endorsement.

7.06: Subject Matter Knowledge Requirements

(1) Application. The Subject Matter Knowledge Requirements are used by sponsoring organizations in designing their teacher preparation programs and in preparing their candidates. The subject matter knowledge requirements are also used by the Department in reviewing programs seeking state approval, and as the basis for the Massachusetts Tests for Educator Licensure.

(2) Requirements. The Department shall publish guidelines with detailed subject matter knowledge requirements for licenses set forth in 603 CMR 7.04(3)(a), (b), (c)5. and (d)1. and 4.

7.07: Specialist Teacher Licenses

For candidates who were prepared outside Massachusetts, *see* 603 CMR 7.05(3).

(1) Instructional Technology Specialist (Levels: All).

(a) Initial License.

1. Prerequisite: Possession of a teacher license and at least one year of employment as a teacher or in an educational role accepted by the Department.

7.07: continued

2. Passing score on the Communication and Literacy Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
 3. Completion of an approved educator preparation program for the Initial License as set forth in 603 CMR 7.03(2)(a).
- (b) Professional License.
1. For candidates who do not hold any Professional teacher license, complete requirements set forth in 603 CMR 7.04(2)(c).
 2. For candidates who hold at least one Professional teacher license, complete three years of employment under the Initial Instructional Technology Specialist license.
- (2) Reading (Levels: All).
- (a) Initial License.
1. Prerequisite: At least an Initial teaching license and at least one year of teaching experience.
 2. Completion of an approved educator preparation program for the Initial License as set forth in 603 CMR 7.03(2)(a).
 3. Passing score on the reading specialist Subject Matter Knowledge Test addressing the topic outlined in the Subject Matter Knowledge Guidelines.
- (b) Professional License.
1. For candidates who do not hold any Professional teacher license, complete requirements set forth in 603 CMR 7.04(2)(c).
 2. For candidates who hold at least one Professional teacher license, complete three years of employment under the Initial Reading license.
- (3) Speech, Language, and Hearing Disorders (Levels: All).
- (a) Initial License.
1. Master's degree in speech-language pathology from a program accredited by the Council on Academic Accreditation of the American Speech-language-hearing Association (ASHA).
 2. Eligibility for Clinical Fellowship.
 3. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
 4. Completion of a clinical practicum consisting of 100 on-site hours in a public school or an approved private school setting.
 5. Adherence to the Code of Ethics of the American Speech-language-hearing Association.
- (b) Professional License.
1. Possession of an Initial License.
 2. Possession and maintenance of the license to practice Speech-language Pathology through the Massachusetts Board of Registration of Speech-language Pathology and Audiology.
 3. Completion of the Clinical Fellowship in Speech-language Pathology.
 4. Passing score on the National Examination in Speech-language Pathology and Audiology.
 5. Three years of employment under the Initial Speech, Language, and Hearing Disorders license.

7.08: Professional Standards for Teachers

- (1) Application. The Professional Standards for Teachers define the pedagogical and other professional knowledge and skills required of all teachers. These standards and indicators referred to in 603 CMR 7.08(2) and (3) are used by sponsoring organizations in designing their teacher preparation programs and in preparing their candidates. The standards and indicators are also used by the Department in reviewing programs seeking state approval, and as the basis of performance assessments of candidates. Candidates shall demonstrate that they meet the Professional Standards and indicators referred to in 603 CMR 7.08(2) and (3) by passing a Performance Assessment for Initial License using Department guidelines.

7.08: continued

(2) Professional Standards for Teachers.

(a) Curriculum, Planning, and Assessment. Promotes the learning and growth of all students by providing high quality and coherent instruction, designing and administering authentic and meaningful student assessments, analyzing student performance and growth data, using this data to improve instruction, providing students with constructive feedback on an on-going basis, and continuously refining learning objectives.

(b) Teaching All Students. Promotes the learning and growth of all students through instructional practices that establish high expectations, create a safe and effective classroom environment, and demonstrate cultural proficiency.

(c) Family and Community Engagement. Promotes the learning and growth of all students through effective partnerships with families, caregivers, community members, and organizations.

(d) Professional Culture. Promotes the learning and growth of all students through ethical, culturally proficient, skilled, and collaborative practice.

(3) Indicators. The Department shall publish guidelines with detailed indicators for each standard set forth in 603 CMR 7.08(2). The guidelines shall include at least the following indicators:

(a) Uses instructional planning, materials, and student engagement approaches that support students of diverse cultural and linguistic backgrounds, strengths, and challenges.

(b) Uses effective strategies and techniques for making content accessible to English learners.

(c) Demonstrates knowledge of the difference between social and academic language and the importance of this difference in planning, differentiating and delivering effective instruction for English learners at various levels of English language proficiency and literacy.

(d) Creates and maintains a safe and collaborative learning environment that values diversity and motivates students to meet high standards of conduct, effort and performance.

(e) Collaborates with families, recognizing the significance of native language and culture to create and implement strategies for supporting student learning and development both at home and at school.

7.09: Licenses and Routes for Administrators

For candidates who hold a Massachusetts administrator license, *see* 603 CMR 7.15(3). For candidates who were prepared outside Massachusetts, *see* 603 CMR 7.09(6).

(1) Superintendent/Assistant Superintendent (Levels: All).(a) Provisional License.

1. Completion of at least three full years of employment in an executive management/leadership role or in a supervisory, teaching, or administrative role in a public/charter school, private school, higher education, or other educational setting accepted by the Department.

2. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).

(b) Initial License.

1. Possession of at least an Initial License in another educational role or Provisional Superintendent/Assistant Superintendent license and completion of three full years of employment in a district-wide, school-based, or other educational setting.

2. Demonstration of successful application of the Professional Standards for Administrative Leadership set forth in 603 CMR 7.10 through completion of one of the following:

a. An approved post-baccalaureate program of studies including a supervised practicum/practicum equivalent (500 hours) in the superintendent/assistant superintendent role.

b. An administrative apprenticeship/internship (500 hours) in the superintendent/assistant superintendent role with a trained mentor, using Department guidelines.

c. A Panel Review.

3. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).

7.09: continued

(c) Professional License.

1. Possession of an Initial License as superintendent/assistant superintendent.
2. Completion of a one-year induction program with a trained mentor.
3. At least three full years of employment under the Initial superintendent/assistant superintendent license.

(2) School Principal/Assistant School Principal (Levels: PreK-8; 5-12).(a) Provisional License.

1. Prerequisite Experience. Completion of at least three full years of employment in a supervisory, teaching, or administrative role in a public school, private school, higher education, or other educational setting accepted by the Department.
2. Demonstration of successful application of the Professional Standards for Administrative Leadership set forth in 603 CMR 7.10 through completion of one of the following:
 - a. An approved post-baccalaureate program of studies including a supervised practicum/practicum equivalent (500 hours) in the principal/assistant principal role and at the level of the license sought.
 - b. An administrative apprenticeship/internship (500 hours) in the principal/assistant principal role and at the level of the license sought with a trained mentor, using Department guidelines.
 - c. A Panel Review. Eligibility for a Panel Review is limited to candidates who have completed one of the following:
 - i. A post-baccalaureate program in management/administration at an accredited college or university.
 - ii. Three full years of employment in an executive management/ leadership, supervisory, or administrative role.
 - d. For out-of-state candidates, completion of 603 CMR 7.09(6)(e).
3. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
4. Possession of an SEI Administrator or Teacher Endorsement.

(b) Initial License.

1. Prerequisite Experience. Completion of at least three full years of employment in an executive management/leadership role or in a supervisory, teaching, or administrative role in a public school, private school, higher education, or other educational setting accepted by the Department.
2. Demonstration of successful application of the Professional Standards for Administrative Leadership set forth in 603 CMR 7.10 through completion of a Performance Assessment for Initial License and one of the following:
 - a. An approved post-baccalaureate program of studies including a supervised practicum/practicum equivalent (500 hours) in the principal/assistant principal role and at the level of the license sought.
 - b. An administrative apprenticeship/internship (500 hours) in the principal/assistant principal role and at the level of the license sought with a trained mentor, using Department guidelines.
 - c. A Panel Review. Eligibility for a Panel Review is limited to candidates who have completed one of the following:
 - i. A post-baccalaureate program in management/administration at an accredited college or university.
 - ii. Three full years of employment in an executive management/leadership, supervisory, or administrative role.
3. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
4. Possession of an SEI Administrator or Teacher Endorsement.

(c) Professional License.

1. Possession of an Initial License as principal/assistant principal.
2. Completion of a one-year Induction Program with a trained mentor.
3. At least three full years of employment under the Initial school principal/assistant principal license.

7.09: continued

(3) Supervisor/Director (Levels: Dependent on Prerequisite License).

(a) Validity. A Supervisor/Director license is required for individuals employed for ½ time or more as a director, department head, or curriculum specialist in the field and at the level of the prerequisite license(s).

(b) Initial License.

1. Prerequisite Licenses. Possession of at least a Provisional License as follows:

- a. Pupil personnel directors:
 - i. School psychologist,
 - ii. School counselor, or
 - iii. School social worker/school adjustment counselor.
- b. School counselor directors:
 - i. School counselor, or
 - ii. School social worker/school adjustment counselor.
- c. Directors, department heads, and curriculum specialists:
 - i. Teacher,
 - ii. Specialist Teacher,
 - iii. School Nurse.

2. Prerequisite Experience. Completion of three full years of employment in a leadership, supervisory, teaching, or administrative role in a public school, private school, higher education, or other educational setting accepted by the Department.

3. Demonstration of successful application of the Professional Standards for Administrative Leadership set forth in 603 CMR 7.10 through completion of one of the following:

- a. An approved post-baccalaureate program of studies including a supervised practicum/practicum equivalent (300 hours) in the supervisor/director role.
- b. An administrative apprenticeship/internship (300 hours) in a supervisor/director role for the license sought with a trained mentor, using Department guidelines.
- c. A Panel Review. Eligibility for a Panel Review is limited to those candidates who have either completed a post-baccalaureate program in management/administration at an accredited institution or have three full years of employment in an executive management/leadership, supervisory, or administrative role.

4. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).

5. For those directors, department heads, and curriculum specialists supervising or evaluating core academic teachers, possession of an SEI Administrator or Teacher Endorsement.

6. Additional requirements for directors, department heads, and curriculum specialists in the core academic subjects at the secondary level (5 through 12): possession of an appropriate prerequisite teaching license at the initial or professional teaching license and three years of teaching experience in the role of the prerequisite license.

(c) Professional License.

1. Possession of an Initial License as supervisor/director.
2. Completion of a one-year induction program with a trained mentor.
3. At least three full years of employment under the Initial supervisor/director license.

(4) Special Education Administrator (Levels: All).(a) Initial License.

1. Prerequisite Experience.

- a. Possession of at least an Initial License in special education, or as school counselor, school principal/assistant school principal, school psychologist, school social worker/school adjustment counselor, or speech, language and hearing disorders teacher and completion of three full years of employment in a district-wide, school-based, or other educational setting, or
- b. Completion of at least three full years of employment in law, public policy, higher education, or other related field accepted by the Department.

2. Demonstration of successful application of the Professional Standards for Administrative Leadership set forth in 603 CMR 7.10 and appropriate knowledge of special education laws, regulations, and issues through completion of one of the following:

7.09: continued

- a. An approved post-baccalaureate program of studies including a supervised Practicum/Practicum Equivalent (500 hours) in the special education administrator role.
 - b. An administrative apprenticeship/internship (500 hours) in the special education administrator role, with a trained mentor, using Department guidelines.
 - c. A Panel Review. Eligibility for a Panel Review is limited to those candidates who have either completed a post-baccalaureate program in management/administration at an accredited college or university or have three full years of employment in an executive management/leadership, supervisory, or administrative role.
3. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
- (b) Professional License.
1. Possession of an Initial License as special education administrator.
 2. Completion of a one-year induction program with a trained mentor.
 3. At least three full years of employment under the Initial special education administrator license.
- (5) School Business Administrator (Levels: All).
- (a) Initial License.
1. Prerequisite Experience:
 - a. Possession of at least an Initial License in another educational role and completion of three full years of employment in a district-wide, school-based, or other educational setting, or
 - b. Completion of at least three full years of employment in a business management/administrative role in a business, educational, or other setting accepted by the Department.
 2. Subject Matter Knowledge as outlined in the Subject Matter Knowledge Guidelines.
 3. Demonstration of successful application of appropriate Professional Standards for Administrative Leadership set forth in 603 CMR 7.10, as determined in Department guidelines, and successful application of school business administrator subject matter knowledge through completion of one of the following:
 - a. An approved post-baccalaureate program of studies including a supervised Practicum/Practicum Equivalent (300 hours) in the school business administrator role.
 - b. An administrative apprenticeship/internship (300 hours) in the school business administrator role with a trained mentor, using Department guidelines.
 - c. A Panel Review. Eligibility for a Panel Review is limited to those candidates who have either completed a post-baccalaureate program in management/administration at an accredited college or university or have three full years of employment in an executive management/leadership, supervisory, or administrative role.
 4. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
- (b) Professional License.
1. Possession of an Initial License as school business administrator.
 2. Completion of a one-year induction program with a trained mentor.
 3. At least three full years of employment under the Initial school business administrator license.
- (6) Candidates from outside Massachusetts shall meet the following requirements:
- (a) Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
 - (b) For those with less than three years of experience in the role of the administrator license sought, demonstration of successful application of the Professional Standards for Administrative Leadership set forth in 603 CMR 7.10 through completion of a Performance Assessment for Initial License.
 - (c) Completion of the appropriate prerequisite experience and/or license set forth in 603 CMR 7.09 for the license sought.

7.09: continued

(d) For Principals/Assistant Principals and Supervisor/Directors supervising or evaluating core academic teachers, possession of an SEI Administrator or SEI Teacher Endorsement.

(e) One of the following:

1. Completion of a state-approved educator preparation program in a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.
2. Completion of an educator preparation program sponsored by a college or university outside Massachusetts that has been accredited by a national organization accepted by the Commissioner.
3. Possession of the equivalent of at least an Initial License/certificate issued by a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.

(7) The Commissioner may waive the requirements listed in 603 CMR 7.09(1) through (5) for candidates with significant leadership/managerial experience who meet the standards through both their experience and their formal education.

7.10: Professional Standards for Administrative Leadership

(1) Application. The Professional Standards for Administrative Leadership identify the knowledge and skills required for school administrators. These standards and indicators referred to in 603 CMR 7.10(3) are used by sponsoring organizations in designing their administrator preparation programs and by the Department in reviewing programs seeking state approval. The standards and indicators are also used by the Department as the basis of performance assessment of candidates for administrator licenses. Candidates shall demonstrate that they meet the standards and indicators by completing a Performance Assessment for Initial License.

(2) Professional Standards for Administrative Leadership.

- (a) Instructional Leadership: Promotes the learning and growth of all students and the success of all staff by cultivating a shared vision that makes effective teaching and learning the central focus of schooling.
- (b) Management and Operations: Promotes the learning and growth of all students and the success of all staff by ensuring a safe, efficient, and effective learning environment, using resources to implement appropriate curriculum, staffing and scheduling.
- (c) Family and Community Engagement: Promotes the learning and growth of all students and the success of all staff through effective partnerships with families, community organizations, and other stakeholders that support the mission of the school and district.
- (d) Professional Culture: Promotes success for all students by nurturing and sustaining a school culture of reflective practice, high expectations, and continuous learning for staff.

(3) Indicators. The Department shall publish detailed indicators for each standard set forth in 603 CMR 7.10(2).

7.11: Professional Support Personnel Licenses

Candidates seeking professional support personnel licenses who have substantial experience and formal education relevant to the license sought but who do not meet all of the specific requirements listed in 603 CMR 7.11 may demonstrate that they meet the requirements, through a Panel Review administered by the Department in accordance with guidelines to be established by the Department. For candidates who were prepared outside Massachusetts, the provisions of 603 CMR 7.04(3)(a) and (b) apply.

(1) School Counselor (Levels: All).

(a) Initial License.

1. Master's degree with a major in counseling.
2. Subject Matter Knowledge as outlined in the Subject Matter Knowledge Guidelines.
3. A practicum of 450 hours in an educational setting.
4. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).

7.11: continued

- (b) Professional License.
 - 1. Possession of an Initial License.
 - 2. Three years of employment as a school counselor.
 - 3. Completion of one of the following:
 - a. A total of 60 credits of graduate coursework that may include credits earned in a master's degree program for the Initial License in a discipline appropriate to the license sought, which includes but is not limited to school counseling, mental health counseling, school psychology, or clinical psychology.
 - b. Achievement and maintenance of certification or licensure from one of the following:
 - i. National Board of Certified Counselors (NBCC).
 - ii. National Board for School Counseling.
- (2) School Nurse (Levels: All).
- (a) Provisional License.
 - 1. Valid license to practice as a Registered Nurse in Massachusetts.
 - 2. A bachelor's or master's degree in nursing.
 - 3. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
 - 4. Completion of training within the orientation program for delivery of school health services as defined by the Department of Public Health and identified by the Department.
 - (b) Initial License.
 - 1. Valid license to practice as a Registered Nurse in Massachusetts.
 - 2. A bachelor's or master's degree in nursing.
 - 3. A minimum of two full years of employment as a Registered Nurse in a child health, community health, or other relevant clinical nursing setting.
 - 4. Completion of an orientation program based on the requirements for delivery of school health services as defined by the Department of Public Health.
 - 5. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
 - (c) Professional License.
 - 1. Possession and maintenance of a valid license to practice as a Registered Nurse in Massachusetts.
 - 2. Possession of an Initial License.
 - 3. Three years of employment as a school nurse.
 - 4. Completion of one of the following:
 - a. Achievement and maintenance of certification or licensure by a nationally recognized professional nursing association as a school nurse, community health nurse, or a pediatric/family/school nurse practitioner.
 - b. A master's degree program that may include credits earned in a master's degree program for the Initial License in community health, health education, nursing, or public health.
- (3) School Psychologist (Levels: All)
- (a) Initial License.
 - 1. Completion of a master's degree or higher in school psychology approved by the National Association of School Psychologists (NASP), including an advanced practicum of 1,200 hours, 600 of which must be in a school setting. (The Commissioner may grant temporary approval, in accordance with NASP standards, to institutions without NASP approval for up to five years while they achieve such approval.)
 - 2. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
 - (b) Professional License.
 - 1. Possession of an Initial License.
 - 2. Three years of employment as a school psychologist.
 - 3. Completion of one of the following:
 - a. Passing score on the National School Psychology Examination.
 - b. Achievement and maintenance of a certificate or license from one of the following:

7.11: continued

- i. The Massachusetts Board of Allied Mental Health Professionals, as an educational psychologist.
 - ii. The National Association of School Psychologists, as a school psychologist.
- (4) School Social Worker/School Adjustment Counselor (Levels: All)
 - (a) Initial License.
 - 1. Master's degree in Social Work or Counseling.
 - 2. Course work and clinical experience that demonstrate subject matter knowledge as outlined in the Subject Matter Knowledge Guidelines.
 - 3. A practicum of 900 hours, 450 of which must be working with children, adolescents, and families in an educational setting.
 - 4. Passing score on the Communication and Literacy Skills Test or satisfying the requirements for the Alternative Licensure Pathway as outlined in 603 CMR 7.04(2)(g).
 - (b) Professional License.
 - 1. Possession of an Initial License as a school social worker/school adjustment counselor.
 - 2. Three years of employment as a school social worker or school adjustment counselor.
 - 3. Completion of one of the following:
 - a. A total of 60 credits of graduate coursework that may include credits earned in a master's degree program for the Initial License in a discipline appropriate to the license sought including but not limited to mental health counseling, psychological counseling, school counseling, school social work, or social work.
 - b. Achievement and maintenance of a certificate or license from one of the following:
 - i. The Massachusetts Board of Registration of Social Work, as a Licensed Certified Social Worker (LCSW) or a Licensed Independent Clinical Social Worker (LICSW).
 - ii. The Massachusetts Board of Allied Mental Health Professionals, as a Licensed Mental Health Counselor (LMHC), a Licensed Marriage and Family Therapist (LMFT), or a Licensed Rehabilitation Counselor (LRC).

7.12: Standards for Induction Programs for Teachers

- (1) Application. All school districts are required to provide an Induction Program for teachers in their first year of practice. Guidelines based on the following Standards will be provided by the Department.
- (2) Standards. All Induction Programs shall meet the following requirements:
 - (a) An orientation program for beginning teachers and all other incoming teachers.
 - (b) Assignment of all beginning teachers to a trained mentor within the first two weeks of teaching.
 - (c) Assignment of a support team that shall consist of, but not be limited to, the mentor and an administrator qualified to evaluate teachers.
 - (d) Release time for the mentor and beginning teacher to engage in regular classroom observations and other mentoring activities.
- (3) Additional Requirements. All programs shall submit an annual report to the Department that includes information on:
 - (a) Program activities.
 - (b) Number and complete list of beginning teachers served.
 - (c) Number and complete list of trained mentors.
 - (d) Number of classroom observations made by mentors.
 - (e) Number of hours that mentors and beginning teachers spend with each other.
 - (f) Hiring and retention rates for beginning teachers.
 - (g) Participant satisfaction.
 - (h) Partnerships developed with other districts, professional associations, and institutions of higher education to support the beginning teacher induction program.

7.13: Standards for Induction Programs for Administrators

- (1) Application. All school districts are required to provide an Induction Program for all administrators in their first year of practice. Guidelines based on the following Standards will be provided by the Department.
- (2) Standards. All Induction Programs shall meet the following requirements:
- (a) An orientation program for first year administrators and all other administrators new to the district.
 - (b) Assignment of first year administrators to a trained mentor within the first two weeks of working.
 - (c) Assignment of a support team that shall consist of, but not be limited to, the mentor and an administrator qualified to evaluate administrators.
 - (d) Provision for adequate time for the mentor and beginning administrator to engage in professional conversations on learning and teaching as well as building leadership capacity within the school community and other appropriate mentoring activities.
 - (e) Provision for adequate time and resources to learn how to use effective methods of personnel selection, supervision, and evaluation that are included in 603 CMR 7.10.
- (3) Additional Requirements. All Induction Programs shall submit an annual report to the Department that includes information on:
- (a) Program activities.
 - (b) Number and complete list of beginning administrators served.
 - (c) Number and complete list of trained mentors involved in the program.
 - (d) Number of site-based visits made by mentors.
 - (e) Number of hours that mentors and beginning administrators spent with each other.
 - (f) Hiring and retention rates for first year administrators.
 - (g) Participant satisfaction.
 - (h) Partnerships developed with other districts, professional associations, and institutions of higher education to support the administrator induction program.

7.14: Endorsements

Unless otherwise provided in 603 CMR 7.00, or 603 CMR 14.00: *Education of English Learners*, 603 CMR 7.00 does not require a person to seek or obtain an endorsement. Endorsements issued by the Department under 603 CMR 7.14 do not constitute educator licenses pursuant to 603 CMR 7.04(1).

- (1) SEI Teacher Endorsement.
- (a) SEI Teacher Endorsement is to be awarded upon a demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.08(3)(a) through (e), and 603 CMR 7.14(1)(b), through one of the following:
 1. Successful completion of a Department-approved course of study specific to providing sheltered English instruction. The Department will issue guidelines to govern approval of this course of study.
 2. Passing a Department-approved assessment.
 3. Attainment of a bachelor's degree in a major approved by the Department, or other graduate level training approved by the Department.
 4. Possession of an English as a Second Language license or an English Language Learners license.
 5. Possession of an equivalent credential, as approved by the Commissioner, issued by a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.
 - (b) Subject Matter Knowledge:
 1. The basic structure and functions of language.
 2. Second language acquisition factors as they affect access to the Massachusetts standards.
 3. Social-cultural, affective, political, and other salient factors in second language acquisition.

7.14: continued

4. Sheltered English Immersion (SEI) principles and typologies: General academic and domain-specific discourse practices relevant to the grade level (K-5 or secondary), English proficiency level, and content area (English language arts and history; science and mathematics; other content areas).
5. Implementation of strategies for coordinating SEI and English language development instruction for English learners.
6. Federal and Massachusetts' laws and regulations pertaining to English learners.
7. Understanding of diversity and background of English learner populations, including family systems, and communities, and their impact on teaching and learning.
8. Theory, research, and practice of reading and writing for English learners. Practices and approaches for developing reading and writing skills and comprehension in English for English learners who are at different levels of English language proficiency.
9. The role of oral language development in literacy development for English learners.
10. Formative and summative assessments for English learners.
11. Literacy and academic language development. The role of vocabulary development in accessing academic language.

(2) SEI Administrator Endorsement.

(a) SEI Administrator Endorsement is to be awarded upon demonstration of the subject matter and skill requirements set forth in 603 CMR 7.14(2)(b) through one of the following:

1. Successful completion of a Department-approved course of study for administrators specific to sheltered English instruction. The Department will issue guidelines to govern approval of this course of study.
2. Possession of an SEI Teacher Endorsement.
3. Possession of an equivalent credential, as approved by the Commissioner, issued by a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.

(b) Subject Matter Knowledge:

1. Understanding of diversity and background of English learner populations, including family systems, neighborhoods, and communities, and their impact on teaching and learning.
2. Knowledge of how to build a culture of equity and inclusiveness for linguistically and culturally diverse populations.
3. Implementation of strategies for coordinating SEI and English language development instruction for English learners.
4. Demonstrates an understanding of the use of best practices for sheltering content for, and teaching academic language to, English learners in the classroom.
5. Understanding of the challenges that English learners face in the mastery of academic language and of the skills to shelter content and scaffold instruction to promote the academic achievement of English learners.

(3) Bilingual Education Endorsement.

(a) Bilingual Education Endorsement is to be awarded to educators who meet all of the following requirements:

1. A passing score on a foreign language test acceptable to the Department in the relevant foreign language.
2. Demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.14(3)(b), through one of the following:
 - a. Successful completion of a Department-approved course of study for providing bilingual education. The Department shall issue guidelines for approval of this course of study.
 - b. A passing score on a test acceptable to the Department.
3. Completion of 75 hours of field-based experience in a Pre-K through grade 12 dual language education or two-way immersion program, transitional bilingual education program, or other bilingual education setting.

(b) Subject Matter Knowledge:

1. Knowledge of the foundations of bilingual education, including dual language education or two-way immersion and transitional bilingual education, as defined in M.G.L. c. 71A, § 2, and the concepts of bilingualism and biculturalism.

7.14: continued

2. Bilingual language acquisition factors as they affect access to the Massachusetts content and language standards.
 3. Social-cultural, social-emotional, political, and other salient factors in bilingual language acquisition.
 4. Implementation of strategies for coordinating non-English partner language instruction and English language development instruction for English learners.
 5. Practices and approaches of teaching reading and writing in two languages, including the importance of oral language development as a foundation for literacy.
 6. Practices and approaches for assessing content knowledge, reading and writing skills and comprehension in English and the non-English partner language for English learners who are at different levels of proficiency in English and the non-English partner language.
 7. Understanding and implementation of culturally relevant teaching materials and practices.
- (c) A candidate who fulfills the requirement in 603 CMR 7.14(3)(a)1. and has at least three years of prior employment experience in a dual language education or two-way immersion program, transitional bilingual education program, or other bilingual education setting, and who can demonstrate that he or she meets the subject matter knowledge and skills requirements set forth in 603 CMR 7.14(3)(b), will be exempt from the requirements set forth in 603 CMR 7.14(3)(a)2. and 3. if he or she applies to the Department and completes all of the requirements for the Bilingual Education Endorsement by June 30, 2020.
- (d) A candidate who was prepared outside of Massachusetts shall not be required to complete the requirements set forth in 603 CMR 7.14(3)(a)1. through 3. if such candidate can provide documentation of one of the following:
1. Completion of an educator preparation program that includes the equivalent of the Department-approved course of study specific to providing services to English learners and is either state-approved under the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement or has been accredited by a national organization accepted by the Commissioner.
 2. Possession of an out-of-state license/certificate/endorsement that is comparable to the Bilingual Education Endorsement issued by a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.
- (e) Renewal. The Bilingual Education Endorsement shall be valid for five years and may be renewed for successive five-year terms upon successful completion of 15 professional development points (PDPs) in the content area related to 603 CMR 7.14(3)(b). The 15 PDPs may be included in the total number of PDPs necessary for license renewal pursuant to 603 CMR 44.06: *Educator License Renewal*.
- (4) Transition Specialist. Awarded to individuals who meet the following requirements:
- (a) Prerequisite license and experience: A minimum of two years of experience under one of the following licenses:
 1. An Initial or Professional License as a Teacher of Students with Moderate Disabilities, Teacher of Students with Severe Disabilities, Teacher of the Visually Impaired, Teacher of the Deaf and Hard of Hearing, School Counselor, or School Social Worker/School Adjustment Counselor.
 2. A license as a Rehabilitation Counselor (as described in 262 CMR 4.00: *Requirements for Licensure as a Rehabilitation Counselor*), or certification as a Rehabilitation Counselor as determined by the Commission on Rehabilitation Counselor Certification (CRCC).
 - (b) Demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.14(4)(d), through the successful completion of a Department-approved course of study specific to providing transition services. The Department will issue guidelines to govern approval of this course of study.
 - (c) Completion of a 150-hour field-based experience that includes providing transition services for transition-aged students with disabilities with IEPs, in collaboration with their families, community members, and other relevant professionals.
 - (d) Subject Matter Knowledge:

7.14: continued

1. Foundations and implementation of transition education and transition services, including, but not limited to: state and federal legislation; inclusive models, research, best practice, community based education and post-school options; and knowledge of transition planning and service delivery for all students with Individualized Education Programs, including culturally and linguistically diverse youth.
 2. Individual transition assessment and system evaluation, including conducting, interpreting, and overseeing individualized formal and informal transition assessments to ascertain interests, strengths, preferences, aptitudes and needs related to competitive employment, education, training, and independent living; developing individualized appropriate measurable postsecondary goals, and annual IEP goals based on the individualized transition assessment results; and transition service delivery.
 3. How to develop transition systems and supports which include best practices in postsecondary education, competitive integrated employment (including supported employment), independent living, and community participation including, but not limited to, implementation of social skills training, positive behavioral supports, assistive technology as related to transition goals, and development of self-determination skills across all settings.
 4. Collaboration including strategies for active participation of students and families in IEP development, transition education and services, and support networks; development of partnerships with employers, institutes of higher education, public agencies, and community service agencies; and provision of technical assistance and professional development to school personnel.
- (e) The requirements for the Transition Specialist Endorsement may also be used to satisfy course requirements necessary to obtain a Professional License listed in 603 CMR 7.04(2)(c).
- (f) Renewal. The Transition Specialist Endorsement shall be valid for five years and may be renewed for successive five-year terms to individuals who meet the following requirements:
1. Valid license as listed in 603 CMR 7.14(4)(a); and
 2. Successful completion of 30 Professional Development Points (PDPs) in the content area related to 603 CMR 7.14(4)(d). The 30 PDPs may be included in the total number of PDPs necessary for license renewal pursuant to 603 CMR 44.00: *Educator License Renewal*.
- (5) Autism Endorsement. Awarded to educators who meet the following requirements:
- (a) Prerequisite. A teacher license and at least three credits related to special education or possession of a license as a Teacher of Students with Moderate Disabilities, Teacher of Students with Severe Disabilities, Teacher of the Deaf and Hard-of-Hearing, or Teacher of the Visually Impaired.
 - (b) Demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.14(5)(d), through one of the following:
 1. Demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.14(5)(d) through the successful completion of a Department-approved course of study specific to providing services to students with autism. The Department will issue guidelines to govern approval for this course of study.
 2. Passing a Department-approved assessment.
 - (c) field Experience Requirement Met Through One of the Following:
 1. Teachers who possess a license as a Teacher of Students with Moderate Disabilities, Teacher of Students with Severe Disabilities, Teacher of the Deaf and Hard-of-Hearing, or Teacher of the Visually Impaired who can demonstrate at least one year of teaching experience working with students with autism shall complete at least 75 hours of field-based experience working with students with autism in any type of school setting, including at least 50 of which shall take place in an inclusive setting.
 2. All other teachers shall complete a 150 hour field-based experience that includes a minimum of 75 hours in an inclusive setting with students with autism and 75 hours of additional experience in any type of school setting working with students with autism.
 - (d) Subject Matter Knowledge.
 1. Understanding of autism including the co-morbid conditions associated with autism spectrum disorders and the differences between a medical diagnosis of autism and the definition of the term autism under state and federal special education laws. Knowledge of the unique characteristics of autism as related to communication, social/emotional development, behavior, sensory processing, cognition, and learning.

7.14: continued

2. Assessment of students with autism including: an ability to identify, administer, and interpret a range of formal and informal tools in a culturally and linguistically appropriate manner that assess the unique strengths, skills (including academic, social, behavioral and adaptive) and learning styles of students with autism three through 22 years old.
 3. Knowledge of how ongoing assessment and data collection can be used to inform instruction, services and supports; monitor progress and rates and patterns of skill acquisition; and ensure the maintenance and generalization of skills across settings.
 4. Design of effective educational programs and individual supports based on peer reviewed research to the extent practicable to support students with autism in the least restrictive environment. Knowledge of the range of specialized and individualized instructional strategies and supports for students with autism, including assistive technology, to address: the verbal and nonverbal communication needs; the need to develop social interaction skills and proficiencies including the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing; the needs resulting from the student's unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for positive behavioral interventions, strategies, and supports to address any behavioral difficulties; and other needs resulting from the student's disability that impact making progress in the general curriculum, including social and emotional skills.
 5. Understanding and supporting the roles of other disciplines and professionals involved in the education of students with autism and facilitating coordination and collaboration of relevant IEP Team members, including parents or caregivers, related service providers and medical professionals, to meet the unique needs of students with autism in a culturally sensitive manner in accordance with M.G.L. c. 71B, § 3.
- (e) Candidates who were prepared outside of Massachusetts and possess a license as a Teacher of Students with Moderate Disabilities, Teacher of Students with Severe Disabilities, Teacher of the Deaf and Hard-of-hearing, or Teacher of the Visually Impaired shall not be required to complete the requirements set forth in 603 CMR 7.14(5)(b) through (d) if such candidate can provide documentation of one of the following:
1. Completion of an educator preparation program that includes the equivalent of the Department approved course of study specific to providing services to students with autism and is either state- approved under the NASDTEC Interstate Agreement or has been accredited by a national organization accepted by the Commissioner.
 2. Possession of an out of state license/certificate/endorsement that is comparable to the Autism Endorsement issued by a state with which Massachusetts has signed the NASDTEC Interstate
- (f) The requirements for the Autism Endorsement may also be used to satisfy course requirements necessary to obtain a Professional license listed in 603 CMR 7.04(2)(c).
- (g) Renewal. The Autism Endorsement shall be valid for five years and may be renewed for successive five-year terms to individuals who meet the following requirements:
1. Valid license as a teacher; and
 2. Successful completion of 30 professional development points (PDPs) in the content area related to 603 CMR 7.14(5)(d). The 30 PDPs may be included in the total number of PDPs necessary for license renewal pursuant to 603 CMR 44.00: *Educator License Renewal*.
- (6) Academically Advanced Endorsement. Prerequisites: at least an Initial or Professional license in a core academic area at the PreK-8 level and at least one year of teaching experience under that license.
- (a) Requirements for the endorsement:
1. Demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.14(6)(b) and(c).
 2. Field experience of 150 hours which must be satisfied with a group of students identified by a district as academically advanced. The field experience must include approximately equal experience with academically advanced students both in a general education classroom and in classes for academically advanced students at two different grade levels.
 3. Completion of a Department-approved course of study including the topics listed in 603 CMR 7.14(6)(c).

7.14: continued

(b) The topics set forth in the *Subject Matter Knowledge Guidelines* for the Middle School: Humanities and Middle School: Mathematics/Science licenses, together with the following topics, will be addressed on the test of subject matter knowledge:

1. Knowledge of ways to adapt curricular content from higher grade levels, especially in science and mathematics, for academically advanced students in lower grade levels.
2. Design and implementation of accelerated curricula providing conceptual understanding for academically advanced students in mixed ability classrooms that enable them to engage in sustained study in a content area appropriate to their learning pace.

(c) The following topics shall be included in a Department-approved course of study but will not be addressed on a test of subject matter knowledge:

1. Knowledge of curricular content in all the Massachusetts Curriculum Frameworks for PreK-10, with emphasis on either science and mathematics or the humanities.
2. Emotional, social, and cognitive development and needs of academically advanced students.
3. Design and implementation of accelerated curricula providing conceptual understanding for academically advanced students in groups (pullout grouping, cluster grouping, cross-graded classes, full-time ability grouping, regrouping for specific instruction).
4. Knowledge of research on issues related to the education of academically advanced students.
5. Knowledge of federal and state laws on education for the academically advanced.

(d) Individuals are exempt from the requirements set forth in 603 CMR 7.14(6)(a)1., 3., (b) and (c) if they hold an advanced degree in a relevant subject area or have at least three years employment by a school district in a role that included significant experience with students identified by the district as academically advanced and have passed one of the following subject matter knowledge tests: Middle School Mathematics/Science, Middle School Humanities, Middle School Mathematics, General Science, or any single subject matter test in an academic subject taught in grades 5-12 for which the Department issues a license.

(7) Media Arts Endorsement

(a) Media Arts Endorsement is to be awarded to educators who meet all of the following requirements:

1. Prerequisite license and experience: A minimum of two years of experience under one of the following licenses:
 - a. An Initial or Professional license as a Dance, Music, Vocal/Instrumental/General, Theatre, Visual Arts, Supervisor/Director of Core Arts, Instructional Technology, Digital Literacy/Computer Science, Technology/Engineering or Library teacher
 - b. Vocational Education Technical Teacher Competency Testing: Design & Visual Communication, Graphic Communication, Telecommunications or Marketing
2. Demonstration of the subject matter knowledge and skill requirements set forth in 603 CMR 7.14(7)(b), through one of the following:
 - a. Successful completion of a Department-approved course of study specific to Media Arts. The Department shall issue guidelines to govern approval of this course of study.
 - b. A passing score on a test acceptable to the Department
3. Completion of 75 hours of field-based experience that includes teaching media arts to students in PreK-12

(b) Subject Matter Knowledge:

1. Refine concepts and content to support a central idea by focusing on a specific element such as interactivity, temporality, or heterogeneity.
2. Explain how one uses specific techniques to evoke, express, or communicate ideas in a media arts work or collection of such works.
3. Modify a media artwork to clarify its artistic intent by presenting different styles/genres and viewpoints and anticipating viewers' responses.
4. Identify ways a contemporary media work pushes the boundaries of a genre and discipline.
5. Compare and contrast the artistic elements that make media arts unique from other artistic disciplines.

7.14: continued

6. Identify how bias, culture, and privilege can impact the criteria used to evaluate media artwork.
 7. Explain the development of a personal aesthetic vision and style as a media artist and how that is represented in a piece.
 8. Identify the connections between historical and cultural context and defining stylistic elements of multiple media artworks.
- (c) A candidate who was prepared outside of Massachusetts shall not be required to complete the requirements set forth in 603 CMR 7.14(7)(a)2. through 3. if such candidate can provide documentation of one of the following:
1. Completion of an educator preparation program that includes the equivalent of the Department-approved course of study and is either state-approved under the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement or has been accredited by a national organization accepted by the Commissioner.
 2. Possession of an out-of-state license/certificate/endorsement that is comparable to the Media Arts Endorsement issued by a state with which Massachusetts has signed the NASDTEC Interstate Agreement or other agreement accepted by the Commissioner.
- (d) Renewal. The Media Arts Endorsement shall be valid for five years and may be renewed for successive five-year terms upon successful completion of 30 professional development points (PDPs) in the content area related to 603 CMR 7.14(7)(b). The 30 PDPs may be included in the total number of PDPs necessary for license renewal pursuant to 603 CMR 44.06: *Educator License Renewal*.

7.15: General Provisions

- (1) Previous Employment. Previous employment in any role covered by the licenses issued under 603 CMR 7.00 does not exempt a candidate from the provisions of 603 CMR 7.00, except for school librarians, teachers of young children with disabilities, school business administrators and school nurses as specified in 603 CMR 7.15(9).
- (2) Additional Licenses. Licensed educators may earn additional licenses as follows:
- (a) New Field. (available only for licenses under 603 CMR 7.04(3)(a)):
1. Teachers holding an Initial or Professional License in one field may earn a license of the same type and at the same level in a new field, except as provided in 603 CMR 7.15(2)(a)2. and 3. by:
 - a. Achieving a passing score on the appropriate Subject Matter Knowledge Test(s), or
 - b. Passing a competency review for those licenses for which there is no subject matter test.
 2. Additional requirements for earning a license as an early childhood, English as a second language, or elementary teacher: completion of a practicum/practicum equivalent or internship of 150 hours in the role of the license sought in an appropriate classroom.
 3. Additional requirements for earning a license as teacher of students with moderate disabilities, teacher of students with severe disabilities, teacher of the deaf and hard-of-hearing, or teacher of the visually impaired are completion of both:
 - a. A competency review, and
 - b. A practicum/practicum equivalent or internship of 150 hours in the role of the license sought in an appropriate classroom.
- (b) New Level. (available only for licenses under 603 CMR 7.04(3)(a) and (d)1.):
1. Teachers holding an Initial or Professional License at one grade level may obtain a license of the same type and in the same field at a new grade level by:
 - a. Achieving a passing score on the appropriate Subject Matter Knowledge Test(s) at the new level, or by passing a competency review for those licenses for which there is no subject matter test, and
 - b. Completing one of the following:
 - i. A seminar, institute, or course approved by the Department addressing the curriculum and developmental characteristics of the age group appropriate to the license sought.

7.15: continued

- ii. A practicum/practicum equivalent or internship of 150 hours in the role of the license in an appropriate classroom.
- 2. Teachers holding a teacher of students with moderate disabilities license at the PreK-2 level may obtain a teacher of students with moderate disabilities license at the PreK-8 level by achieving a passing score on the general curriculum Subject Matter Knowledge Test and may obtain a teacher of students with moderate disabilities license at the 5-12 level by achieving a passing score(s) on Subject Matter Knowledge Test(s) based on subject matter knowledge requirements set forth in 603 CMR 7.06.
- 3. Teachers holding a teacher of students with severe disabilities license at the PreK-2 level may obtain a teacher of students with severe disabilities All levels license by achieving a passing score on the general curriculum Subject Matter Knowledge Test.
- 4. School counselors holding an Initial or Professional License at one grade level may obtain a license of the same type and in the same field at a new grade level by completing one of the following:
 - a. A seminar, institute, or course approved by the Department addressing the curriculum and developmental characteristics of the age group appropriate to the license sought.
 - b. A practicum/practicum equivalent or internship of 150 hours in the role of the license sought in an appropriate classroom.
- (c) New Field and Level. Teachers holding an Initial or Professional License in one field may earn a license of the same type in a new field and a new grade level by meeting the requirements set forth in 603 CMR 7.15(2)(a) and (b)1.
- (d) New Provisional License in Special Education. Teachers holding an Initial or Professional license in any field and who have at least two years of experience modifying curriculum for students with disabilities, may obtain a provisional license in teacher of students with moderate disabilities and teacher of students with severe disabilities as follows:
 - 1. Teacher of students with moderate disabilities (PreK through 8) licenses:
 - a. Passing a competency review,
 - b. Passing score on the foundations of reading Subject Matter Knowledge Test,
 - c. Passing score on the general curriculum Subject Matter Knowledge Test, and
 - d. Seminars or courses on, or demonstrated knowledge of, ways to prepare and maintain students with disabilities for general classrooms; for example, use of strategies for learning and of behavioral management principles.
 - 2. Teacher of students with moderate disabilities (5 through 12) license:
 - a. Passing a competency review,
 - b. Passing score on the foundations of reading Subject Matter Knowledge Test,
 - c. Passing score on Subject Matter Knowledge Test(s) based on subject matter knowledge requirements set forth in 603 CMR 7.06, as applicable, and
 - d. Seminars or courses on, or demonstrated knowledge of, ways to prepare and maintain students with disabilities for general classrooms; for example, use of strategies for learning and of behavioral management principles.
 - 3. Teacher of students with moderate disabilities (PreK through 2) license:
 - a. Passing a competency review,
 - b. Passing score on the foundations of reading Subject Matter Knowledge Test,
 - c. Passing score on the early childhood Subject Matter Knowledge Test, and
 - d. Seminars or courses on, or demonstrated knowledge of, ways to prepare and maintain students with disabilities for general classrooms; for example, use of strategies for learning and of behavioral management principles.
 - 4. Teacher of students with severe disabilities (All) licenses:
 - a. Passing a competency review,
 - b. Passing score on the general curriculum Subject Matter Knowledge Test and
 - c. Seminars or courses on, or demonstrated knowledge of, ways to prepare and maintain students with disabilities for general classrooms; for example, use of strategies for learning and of behavioral management principles.
 - 5. Teacher of students with severe disabilities (PreK through 2) license:
 - a. Passing a competency review,
 - b. Passing score on the early childhood Subject Matter Knowledge Test, and

7.15: continued

c. Seminars or courses on, or demonstrated knowledge of, ways to prepare and maintain students with disabilities for general classrooms; for example, use of strategies for learning and of behavioral management principles.

(e) New Provisional Licenses in English as a Second Language. Teachers holding an Initial or Professional license in any field who have at least two years of experience in second language acquisition and sheltering content for English learners may earn a provisional license in English as a Second Language by achieving a passing score on the English as a second language Subject Matter Knowledge Test.

(3) Additional Licenses for Administrators. Licensed administrators may earn additional administrator licenses by passing the Communication and Literacy Skills Test and meeting other requirements as follows:

(a) New Field. Administrators holding an Initial or Professional License may earn an additional license of the same type as follows:

1. Superintendent/assistant superintendent or principal/assistant principal by:
 - a. Completing one of the following:
 - i. Three full years of employment under a valid administrator license.
 - ii. A practicum/practicum equivalent or internship of 300 hours in the role of the license sought.
 - b. Demonstrating successful application of the Professional Standards for Administrators as set forth in 603 CMR 7.10 through completion of a Performance Assessment for Initial License. Administrators who successfully completed a Performance Assessment for Initial License to obtain their current administrator license are not required to complete an additional Performance Assessment for Initial License.
2. School business administrator by completing:
 - a. One of the following:
 - i. Three years' full-time employment under a valid license as a superintendent or assistant superintendent.
 - ii. A practicum/practicum equivalent or internship of 300 hours in the role of a school business administrator.
 - b. A Performance Assessment for Initial License that meets the requirements set forth in 603 CMR 7.09(5)(a)2. and 7.10.
3. Supervisor/director by:
 - a. Completing one of the following:
 - i. Three years of employment under a valid administrator license.
 - ii. A practicum/practicum equivalent or internship of 300 hours in the role of the supervisor/director license sought.
 - b. Demonstrating successful application of the Professional Standards for Administrators as set forth in 603 CMR 7.10 through a Performance Assessment for Initial License. Administrators who successfully completed a Performance Assessment for Initial License to obtain their current administrator license are not required to complete an additional Performance Assessment for Initial License.
 - c. Possessing the appropriate prerequisite license and experience as specified in 603 CMR 7.09(3)(b)1., 2. and 6.
4. Special education administrator by:
 - a. Completing one of the following:
 - i. Three years of employment under a valid superintendent/assistant superintendent, principal/assistant principal, or school business administrator license.
 - ii. A practicum/practicum equivalent or internship of 300 hours in the role of a special education administrator.
 - b. Demonstrating successful application of the Professional Standards for Administrators as set forth in 603 CMR 7.10 and the appropriate knowledge of special education laws, regulations, and issues through a Performance Assessment for Initial License.
 - c. Possessing the appropriate prerequisite experience as specified in 603 CMR 7.09(4)(a)1.

7.15: continued

(b) New Level. Licensed principals/assistant principals may earn an additional principal/assistant principal license of the same type at a new level by possession of an SEI Administrator or SEI Teacher Endorsement and completing one of the following:

1. A seminar, institute, or course approved by the Department, addressing the curriculum and developmental characteristics of the age group appropriate to the license sought.
2. A practicum/practicum equivalent or internship of 300 hours in the role and at the level of the license sought.

(4) Prerequisite Licenses. The requirement that an applicant for licensure hold a Massachusetts educator license may be waived for an applicant who has earned an equivalent license based on the same level of preparation in another state or jurisdiction.

(5) Extension of an Initial License.

(a) An educator may request to extend an Initial License one time for an additional five years of employment. The decision of the Commissioner shall be final.

(b) In order to be eligible for such extension a candidate shall:

1. Have been employed for five years under a valid Initial License or is employed in their fifth year under a valid Initial License.
2. Present evidence of sound moral character.
3. Submit a plan outlining how the candidate will fulfill the requirements for a Professional License.
4. Additional requirements for the teacher of the deaf and hard of hearing license (American Sign Language/Total Communication): passing score on a test of sign language proficiency approved by the Department.

(6) Commissioner's Determination. The Commissioner, for good cause, may determine which specific requirements for licensure set forth in 603 CMR 7.04, 7.05, 7.06, 7.07, 7.09, 7.11, and 7.15(2) and (3) shall apply and/or be modified for applicants who have submitted evidence that they have either substantially met the requirements for licensure prior to a change in the regulations or that they would have met the requirements but were unable to do so because of extreme hardship. No modification of the requirements will be granted without satisfactory evidence that the applicant has made a good faith effort to complete the requirements for licensure. The Commissioner, at their discretion, may impose reasonable conditions upon any modification granted. The decision of the Commissioner shall be final.

(7) Reconsideration. An applicant for licensure may request that the Commissioner of Education reconsider the Department's decision not to issue a license. The applicant shall submit a written request for reconsideration to the Commissioner within 30 days of the date that the applicant received notice that his or her application for license has been denied. The decision of the Commissioner shall be final.

(8) License Actions.

(a) Grounds for License Action.

1. The Commissioner may impose discipline including, but not limited to, issuing a reprimand, suspending or limiting, either indefinitely or for a fixed period of time, or revoking a license if after investigation any of the following is determined:
 - a. The license was obtained through fraud or misrepresentation of a material fact;
 - b. The holder of the license is unfit to perform the duties for which the license was granted;
 - c. The holder of the license has pleaded guilty, received deferred adjudication, or been convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the Commissioner the license holder discredits the profession, brings the license into disrepute, or lacks good moral character;

7.15: continued

- d. The holder has had one or more licenses or certificates denied, revoked, suspended, surrendered, reprimanded or otherwise limited in another jurisdiction or by another licensing body for reasons that are sufficient for limitation of a Massachusetts license, regardless of whether or not the holder obtained a Massachusetts license through the NASDTEC Interstate Agreement;
 - e. There exists other good cause to impose discipline including, but not limited to, gross misconduct or negligence in the conduct of the license holder's professional duties and obligations, commitment of an offense against any law of the Commonwealth related to the license holder's professional duties and responsibilities, or dismissal for just cause from a position in a school or child care facility.
2. If any of the grounds in 603 CMR 7.15(8)(a)1. are determined, the Commissioner may deny an applicant for a license or put limitations on a license that may include, but are not limited to:
 - a. Restrictions on the ages of students with whom the license holder may work;
 - b. Additional supervision requirements;
 - c. Education, counseling, or psychiatric evaluation requirements; and
 - d. Notification to the employer of the circumstances surrounding the Commissioner's decision to put limitations on the license holder.
- (b) Procedure. No discipline may be imposed, other than by agreement, under 603 CMR 7.15(8)(a)1. until:
1. The Department has determined that there is probable cause to impose discipline for one or more of the grounds set forth in 603 CMR 7.15(8)(a); and
 2. The Department sends written notice to the license holder of its determination of probable cause and of the holder's right to request a hearing before the Commissioner in accordance with M.G.L. c. 30A, and 801 CMR 1.00: *Adjudicatory Rules of Practice and Procedure*. Notice shall inform the license holder that he or she may retain an attorney to represent him or her, and be sent by certified mail and regular mail to the holder's last known address. The holder shall have 21 days from receipt of the notice to make a written request for a hearing. If no written request for a hearing is received by the Commissioner in accordance with the above, the discipline requested in the notice of probable cause shall be deemed to be imposed, and the holder shall be so notified by certified mail.
- (c) Surrender. A license holder may surrender a license by submitting documentation to the Commissioner in an approved manner. If a license holder surrenders a license after the Department has found probable cause to impose a sanction, the surrender will be treated as a revocation, unless the Commissioner determines another disposition is warranted.
- (d) Hearing.
1. If the Commissioner receives a request for a hearing from the license holder in accordance with 603 CMR 7.15(8)(b), the Commissioner or their designee shall schedule a hearing no later than 60 days after receipt of the request. The hearing shall be conducted in accordance with M.G.L. c. 30A, and 801 CMR 1.00: *Adjudicatory Rules of Practice and Procedure*. The hearing shall not be open to the public, unless the license holder requests a public hearing.
 2. Within 30 days of the date the hearing concludes, the Commissioner or his designee shall render a written decision determining whether or not the holder's license shall be revoked, suspended, or limited. The decision shall comply with the requirements of M.G.L. c. 30A, § 11, and 801 CMR 1.00: *Adjudicatory Rules of Practice and Procedure*.
 3. The Commissioner shall send a copy of the decision to the license holder along with a notice informing him or her of the right of appeal in accordance with the provisions of M.G.L. c. 30A, § 14.
- (e) Notice of License Action. The Department sends notice of educator license sanctions to appropriate entities including, but not limited to, superintendents of Massachusetts schools, heads of charter and virtual schools, and the National Association of State Directors of Teacher Education and Certification.
- (f) Reinstatement.
1. A person whose license has been revoked in accordance with 603 CMR 7.15(8) may again be licensed in Massachusetts only upon a $\frac{2}{3}$ vote by the Board.

7.15: continued

2. The Department may reinstate a suspended license upon determination by the Commissioner that the condition causing the suspension has been corrected.

3. License limitations or conditions shall remain in effect as determined by the Commissioner.

(g) Administrator's Obligation to Report and Produce Documents. Any administrator who has dismissed, declined to renew the employment of, or obtained the resignation of any Educator for any of the reasons cited in 603 CMR 7.15(8)(a) shall report in writing such resignation or dismissal and the reason therefore to the Commissioner within 30 days. This obligation to report also applies when an administrator acquires relevant information after an educator's dismissal, resignation, or nonrenewal. Upon request, administrators shall provide the Department with all relevant information and documents requested in connection with an investigation. Failure to make the required reports or to provide requested information or documents shall be grounds on which the Commissioner may impose discipline on the administrator's license.

(h) License Holder's or Applicant's Obligation to Report. Any license holder or applicant for a license who has been convicted of a crime in a court of law shall notify the Commissioner of such conviction in writing within ten days of the conviction. The term "convicted of a crime" shall include any guilty verdict, admission to, or finding of, sufficient facts, and any plea of guilty or *nolo contendere*, whether or not a sentence has been imposed. Any license holder or applicant for a license who is the subject of an enforcement action by the Massachusetts Ethics Commission shall notify the Commissioner of such action in writing within ten days of such action. Any license holder or applicant for a license who has surrendered an educator license or any other license or certificate to practice any profession or who has had any license or certificate revoked, suspended, or limited in any jurisdiction or by any agency shall notify the Commissioner of such action in writing within ten days of such action. Failure to do so shall be grounds on which the Commissioner may revoke the holder's license or deny an application for licensure.

(i) Records. Nothing herein shall be construed to require the Department to disclose, under M.G.L. c. 66, § 10 and M.G.L. c. 4, § 7 clause Twenty-sixth, any information, documents, or evidence sought by or provided to the Commissioner pursuant to their responsibilities under 603 CMR 7.14(8) until final disposition of the matter. Any personnel information provided by an administrator pursuant to 603 CMR 7.15(8)(g) shall be considered personnel information within the meaning of M.G.L. c. 4, § 7 clause Twenty-sixth(c).

(j) License Denial. The Commissioner may deny an applicant's application for a license for the reasons set forth above and for reasons enumerated in 603 CMR 7.00. If the Commissioner denies an application for a license, an applicant may request reconsideration by the Commissioner under 603 CMR 7.15(7) in the manner determined by the Commissioner.

(9) General Provisions for Employment.

(a) Legal Employment. To be eligible for employment by a school district in any position covered by a license issued under 603 CMR 7.00, a person must have been granted a license by the Commissioner that is appropriate for the role. A person holding a license may be employed for a maximum of 20% of his or her time in a role or at a level for which he or she does not hold a license.

(b) Sheltered English Immersion.

1. Notwithstanding 603 CMR 7.15(9)(a), starting on July 1, 2016, no Core Academic Teacher shall be assigned to provide sheltered English instruction to an English learner unless such teacher either holds an SEI Teacher Endorsement, or will earn an SEI Teacher Endorsement within one year from the date of the assignment.

2. Notwithstanding 603 CMR 7.15(9)(a), starting on July 1, 2021, no career vocational technical teacher shall be assigned to provide sheltered English instruction to an English learner, unless such teacher either holds an SEI Teacher Endorsement, or will earn an SEI Teacher Endorsement within one year from the date of the assignment.

3. Notwithstanding 603 CMR 7.15(9)(a), starting on July 1, 2016, no principal, assistant principal, or supervisor/director shall supervise or evaluate a Core Academic Teacher

7.15: continued

who provides sheltered English instruction to an English learner, unless such principal, assistant principal, or supervisor/director either holds an SEI Teacher or SEI Administrator Endorsement, or will earn such endorsement within one year of the commencement of such supervision or evaluation.

4. Notwithstanding 603 CMR 7.15(9)(a), starting on July 1, 2021, no principal, assistant principal, or supervisor/director shall supervise or evaluate a career vocational technical teacher who provides sheltered English instruction to an English learner, unless such principal, assistant principal, or supervisor/director either holds an SEI Teacher or SEI Administrator Endorsement, or will earn such endorsement within one year of the commencement of such supervision or evaluation.

5. Notwithstanding 603 CMR 7.04, 7.05, 7.09 and 7.15(5), any Core Academic Teacher, principal, assistant principal, or supervisor/director supervising or evaluating a Core Academic Teacher, who fails to obtain an SEI endorsement within the time period designated for his or her cohort established pursuant to 603 CMR 14.07(2), will not be eligible to advance or renew his or her license until such Educator obtains the SEI endorsement. Provided however, in accordance with 603 CMR 14.07(2), upon a showing of hardship, the Department may grant an Educator an extension of time beyond the date designated for his or her cohort to earn an SEI endorsement.

6. Notwithstanding 603 CMR 7.04, 603 CMR 7.05, 603 CMR 7.09 and 603 CMR 7.15(5), any career vocational technical teacher, principal, assistant principal, or supervisor/director who supervises or evaluates a career vocational technical teacher who provides sheltered English instruction to an English learner and who fails to obtain an SEI endorsement by the date specified in 603 CMR 14.08(2), will not be eligible to advance or renew his or her license until such individual obtains the SEI endorsement. Provided however, in accordance with 603 CMR 14.08(2), upon a showing of hardship, the Department may grant an educator an extension of time beyond the date specified in 603 CMR 14.08(2).

(c) Bilingual Education.

1. Notwithstanding 603 CMR 7.15(9)(a), a core academic teacher assigned to provide instruction to an English learner in a bilingual education setting, such as dual language education or two-way immersion program, or transitional bilingual education program, must be properly qualified in the field and grade level of the assignment, and hold the appropriate endorsement, as follows:

- a. A core academic teacher responsible for the instructional component provided in a language other than English must hold the Bilingual Education Endorsement.
- b. A core academic teacher responsible for the instructional component provided in English must hold the Bilingual Education Endorsement or the SEI Endorsement.

2. Notwithstanding 603 CMR 7.15(9)(a), a principal, assistant principal, or supervisor/director who supervises or evaluates a core academic teacher assigned to provide instruction to an English learner in a bilingual education setting, such as dual language education or two-way immersion program, or transitional bilingual education program, must hold the Bilingual Education Endorsement or the SEI Endorsement.

3. For purposes of 603 CMR 7.15(9)(c)1. and 2., a valid Transitional Bilingual Education license or Transitional Bilingual Learning endorsement issued by the Department, shall be deemed the equivalent of the Bilingual Education Endorsement.

(d) District Requirements. Nothing in 603 CMR 7.00 shall be construed to prevent a school district from prescribing additional qualifications beyond those established in 603 CMR 7.00.

(e) Provisional Licenses. Persons holding Provisional Licenses are permitted to seek employment in teaching positions requiring licensure in school districts that have an approved program of preparation for the Initial License.

(f) Conditions for Employment as a Supervisor of Attendance.

1. No person shall be eligible for employment by a school committee as a supervisor of attendance unless such person either holds a Supervisor of Attendance certificate that was issued under 603 CMR 13.00: *Certification of Supervisors of Attendance* prior to June 30, 2017 or meets the following requirements:

- a. Demonstration of knowledge of the laws concerning school attendance and of services available to children with attendance problems.

7.15: continued

- b. Possession of one of the following:
 - i. Two years of experience working as a parole, probation or law enforcement official whose major responsibilities have been working with juveniles and/or in home investigations.
 - ii. A minimum of 18 graduate credits in psychology, school counseling and/or social work at an accredited college.
 - iii. An Initial or Professional Massachusetts License as a School Counselor, School Psychologist, School Social Worker/School Adjustment Counselor.
 - iv. An Initial or Professional Massachusetts administrator license with at least one course in psychology, school counseling and/or social work at an accredited college.
 - v. A combination of experience working with school-age children in a school setting or a non-school setting deemed acceptable by the Department and education in psychology, guidance and/or social work at an accredited college.
- 2. A school committee, upon its request, may be exempted by the Department from requirements listed in 603 CMR 7.15(9)(e)1. for any one school year when compliance therewith would in the opinion of the Department constitute a great hardship in securing supervisors of attendance for the town. Service as a supervisor of attendance may not be accepted as meeting the experience prerequisite unless it is served under a legally granted exemption. Exemptions under 603 CMR 7.15(9)(e)2. may not be granted by the Department for any person for more than three consecutive years.

(10) Exemptions. The following are exempted from the provisions of M.G.L. c. 71, § 38G or M.G.L. c. 71A, § 6, which require the possession of an educator license:

- (a) All those exempted by statute or regulation including, but not limited to, temporary substitute teachers and exchange teachers;
- (b) Any person legally employed as an intern;
- (c) Any trade and vocational instructor, supervisor, school counselor or director, or administrator (except school business administrators employed on or after September 1, 1980) in vocational programs approved by the Commissioner under the provisions of M.G.L. c. 74;
- (d) Any trade and vocational school business administrator employed prior to September 1, 1980, as the chief fiscal officer of a school committee responsible for vocational programs;
- (e) Any school nurse employed by a school district on or before June 18, 1993;
- (f) Any school librarian employed by a school district prior to May 2, 1960;
- (g) Any teacher employed by a school district to teach young children with disabilities prior to May 11, 1978.

(11) Role. The role covered by each license is defined by the title and requirements of the license. Superintendents and principals intending to employ an educator in a role not obviously defined by an existing license must determine the most appropriate license set forth in 603 CMR 7.00, or 603 CMR 4.00: *Vocational Technical Education* by comparing the actual duties and responsibilities of that role with the license requirements.

(12) Public Record. Each school district shall maintain as a public record, in a central location or in each school, a list of all staff members whose employment is governed by 603 CMR 7.00, indicating the role in which each is employed and the credential that authorizes such employment.

(13) Hardship Waivers and Critical Shortage.

- (a) The Commissioner may exempt a district for any one school year from the requirement to employ licensed or certified personnel in accordance with M.G.L. c. 71, § 38G. The Commissioner may deem a district to have a great hardship in securing licensed or certified personnel for the purposes of M.G.L. c. 71, § 38G upon request of a superintendent and demonstration to the Commissioner that the district has made a good-faith effort to hire licensed or certified personnel, and has been unable to find a licensed or certified candidate who is qualified for the position. Persons employed under waivers must demonstrate that

7.15: continued

they meet minimum requirements as established by the Department and are making continuous progress toward meeting the requirements for licensure or certification in the field in which they are employed. During the time that a waiver is in effect, service of an employee of a school district to whom the waiver applies shall not be counted as service in acquiring professional teacher status or other rights under M.G.L. c. 71, § 41.

(b) The Commissioner may deem a district to have a critical shortage of licensed or certified teachers for the purposes of M.G.L. c. 32, § 91(e) upon request of a superintendent and demonstration that the district has made a good-faith effort to hire personnel who have not retired under M.G.L. c. 32 and has been unable to find them. A district deemed to have a critical shortage of licensed or certified teachers for the purposes of M.G.L. c. 32, § 91(e) may employ retired teachers subject to all laws, rules, and regulations governing the employment of teachers. The period of a determination of a critical shortage of licensed or certified teachers shall not exceed one year, but a district may seek to invoke 603 CMR 7.15(13) in consecutive years upon a new demonstration of a good-faith effort to hire personnel who have not retired. The Commissioner shall notify the Teachers' Retirement Board of each determination of a critical shortage made for the purposes of M.G.L. c. 32, § 91(e).

(c) In each instance when, after a good-faith effort, a district is unable to hire a licensed or certified teacher who has not retired under M.G.L. c. 32, the superintendent of the district has discretion to choose whether to seek a waiver, pursuant to 603 CMR 7.15(13)(a) or to seek a determination of a critical shortage, pursuant to 603 CMR 7.15(13)(b).

(d) The Commissioner may issue a waiver to a school district, including a charter school and an educational collaborative, from the educator qualification requirements in 603 CMR 7.15(9)(c)1.a., upon request of the superintendent or charter school leader and demonstration that the district, charter school or educational collaborative has made a good faith effort to hire personnel with the Bilingual Education Endorsement, and has been unable to find a candidate with the Bilingual Education Endorsement who is qualified for the position. Provided that the submission requirements in 603 CMR 14.04(4) shall continue to apply to any district or charter school that intends to offer a new Sheltered English Immersion or alternative English learner education program and that applies for a waiver under this subsection. Starting July 1, 2019, persons employed under a waiver must demonstrate that they meet the requirement in 603 CMR 7.14(3)(a)1. and any other requirements established by the Department. The waiver shall be valid for a period of one school year, and may be renewed at the Commissioner's discretion.

(14) Implementation.

(a) Between March 7, 2009 and June 30, 2012, candidates for the following Provisional or Initial Licenses who earn a scaled score of at least 227-239 on the Mathematics portion of the General Curriculum test: Elementary, Teacher of Students with Moderate Disabilities, Teacher of Students with Severe Disabilities, Teacher of the Deaf and Hard-of-hearing and Teacher of the Visually Impaired will be deemed to have passed the Mathematics portion of the General Curriculum test. All candidates who are licensed under 603 CMR 7.14(14)(g) must earn a scaled score of 240 or above on the Mathematics portion of the General Curriculum test in order to be eligible for the next stage of licensure or to extend their initial license.

(b) Starting on July 1, 2019, individuals who hold more than one provisional license will have no more than five total years of prospective employment under the provisional licenses.

(c) Individuals who apply and complete all requirements to licensure prior to July 1, 2019, may qualify for that license by meeting the requirements under 603 CMR 7.00 in effect prior to June 27, 2017.

(d) Individuals who apply no later than March 17, 2023 and complete all licensure requirements no later than March 17, 2025, may qualify for that license by meeting the requirements under 603 CMR 7.00 that were in effect on February 1, 2023.

(e) Emergency licenses may not be extended beyond June 30, 2027.

7.15: continued

(f) Updated Subject Matter Knowledge Requirements outlined in Subject Matter Knowledge Guidelines. Individual licensure candidates who apply and complete all requirements for a license that does not have a subject matter knowledge test for the license may qualify for the license by meeting the subject matter knowledge requirements in effect 18 months prior to the final version of any updated Subject Matter Knowledge Guidelines' release date. Massachusetts approved educator preparation programs will have 18 months to update their approved programs in alignment with the Subject Matter Knowledge Guidelines.

REGULATORY AUTHORITY

603 CMR 7.00: M.G.L. c. 69, § 1B; c. 69, §§ 1J and 1K, as amended by St. 2010, c. 12, § 3, M.G.L. c. 71, §§ 38G, 38G½, c. 71A, § 10, and c. 76, § 19.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **815 CMR 2.00**

CHAPTER TITLE: **STATE GRANTS, FEDERAL GRANT AWARDS, FEDERAL SUBGRANTS AND SUBSIDIES**

AGENCY: **Office of the Comptroller**

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
815 CMR 2.00 establishes rules and procedures to assist departments with the administration of Grants and Subsidies.

REGULATORY AUTHORITY: **MGL c. 7A, §§ 7, 8, 9, 12, 15; MGL c. 29, § 6B; St. 1986, c. 206, § 17**

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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.*

04/28/2026 Advisory Board to the Comptroller

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: **N/A**

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: _____

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:

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 815 CMR 2.00.

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: May 07 2026

Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

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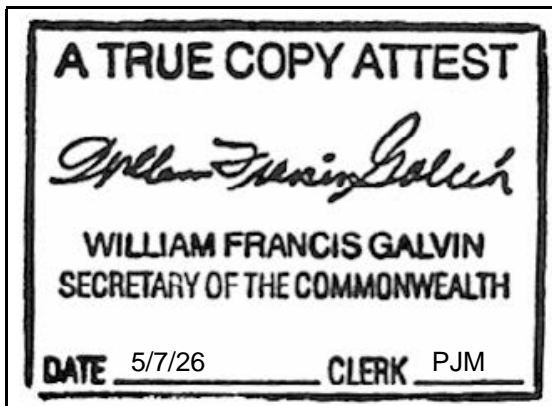


Table of Contents

	<u>Page</u>
(815 CMR 1.00: RESERVED)	3
815 CMR 2.00: STATE GRANTS, FEDERAL GRANT AWARDS, FEDERAL SUBGRANTS AND SUBSIDIES	5
Section 2.01: Purpose and Application	5
Section 2.02: Definitions	5
Section 2.03: Subsidy Disbursements	8
Section 2.04: Applying for and Receiving Federal Grant Awards	8
Section 2.05: Grant Disbursements	10
Section 2.06: Contractual Requirements for Grants and Grant Payments	10
Section 2.07: Reporting Requirements for Grants and Subsidies	11
Section 2.08: Records Management	11
Section 2.09: Severability	12
(815 CMR 3.00: RESERVED)	13
815 CMR 4.00: LATE PENALTY INTEREST	23
Section 4.01: Application, Purpose, Scope and Authority	23
Section 4.02: Definitions	23
Section 4.03: Contractual Requirements	24
Section 4.04: Late Penalty Encumbrance	25
Section 4.05: Bill Paying Procedures	25
Section 4.06: Late Penalty Interest Procedures	26
Section 4.07: Desk Review	27
815 CMR 5.00: SETTLEMENTS AND JUDGMENTS	29
Section 5.01: Purpose	29
Section 5.02: Definitions and Applicability	29
Section 5.03: Procedures for Tort Claims Governed by M.G.L. c. 258	30
Section 5.04: Settlement or Judgment After the Initiation of Litigation Pursuant to M.G.L. c. 258	31
Section 5.05: Exclusion of Payment of Presentment Period Settlements from Tort Claim Fund	31
Section 5.06: Procedures for Personnel Claims for Monetary Awards	31
Section 5.07: Procedures for Contract Claims	32
Section 5.08: Other Litigation	33
Section 5.09: General Procedure for Payment of Settlements and Judgments after Initiation of Litigation	33
Section 5.10: Responsibilities of the Comptroller	33
Section 5.11: Issuance of Checks	34

Table of Contents

	<u>Page</u>
815 CMR 6.00: INTERDEPARTMENTAL FISCAL BUSINESS	35
Section 6.01: Purpose, Application and Authority	35
Section 6.02: Definitions	35
Section 6.03: Interdepartmental Service Agreements (ISAs)	36
Section 6.04: Interdepartmental Chargebacks	37
Section 6.05: Interdepartmental Fiscal Transactions	39
Section 6.06: Disputes	39
Section 6.07: Severability	39
(815 CMR 7.00: RESERVED)	49
815 CMR 8.00: CONTINGENT CONTRACTS FEDERAL REVENUE	53
Section 8.01: Application, Purpose, Scope and Authority	53
Section 8.02: Definitions	53
Section 8.03: Procurement	55
Section 8.04: Contract Terms and Conditions	56
Section 8.05: Contract and Project Management and Supervision	57
Section 8.06: Accounting Procedures	58
Section 8.07: Appeals Process	58
815 CMR 9.00: DEBT COLLECTION AND INTERCEPT	59
Section 9.01: Purpose, Application and Authority	59
Section 9.02: Definitions	60
Section 9.03: Billing Entity Requirements for Collection Debts	62
Section 9.04: Simultaneous Submission of Debt for Intercept and Debt Collection	64
Section 9.05: Debt Collection Services Statewide Contract	64
Section 9.06: Payment Plans	65
Section 9.07: Intercept of Debt by Office of the Comptroller	66
Section 9.08: Settlement and Write-off	67
Section 9.09: Accounting Procedures and Statewide Debt Collection Agency Payments	67
Section 9.10: Disputes	68
Section 9.11: Severability	68
815 CMR 10.00: RECORDS MANAGEMENT OF BILLS, VOUCHERS AND CONTRACTS	69
Section 10.01: Purpose, Application and Authority	69
Section 10.02: Definitions	69
Section 10.03: Records Management of Bills, Vouchers and Contracts	70

815 CMR 2.00: STATE GRANTS, FEDERAL GRANT AWARDS, FEDERAL SUBGRANTS AND SUBSIDIES

Section

- 2.01: Purpose and Application
- 2.02: Definitions
- 2.03: Subsidy Disbursements
- 2.04: Applying for and Receiving Federal Grant Awards
- 2.05: Grant Disbursements
- 2.06: Contractual Requirements for Grants and Grant Payments
- 2.07: Reporting Requirements for Grants and Subsidies
- 2.08: Records Management
- 2.09: Severability

2.01: Purpose and Application

(1) Purpose. 815 CMR 2.00 establishes rules and procedures to assist departments with the administration of Grants and Subsidies.

(2) Application. 815 CMR 2.00 applies to all State Departments that administer Grants and Subsidies, including agencies, subdivisions, offices, boards, commissions or institutions of the Executive Department, including the Institutions of Higher Education, the Judicial and Legislative Branches and the Constitutional Offices. 815 CMR 6.00: *Interdepartmental Fiscal Business* governs Interdepartmental business between two or more State departments. 801 CMR 21.00: *Procurement of Commodities or Services, Including Human and Social Services*, governs procurements and expenditures for commodities and services, including human and social services, including Department purchases of goods or services needed to carry out a project or program under a Federal Grant Award. The Office of the Comptroller will interpret 815 CMR 2.00 and take any actions necessary to carry out the purposes of 815 CMR 2.00, including issuing additional policies, procedures and forms for Department use.

2.02: Definitions

Allotment. That portion of an appropriation that may be spent by a Department for a specified period as determined by the governor and the secretary of administration and finance under M.G.L. c. 29, § 9B.

Cash Management Improvement Act (CMIA). The Cash Management Improvement Act of 1990 (CMIA) provides rules and procedures for the efficient transfer of federal financial assistance between the various federal agencies and the State pursuant to implementing regulations in 31 CFR Part 205. The State, through the Office of the Comptroller, annually enters into a Treasury State Agreement (TSA) with the U.S. Department of the Treasury to set forth terms and conditions for the State's implementation of CMIA. The comptroller shall prescribe the requirements under State finance law for State Departments to comply with the TSA and CMIA.

Cost Allocation Plan. A federally approved proposal for determining both direct and indirect costs applicable to Federal cost-based awards to governmental units.

Department. As defined by M.G.L. c. 29, § 1, a legal entity of State government established by the General Court as an agency, board, bureau, agency, office or division of the commonwealth with a specific mission, which may either report to cabinet-level units of government, known as executive offices or secretariats, or be independent divisions or departments. State Departments will process Grant payments through Mosaic.

Department Head. The administrative head of a State Department, agency, board, bureau, office or division of the commonwealth who has been authorized through legislation to obligate and expend funds, comply with legislative mandates and make any certifications or approvals required under 815 CMR 2.00 or other State or federal laws or regulations requiring an agency head certification or approval.

2.02: continued

DUNS Number. A national Data Universal Numbering System used as a means of identifying business entities on a location specific-basis. The DUNS was incorporated into the Federal Acquisition Regulation (FAR) in April 1998 as the Federal Government's contractor identification code for all procurement-related activities. All State Departments are also required to have a DUNS number in order to apply for, receive, and report on a Federal Grant Award. Subrecipients of Federal Grant Awards are required to obtain a DUNS number which is recorded as part of the vendor code for the Subrecipient on Mosaic.

Executive Office for Administration and Finance (ANF). The Executive Office established by M.G.L. c. 7.

Federal Grant Application. A document distributed by a Federal Department or Federal Agency administering a Federal Grant Award program which is used to determine eligibility of a proposed State Department recipient of a Federal Grant Award.

Federal Grant Award. As defined in M.G.L. c. 29, § 1, a Federal Grant is any financial assistance available to a State Department from the United States government, either directly or through an intermediary, including a project, formula, or block grant, a subvention, a subsidy, an augmentation or a State plan but excluding federal reimbursements. The Federal Grant Award is a document distributed by a by a Federal Department or Federal Agency administering a Federal Grant program which is used to notify a State Department of the award of a Federal Grant. A copy of the Federal Grant Award must be provided to the Office of the Comptroller to establish the Federal Grant Award in Mosaic prior to activity under any Federal Subgrant.

Federal Grantee. A State Department that has applied for and received a Federal Grant Award. State Departments receiving Federal Grant Awards become a Grantor when disbursing Federal Grant Awards as Federal Subgrants to Grantees.

Federal Grantor. The Federal Department or Federal Agency administering a Federal Grant award or cooperative agreement with a State Department in accordance with 2 CFR Chapter I and Chapter II, Part 200.

Federal Reimbursement. Financial assistance provided under Titles XVIII or XIX of the Social Security Act or other reimbursements received for State entitlement expenditures and credited to the General Fund, or other federal financial assistance from the United States government for direct payments to individuals, or for other purposes as provided for in M.G.L. c. 90, §§ 2ZZZ and 34, c. 92 and c. 151A, § 48.

Federal Subgrant. A Grant of Federal Funds received by a State Department as a Federal Grantee, which are provided under contractual terms to a Grantee. Certain Grantees receiving Federal Grant Award funds will be considered Subrecipients and will be required to comply with additional federal requirements.

Grant. Discretionary and non-discretionary (earmarked) funds of State or Federal Grant Awards which are considered financial assistance provided under contractual terms between a Grantor State Department and a Grantee to assist the Grantee in the achievement or continuation of a specified public purpose to benefit the general public or a segment of the general public consistent with the Grantor Department's Legislative Authorization and the terms of the Grant funding. A Grant of a Federal Grant Award is also known as a Federal Subgrant.

Grant Application. A document distributed by a State Department which is used to determine eligibility of a proposed Grant recipient of discretionary funds.

2.02: continued

Grantee. A Public or non-Public Entity selected as a recipient of Grant. Grantees receiving Federal Grant Awards through a Federal Subgrant who are deemed Subrecipients for Federal Grant Award purposes will be required to comply with applicable federal requirements, including but not limited to Subrecipient audit requirements. Contractors that do not meet the definition of Subrecipients that are paid using Federal Grant funds to provide goods or services to support a Federal Grant program or project are not considered Grantees and are not covered under 815 CMR 2.00. Department purchases of goods or services needed to carry out a project or program under a Federal Grant Award are governed by 801 CMR 21.00: *Procurement of Commodities or Services*, including Human and Social Services or other applicable regulation for the provision of goods and services.

Grantor. The State Department administering a Grant or Subsidy in accordance with Legislative Authority or the terms of the Grant or Subsidy funding. Grantors include any Executive Office, Department, Agency, Office, Division, Board, Commission or Institution within the Executive Branch excluding the Legislative Branch, Judicial Branch, Constitutional Offices, Elected Offices, Public Institutions of Higher Education, the Military Division and Independent Public Authorities. A State Department that provides a Federal Grant Award through a Federal Subgrant under contract to a Subrecipient Grantee to carry out part of a Federal Grant Award may also be referred to as a "Federal Grantee" as well as a "pass-through entity", meaning that the federal requirements under the Federal Grant Award are passed through to the Subrecipient and both the State Department Grantor and the Subrecipient are responsible for compliance.

Incidental Grant. A one-time Grant with a total dollar value that does not exceed the amount established by the Office of the Comptroller.

Interdepartmental Service Agreement. 815 CMR 6.00: *Interdepartmental Fiscal Business* governs interdepartmental fiscal business including Interdepartmental Service Agreements (ISAs). Interdepartmental Service Agreements (ISAs) are non-chargeback business relationships between state departments that are evidenced by an Interdepartmental Service Agreement (ISA) Form.

Mosaic. The Commonwealth's enterprise statewide accounting and financial reporting system. All State Grants, Federal Grant Awards, Federal Subgrants and Subsidies administered by State Departments will be processed through Mosaic.

Legislative Authorization. State General and Special Laws including statutes and annual appropriation acts.

Office of the Comptroller (CTR). The Department established pursuant to M.G.L. c. 7A charged with prescribing the methods and procedures for compliance with State finance law including the disbursement of Grants and Subsidies.

Public Entity. A unit of State or local government including a county, municipality, local public authority, school district, special district, district commission, regional government, any agency or instrumentality of government, and State authorities as defined in M.G.L. c. 29, § 1. The Office of the Comptroller identifies Public Entities in the Mosaic vendor file (VEND) with a "G" in the classification field.

State. The Commonwealth of Massachusetts.

SEFA. The Schedule of Expenditure of Federal Awards (SEFA) financial report provided annually by the State through the Office of the Comptroller to report to the federal government summarized by CFDA number the federal grant awards received by the State and the amount expended each fiscal year.

Subrecipient. A Grantee that receives a Federal Subgrant from a Grantor (also known as a "pass-through entity") to carry out part of a Federal Grant Award. Grantees receiving Federal Grant Awards who are deemed "Subrecipients" for Federal Grant Award purposes will be required to comply with applicable federal requirements, including but not limited to Subrecipient audit requirements under the Code of Federal Regulations, including 2 CFR Chapter I and Chapter II, Part 200.

2.02: continued

Subsidy. Non-discretionary funds appropriated by the State Legislature to be made either as a direct payment, a transfer of a specified amount to a designated recipient entity, or are designated specifically as "Subsidies" or a "Subsidy program", and are not specified as a "Grant", "contract" or "for a program". Subsidies are considered non-discretionary (earmarked) and the State Department has no discretion in disbursement. Loan programs, formula grants, or other programs of financial assistance which provide discretion in disbursement with respect to recipients or amounts will not be considered Subsidies. Subsidies are exempt from competitive procurement, competitive grant application requirements and standard contract requirements. Subsidies are documented using a Subsidy Agreement as supporting backup for audit purposes.

Subsidy Agreement. A form prescribed by the Office of the Comptroller that is used by Departments as the supporting backup documentation for audit purposes when making Subsidy payments.

TSA- Treasury State Agreement (TSA). TSA outlines by CFDA the funding technique and the clearance pattern the State will use to draw down funds from the federal government. Generally, conformance with the TSA assures that the State does not owe the federal government, or is not due from the federal government, interest liability on its drawdowns. The State must enter into a TSA with the U.S. Department of the Treasury to set forth terms and conditions for implementing CMIA.

VCUST. The Vendor Table in the State accounting system Mosaic. All Grantees must be registered as vendors in VCUST in order to receive Grant or Subsidy payments. Subrecipients of Federal Grant Awards are required to provide a DUNS number to be recorded in VCUST under headquarters in order to be paid.

2.03: Subsidy Disbursements

(1) In order to make a payment as a Subsidy, a Department must have specific Legislative Authorization that mandates:

- (a) a direct, non-discretionary (earmarked) "payment" or "transfer" of a specified amount of State Funds to a specifically named recipient entity; or
- (b) directs payments to be made as "Subsidies" or as a "Subsidy program" to a specifically named group of recipients or class of recipients.

(2) A Subsidy shall not include a Legislatively Authorized amount of funds to be expended for or on behalf of a specified entity that is designated to be made as a "Grant", "contract" or "for a program". Legislative Authorization that designates a specified amount of funds, or an amount "not to exceed" a specified amount, to be expended for or on behalf of designated entity, but does not clearly specify that the amount is to be made as a direct "payment" or a "transfer" shall be interpreted to be either a "Grant" or a "contract" that has been exempted from competitive procurement requirements. These expenditures shall be made in accordance with relevant applicable general and special laws and regulations for a Grant or contract.

(3) The Department and Subsidy recipients must execute a Subsidy Agreement as prescribed by the Comptroller containing the amount of the Subsidy and the payment schedule for installments, consistent with cash flow and Allotment availability.

(4) A Subsidy Agreement reserves the State's right to require the Subsidy recipient to report on how the funds were expended consistent with the public purpose of the Subsidy Legislative Authorization for audit purposes.

2.04: Applying for and Receiving Federal Grant Awards

(1) Applying for Federal Grant Awards.

- (a) As required by M.G.L. c. 29, § 6B, State Departments must provide notice of any application for Federal Grant Awards as prescribed by CTR, in consultation with ANF, to comply with quarterly reporting requirements to the house and senate ways and means committees on ways and means on the status of Federal Grant Awards applied for.

2.04: continued

(b) State Departments must provide any relevant information related to the proposed application, as prescribed by CTR, which may include, but is not limited to:

1. The State Department DUNS number under which the Department will be applying for the Federal Grant Award,
2. The Federal Grantor agency to which the Federal Grant Application is being made;
3. a reference to the federal statutory authority under which the Federal Grant Application for the Federal Grant Award is made;
4. a description of the substance of the Federal Grant Award sought;
5. a fiscal Statement of the Federal Grant Award proposed budget;
6. the number of personnel, if any, to be funded from the Federal Grant Award;
7. any matching in-kind or other monies required to be committed, and when these matching in-kind or other monies will need to be available or expended in order to receive the Federal Grant Awards;
8. the Federal Grant Award terms; and
9. the anticipated duration of the Federal Grant Award.

(2) Receipt of Federal Grant Awards.

(a) Upon receipt of the official notification of approval of a State plan or federal funds application, State Departments must provide notice as prescribed by CTR to comply with the quarterly reporting requirements to the house and senate ways and means committees on ways and means on the status of federal funds received.

(b) State Departments must provide to CTR a copy of the official notification and any other relevant information related to the receipt of the federal funds including the amount, duration, payments schedule and other attendant financial terms and conditions.

(c) ANF shall include all Federal Grant Awards received or anticipated by State Departments as part of the annual budget.

1. No State Department shall establish new or expand existing programs involving federal or other non-State monies beyond the scope of those already establish, recognized and approved by the General Court, until the program and the projected amount of actual availability is submitted to the budget director for recommendation to the general court.

2. No State Department may make expenditures from any federal grant award or cooperating agreement unless such expenditures are made under specific appropriations of the general court and allotment thereof, said allotment be made by the comptroller upon receipt of Federal Grant Awards in accordance with State finance law, the Cash Management Act (CMIA) per the terms of the Treasury State Agreement (TSA), federally approved cost allocation plans (indirect & central), or other applicable requirements.

3. The comptroller shall not allow expenditures for the payment of salaries to be made from any federal grant account for which the comptroller has not been authorized to charge the full amount of fringe benefits to the account.

(3) Exceptions. The following exceptions shall be exempted from provisions of 815 CMR 2.04(1) and (2)(c)1. and 2.:

(a) Federal Grant Awards coming to institutions of higher education, including research grants;

(b) Research grants to individuals, agencies or institutions not exceeding \$50,000 in annual amount and not creating new, or expanding existing program or commitments of State resources;

(c) Any incidental Federal Grant Awards not exceeding \$5,000 in annual amount;

(d) Federal Grant Awards made available to the State for costs and claims resulting from natural disasters, civil disobedience or other occurrences of sufficient severity to have occasion and declaration by the governor of a State of emergency.

(4) Interdepartmental Service Agreements. State Departments disbursing Federal Grant Award Funds through an ISA to another State Department are required to comply with 815 CMR 6.00: *Interdepartmental Fiscal Business* and policies and procedures issued by the Office of the Comptroller related to expenditures of federal funds, including personnel.

2.05: Grant Disbursements

Grants must comply with the following conditions:

(1) A State Department that has been awarded a Federal Grant Award should expend the funds within the time allotted in the Federal Grant Award language. Exceptions to spend before or beyond the dates specified within the federal grant award language should be approved and substantiated by the federal grantor of the federal grant award.

(2) Non-discretionary (earmarked) Grant Funds. Grants of non-discretionary funds (earmarked) shall be made to the recipients specifically identified in the Grantor Department's Legislative Authorization, trust language or a Federal Grant Award. In order to be considered non-discretionary, the authorization for the Grant award must specifically name the Grantee(s) by name, or designate a formula or disbursement process in which the Grantor Department has no discretion as to the amount or recipient of the Grant. If the Grantor Department has no discretion as to the Grantees, but has discretion as to the amounts that will be awarded to a Grantee based upon an application, eligibility, or need, the Grants will be considered "discretionary" and not earmarked.

(3) Discretionary Grant Funds. Grants of discretionary funds shall be disbursed through an open and public competitive process, as prescribed by the comptroller, and in accordance with the State Department's Legislative Authorization, trust language or Federal Grant Award language governing the type of Grant funds being disbursed. This process should include, but is not limited to the following:

(a) A Grant Application or other selection process for each Grant or Grant program that identifies the purpose, scope, and duration of a Grant or Grant program, the terms, conditions and requirements for accepting and using a Grant, the evaluation or eligibility criteria that will be used for Grantee selection, the available amounts of Grants that may be awarded, any documents or other information that a Grantee must provide to be considered eligible for selection for a Grant, or to determine the amounts of a Grant award.

(b) Public posting of the availability of a Grant or Grant Program on the State eProcurement system operated by the Operational Services Division, or as otherwise prescribed by the comptroller.

(c) Notice to all entities responding to the public posting of their selection or non-selection for a Grant, or the amounts of Grant awards;

(4) Incidental Grants, not to exceed an amount established by the Office of the Comptroller, may be awarded in writing, without the open and public competitive process outlined in 815 CMR 2.04(7) and the contractual requirements outlined in 815 CMR 2.05(1) through (4), provided that the Grants meet all other requirements of 815 CMR 2.00 and comply with policies issued for Grants by the comptroller.

(5) Federal Grants shall not be used to supplement the regular salary or compensation for any officer or employee of the Commonwealth for service performed during the officer or employee's regular working hours.

2.06: Contractual Requirements for Grants and Grant Payments

(1) The identification of a Grantee in a notice or a letter of a Grant award creates no contractual obligation for a department or the State. A Grantor Department can not issue Grant payments until the contractual documents outlined in 815 CMR 2.05(2) or (3) are properly executed and filed in accordance with policies and procedures issued by the Office of the Comptroller.

(2) Commonwealth Terms and Conditions Contract and Standard Contract Form. An authorized signatory of a Grantee must execute a Commonwealth Terms and Conditions Contract and a Standard Contract Form issued by the Office of the Comptroller for Grants awarded under 815 CMR 2.00. The Commonwealth Terms and Conditions Contract will be incorporated by reference into any Standard Contract Form executed by the Grantee and any department. The Standard Contract Form and attachments must identify the amount, duration and scope of the Grant, and applicable fiscal or programmatic reporting requirements for documenting Grant expenditures or performance.

2.06: continued

(a) Grantees may not be permitted to occupy or use land, buildings, equipment, or facilities of the Commonwealth or use the services of any officer or employee of the Commonwealth during regular business hours unless there is a written agreement approved by ANF between that Grantee that the Commonwealth will be reimbursed for such occupancy or use, subject to waiver upon good and sufficient reasons as recommended by the State Department Grantor, and the waiver is filed with the State Auditor.

(b) Grantees receiving Federal Grant Awards will be required to submit a Form W-9 with a DUNS number, or as otherwise prescribed by the Office of the Comptroller, to comply with Federal reporting requirements.

(3) Grant Payments and Compensation. A Grantee shall be compensated in accordance with the specific terms and conditions of a Grant identified in the Standard Contract Form, and in accordance with the Bill Payment Policy issued by the comptroller, including EFT payment. Unless otherwise provided by law, all Grant payments are subject to appropriation pursuant to M.G.L. c. 29, § 26, or the availability of sufficient non-appropriated funds for the purposes of the Grant, and shall be subject to intercept pursuant to M.G.L. c. 7A, § 3 and 815 CMR 9.00: *Debt Collection and Intercept*. A Department Grantor is under no legal obligation to compensate a Grantee, or to obtain additional funding, for any costs or other commitments which are outside of the scope of an executed Standard Contract Form.

2.07: Reporting Requirements for Grants and Subsidies

(1) Grantees are required to report to the Grantor Department on the use of Grant funds as prescribed in the Standard Contract Form, or as otherwise provided in a Grant Application or Grant terms. If a formula Grant, Subsidy or other disbursement is made to a recipient, that recipient shall be required to provide any information related to the use of the Grant or Subsidy Funds provided by the Department.

(b) State Departments must provide reports and any other information related to a Grantee's use of Federal Grant Awards as prescribed jointly by CTR and ANF to comply with the quarterly reporting requirements to the house and senate ways and means committees on ways and means on the status of federal funds expended. State departments must fulfill applicable federal grant award reporting requirements such as the SEFA reporting and as mandated by the Code of Federal Regulations, including 2 CFR Chapter I, Chapter II, Part 200.327-329, and State finance law; including CTR assigned reports and other applicable federal requirements.

2.08: Records Management

(1) Recipients of Grants and Subsidies. All recipients of Grants or Subsidies must maintain a Grant or Subsidy file with complete records of expenditures or how the funds were disbursed in accordance with the Grant or Subsidy. Grant files should include any Grant Applications, or other disbursement documents, contractual documents and reporting back to the Grantor. The Grantee shall maintain records, books, files and other data as specified in a Contract and in such detail as shall properly substantiate claims for payment under a Contract, for a minimum retention period of seven years beginning on the first day after the final payment under a Contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving a Contract. The Department shall have access, as well as any parties identified under Executive Order 195, during the Grantee's regular business hours and upon reasonable prior notice, to such records, including on-site reviews and reproduction of such records at a reasonable expense.

(2) State Departments Grant and Subsidy Records shall be maintained in accordance with 815 CMR 10.00: *Records Management of Bills, Vouchers and Contracts*.

2.09: Severability

If any provision of 815 CMR 2.00 is found to be illegal, unenforceable or void, then departments and Grantees shall be relieved of all obligations under that provision only, and all other provisions shall remain in full force and effect.

REGULATORY AUTHORITY

815 CMR 2.00: M.G.L. c. 7A, §§ 7, 8, 9, 12 and 15; St. 1986, c. 206, § 17, and c. 29, § 6B.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **815 CMR 3.00**

CHAPTER TITLE: **Ready Payment System**

AGENCY: **Office of the Comptroller**

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

REGULATORY AUTHORITY: **MGL c. 29, § 23A**

AGENCY CONTACT: **Parris Lourenco** PHONE: **617-631-3182**

ADDRESS: **One Ashburton Place, 9th 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.*

4/28/2026 Advisory Board of the Comptroller

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: **N/A**

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: _____

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:

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:

Repeal 815 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: May 07 2026

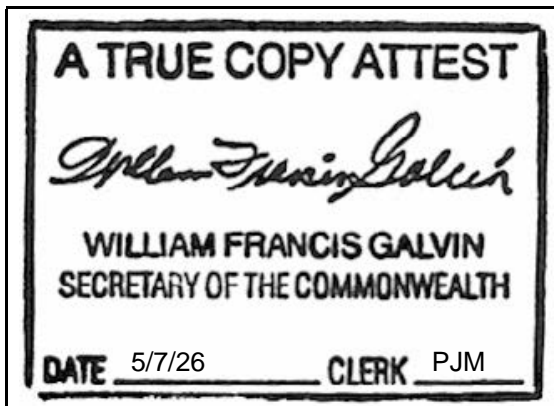
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

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CODE OF MASSACHUSETTS REGULATIONS

Remove these Pages:	Insert these Pages:
13 - 18	13 & 14



(815 CMR 3.00: RESERVED)

(PAGES 15 THROUGH 22 ARE RESERVED FOR FUTURE USE)



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **815 CMR 4.00**

CHAPTER TITLE: **Late Penalty Interest**

AGENCY: **Office of the Comptroller**

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

815 CMR 4.00 provides all departments of the Commonwealth with rules and procedures to govern the payment of interest to commercial vendors when departments do not make payment by the required contractual payment date for goods or services delivered.

REGULATORY AUTHORITY: **MGL c. 29, § 20C; MGL c. 29, § 29C**

AGENCY CONTACT: **Parris Lourenco** PHONE: **617-631-3182**

ADDRESS: **Office of the Comptroller One Ashburton Place, 9th Floor Boston, Massachusetts 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.*

04/28/2026 Advisory Board to the Comptroller

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: **N/A**

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

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For the first five years: _____

No fiscal effect: _____

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:

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 815 CMR 4.00.

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: May 07 2026

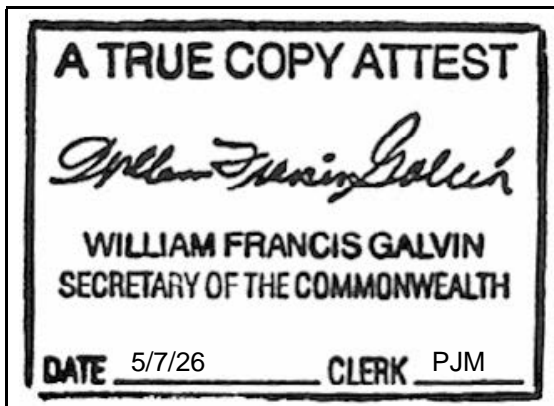
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<i>Remove these Pages:</i>	<i>Insert these Pages:</i>
23 - 28	23 - 28



815 CMR 4.00: LATE PENALTY INTEREST

Section

- 4.01: Application, Purpose, Scope and Authority
- 4.02: Definitions
- 4.03: Contractual Requirements
- 4.04: Late Penalty Encumbrance
- 4.05: Bill Paying Procedures
- 4.06: Late Penalty Interest Procedures
- 4.07: Desk Review

4.01: Applications Purpose Scope and Authority

- (1) The purpose of 815 CMR 4.00 is to provide all departments of the Commonwealth with rules and procedures to govern the payment of interest to commercial vendors when departments do not make payment by the required contractual payment date for goods or services delivered.
- (2) 815 CMR 4.00 applies to goods and/or services delivered and accepted after March 24, 1988.
- (3) All vendors of the Commonwealth except; Employees (including "03" employees), recipients of public assistance, cities and towns and other public instrumentalities designated as public agencies on the Commonwealth's vendor file, are eligible for late penalty interest in compliance with 815 CMR 4.00.
- (4) 815 CMR 4.00 *et. seq.* sets forth the respective responsibilities of the vendors, the departments and the Office of the Comptroller regarding the payment of the Commonwealth's obligations.
- (5) It is the responsibility of all departments to establish encumbering and bill-paying procedures consistent with their internal control policies and in compliance with the Office of the Comptroller's policies and procedures, which will result in the timely payment of all properly submitted invoices after the goods and/or services have been received.
- (6) 815 CMR 4.00 *et seq.* is adopted under the authority of M.G.L. c. 7A, § 8, c. 29, §§ 20C and 29C.

4.02: Definitions

- (1) Contract - A legally enforceable agreement between a vendor and a department for the provision of goods and/or services in consideration of compensation to be paid by the Commonwealth, executed in the name of the Commonwealth by a department thereof.
- (2) Department - Any department, office, board, commission or institution of the Executive, Judicial or Legislative branches including the constitutional offices.
- (3) General Appropriation Bill - A bill enacted annually by the Legislature to set apart from public revenues a specific amount of money to be used by officers of the Commonwealth's departments for particular purposes to implement and maintain programs the Legislature has established for the state fiscal year.
- (4) Invoice - A bill submitted by a vendor on a form determined by the contract between the department and the vendor, or if no form is specified, Mosaic Form PV, which specifies the goods and/or services delivered and the price.
- (5) Mosaic - The Commonwealth's enterprise statewide accounting and financial reporting system.

4.02: continued

(6) Medical Assistance Provider - (hereinafter Medicaid Providers) constitutes any agency, person, or group qualified under the laws of the Commonwealth to perform or provide medical care or services eligible for financial assistance from the department for all or part of the cost of eligible medical care and services pursuant to 42 USCA § 1396 *et seq.*

(7) Office of the Comptroller - A department established pursuant to M.G.L. c. 7A within the Executive Office for Administration and Finance.

(8) Vendor - A party, whether an individual, a partnership, a corporation, or other form of business entity, who is registered to do business with the Commonwealth and is listed on the Commonwealth's vendor file with the Office of the Comptroller, but excluding state employees, "03" employees, recipients of public assistance, and cities and town and other instrumentalities designated as governmental jurisdictions on the Commonwealth's vendor file.

(9) Warrant Date - The date of the weekly meeting of the Governor's Council, usually a Wednesday but if a holiday falls on a Wednesday, then the Tuesday, during which the Governor's Council approves expenditures under M.G.L. c. 7A, § 3.

4.03: Contractual Requirements

(1) In addition to applicable statutory and/or regulatory requirements departments must include in all contracts, purchase orders, master-service agreements, price agreements and other forms of contracts, provisions which describe the invoicing and bill paying procedures which govern the contract including:

- (a) the form of the required invoice, specifying the standard Commonwealth invoice (Mosaic Form PV) or other Mosaic form, time sheet, vendor-generated invoice, magnetic tape or other form of invoice;
- (b) the information which must be included in the invoice (including department reference numbers, and charges);
- (c) the documentation which must be included with the invoice to demonstrate to the department that the goods and/or services were delivered;
- (d) the method of presentment, including when and where the invoice will be submitted, provided invoices shall be submitted after the goods and/or service have been delivered and accepted and the final invoice must be received by the department within 30 days of delivery and acceptance of the goods and/or services or July 31st whichever is sooner;
- (e) the required payment date, which shall be the date required by statute, the standard payment date used by the industry, the date negotiated by the vendor and the department, or 45 days, whichever is longer, and;
- (f) the application procedures to request payment for late penalty interest as delineated in 815 CMR 4.05.

(2) Departments must have contracts executed and encumbrances approved on Mosaic prior to the delivery of the goods and/or services in compliance with the Office of the Comptroller's policies and procedures, as well as compliance with applicable procurement regulation, and/or other administrative rules.

(3) Departments must establish encumbrances for emergency procurements so as to assure the availability of funds and approvals to pay invoices for such emergency goods and/or services procured. The payment date for emergency procurements shall be 45 days.

(4) The payment date for contracts which do not specify a payment date or for purchases which are authorized to be made without a purchase order or contract shall be 45 days.

(5) Departments procuring the services of Medicaid providers shall continue to process payments in accordance with federal standards delineated in 42 CFR § 447.45(d).

4.04: Late Penalty Encumbrance

(1) Departments shall establish a miscellaneous encumbrance under Object Code 698 of the Commonwealth's Expenditure Classification Code in accordance with the Office of the Comptroller's policies and procedures, to cover the amounts which the department estimates it will expend in late penalty interest.

(2) For Fiscal Year 1988, (July 1, 1987 through June 30, 1988), departments may pay the late penalty interest from object Code 698 without an encumbrance.

4.05: Bill Paying Procedures

(1) Departments shall date-stamp all invoices received. The date centered on the invoice shall be the date the invoice was received by the department except that invoices delivered on Saturdays, Sundays, holidays or "skeleton days" as defined by Administrative Bulletin 85-3, shall be stamped with the date of the next business day.

(2) All departments, except the Department of Public Welfare, the Commission of the Blind, and other departments procuring the service of qualified Medicaid providers as determined by the Office of the Comptroller, shall within 15 calendar days from the date of receipt of the invoice confirm the following:

- (a) that the invoice was submitted according to the contractual terms after the delivery of the goods and/or services;
- (b) the goods and/or services were delivered in accordance with the contract and the required documentation, if any, was submitted with the invoice, and;
- (c) the charges are accurate

(3) For services rendered by Medicaid providers specifically exempted in 4.05(2) SUPRA, said departments shall have 30 days from the receipt of the invoice to approve or disapprove the invoice as provided in 815 CMR 4.05(2) and 4.05(4).

(4) If any of the requirements in 815 CMR 4.05(2)(a) through (c) have not been confirmed then a copy of the invoice with a letter explaining the defect or impropriety and the method for curing same shall be sent by the department to the vendor no later than 15 calendar days from the receipt of the invoice. The letter must provide the name and telephone number of a contact person to assist the vendor. The department shall retain the original invoice for its records.

(5) The vendor must resubmit the invoice after the defect or impropriety is cured. The resubmitted invoice shall be date stamped as provided in 815 CMR 4.05(1) and reviewed as provided in 815 CMR 4.05(7).

(6) If the vendor believes that the invoice was improperly rejected, the vendor shall telephone the department contact person immediately. If the department after, reconsideration of the rejected invoice agrees that said invoice was properly submitted, then it shall process the invoice for payment as provided in 815 CMR 4.05(7).

(7) If the department discovers a defect or impropriety after the 15th day from the receipt of the invoice but before the payment date, the department shall telephone the vendor immediately to notify the vendor of the problem and shall confirm that oral conversation in writing. The vendor shall be afforded the opportunity to cure as provided in the contract and may resubmit the invoice after the cure. The department's failure to notify the vendor of a defect or impropriety within 15 days will not obligate the Commonwealth to pay for goods and/or services not delivered in accordance with the contract or goods and/or services not ordered or legally authorized.

4.05: continued

(8) If the department confirms both the delivery of goods and/or services, and that the invoice was properly submitted and accurate, then the department shall process the invoice for payment in accordance with the Office of the Comptroller's policies and procedures, and other supplementary instructions which are issued periodically by the Office of the Comptroller. The payment date must be scheduled for a warrant date which does not exceed the contractual payment period (or if no date is specified therein, 45 days). The calculable time frame for determining when to schedule the payment for the warrant is from the date of receipt of the invoice to the warrant date.

(9) If a vendor, who after submission of an invoice pursuant to applicable time frames delineated in 815 CMR 4.05(2) and (4), neither receives payment within 60 days nor a departmental decision not to honor the invoice as prescribed in 815 CMR 4.05(3), (5), (6) and (7) inclusive, then the vendor should contact the department contact officer. If it is determined that the payment was delayed due solely to departmental error, the department shall immediately process the invoice for payment and shall notify the vendor in writing of the warrant date on which the payment has been scheduled. The vendor may exercise its rights to make a demand for late penalty interest as provided in 815 CMR 4.06(1) through (6).

(10) With the exception of Medicaid providers, if the rate setting commission grants a retroactive rate adjustment, the vendor shall invoice the department for any sums now owing to the vendor. The department shall have 45 days from the receipt of the invoice to make payment of the sums owing to the vendor.

(11) Retroactive rate adjustments granted by the Rate Setting Commission to Medicaid providers shall be processed by the department as soon as practicable after the date the rate is received. In no event shall the processing of Medicaid retroactive rate adjustments occur later than 60 days after the rate is received.

(12) If no general appropriation bill is in effect at the beginning of the Commonwealth's fiscal year (July 1st) the department shall date stamp and retain all invoices received for goods and/or services rendered in the new fiscal year according to instructions issued by the Office of the Comptroller. Invoices received for the prior fiscal year shall be processed as accounts payable items in accordance to instructions issued annually by the Office of the Comptroller. Vendors should be notified in writing that invoices for the new fiscal year will be processed as soon as the Office of the Comptroller notifies departments that funds have become legally available.

4.06: Late Penalty Interest Procedures

(1) Eligible vendors may qualify for late penalty interest if the vendor has provided the goods and/or services, has properly submitted an invoice, and the payment received by the vendor was not scheduled on the warrant within the contractual payment period *i.e.*, from the date of receipt of the invoice to the warrant date, or if no such period is specified in the contract, within 45 days.

(2) Invoices received by departments after the close of the Commonwealth's accounts payable period in violation of 815 CMR 4.03(1)(d) shall be ineligible for the payment of late penalty interest. Departments shall notify the vendor in writing when an invoice must be processed as a prior year deficiency appropriation request.

(3) Notwithstanding the time frame specified in the contract, if a vendor has not receive payment pursuant to 815 CMR 4.05(8), as modified by 815 CMR 4.05(11), then the vendor may demand late penalty interest by invoicing the department for same. The demand shall be submitted on a Commonwealth Standard Invoice (Mosaic Form PV) in the manner specified in the contract to the address to which the original invoice was submitted. The vendor shall document the method and timing of presentment of the original invoice and provide a copy of the check stub or wire transfer certificate denoting payment to the department.

4.06: continued

(4) Late Penalty interest shall be computed at a rate to be set semiannually on January 1st and July 1st by the Commissioner of Administration by publication in the Massachusetts Register. With the exception of departments procuring the services of Medicaid providers, the Commonwealth will pay interest at the rate promulgated by the Secretary of Administration and Finance on the amount owed from the payment date (or the 46th day if no payment date is specified in the contract) until the warrant date on which the department had scheduled the payment.

(5) The department shall date stamp the demand for late payment in accordance with 815 CMR 4.05(1). The department shall review the vendor's demand for late payment interest within five days of receipt. The department shall approve the payment of late penalty interest if said department confirms the original invoice was not scheduled for warrant within the payment date. Said payment shall be computed and processed in accordance with procedures set forth in 815 CMR 4.06(6). Failure of the department to review the vendor's demand for late penalty interest within the stated time frames shall subject the demand to desk review by the Office of the General Counsel to the Comptroller pursuant to 815 CMR 4.07.

(6) The amount of penalty interest shall be computed as follows:

The payment due under the original invoice, multiplied by the number of days between the contract payment date and the warrant upon which the payment was actually scheduled, multiplied by the daily interest rate as set by the Commissioner of Administration and Finance.

The department shall add the figures to the invoice submitted by the vendor and shall process the late penalty interest in accordance with the Office of the Comptroller's policies and procedures, under Object Code 698. It is the department's responsibility to assure that the invoice for late penalty interest clears the payment process successfully to facilitate its appearance on the earliest warrant.

(7) If the department disapproves the vendor's demand for late penalty interest because the time frames were tolled due to the proper rejection of the invoice under 815 CMR 4.05(3), (5) and (7) inclusive, or because the payment was made within the payment date, then within five days the department will notify the vendor of the rejection of the demand and forward the file to the Office of the General Counsel to the Comptroller for desk review pursuant to the provisions delineated in 815 CMR 4.07.

4.07: Desk Review

(1) Desk Review is conducted by the Office of the General Counsel to the Comptroller and is available in the following instances:

(a) by the vendor

1. when a department fails after 60 days to respond to vendor's request pursuant to 815 CMR 4.05(9)
2. when a department fails to review a vendor's demand for late penalty interest pursuant to 815 CMR 4.06(5)

(b) by a department

1. when a department disapproves the vendor's demand for late penalty interest because the time frames were tolled due to proper rejection of the invoice pursuant to 815 CMR 4.06(7)
2. when a department disapproves the demand for late penalty interest because payment was made within the payment date pursuant to 815 CMR 4.05(6), (7) and 815 CMR 4.06(7).

(2) The requesting party shall forward the file including: a copy of the original invoice, any communication between the vendor or department, where applicable, the original warrant date, the vendor's demand for late penalty interest and the department's written reason for disapproval, if any.

4.07: continued

(3) The Office of the General Counsel of the Comptroller shall review the written documents within five days of receipt and either:

- (a) order the department to pay the late penalty interest including the time spent in the desk review appeal process, or;
- (b) notify the vendor that the appeal was decided in favor of the department

(4) Review by the Office of the General Counsel of the Comptroller shall not be subject to administrative appeal and shall constitute final agency decision.

REGULATORY AUTHORITY

815 CMR 4.00: M.G.L. c. 7, § 14B; c. 29, § 20C; c. 29, § 29C.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **815 CMR 6.00**

CHAPTER TITLE: **Interdepartmental Fiscal Business**

AGENCY: **Office of the Comptroller**

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

815 CMR 6.00 provides all State Departments with rules and procedures for conducting Interdepartmental Fiscal Business, including Interdepartmental Service Agreements (ISAs) and Interdepartmental Chargebacks which require a transfer of funds between two Departments.

REGULATORY AUTHORITY: **MGL c. 7A, §§ 8, 11, and 15; MGL c. 29, § 29I**

AGENCY CONTACT: **Parris Lourenco** PHONE: **617-631-3182**

ADDRESS: **Office of the Comptroller One Ashburton Place, 9th Floor Boston, Massachusetts 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.*

04/28/2026 Advisory Board to the Comptroller

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: **N/A**

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

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For the first five years: _____

No fiscal effect: _____

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: _____

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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 815 CMR 6.00.

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: May 07 2026

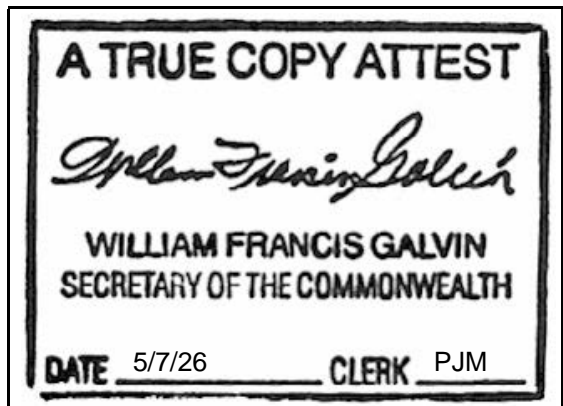
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CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these Pages:</i>	<i>Insert these Pages:</i>
35 - 40	35 - 40



815 CMR 6.00: INTERDEPARTMENTAL FISCAL BUSINESS

Section

- 6.01: Purpose, Application and Authority
- 6.02: Definitions
- 6.03: Interdepartmental Service Agreements (ISAs)
- 6.04: Interdepartmental Chargebacks
- 6.05: Interdepartmental Fiscal Transactions
- 6.06: Disputes
- 6.07: Severability

6.01: Purpose, Application and Authority

(1) Purpose.

(a) Purpose of 815 CMR 6.00. The purpose of 815 CMR 6.00 is to provide all State Departments with rules and procedures for conducting Interdepartmental Fiscal Business, including Interdepartmental Service Agreements (ISAs) and Interdepartmental Chargebacks which require a transfer of funds between two Departments.

(b) Use of Interdepartmental Fiscal Business. ISAs and chargebacks may only be used to compensate a Seller Department for providing requested commodities and services, not to supplement a Seller Department's current available funding to pursue its own mission (such as offsetting all or a portion of administrative costs, equipment or for personnel not designated for ISA or chargeback performance). In no event should ISA or chargeback rates exceed the actual costs to the Seller Department for providing the ISA or chargeback commodities and services, unless otherwise specified by law.

(c) Role of the Office of the Comptroller. All interdepartmental fiscal transactions are required to be made through the state accounting system as prescribed by the Comptroller. The Office of the Comptroller will interpret 815 CMR 6.00 and take any actions necessary to carry out the purposes of 815 CMR 6.00, including issuing additional policies, procedures and forms to be used by Departments. The Office of the Comptroller's oversight of Interdepartmental Fiscal Business is limited to review and processing of the fiscal transactions necessary to support an ISA or chargeback, and will not include a review of the underlying business decisions which lead to the submission of an ISA or chargeback. Department's will be responsible for conducting Interdepartmental Fiscal Business using best value and other good business practices similar to any other contract or Department expenditure, and will be required to certify that the Interdepartmental Fiscal Business complies with all applicable state or federal, general or special laws or regulations.

(2) Application. 815 CMR 6.00 applies to all State Departments conducting interdepartmental business with another State Department(s), including agencies, subdivisions, offices, boards, commissions or institutions of the Executive, Judicial and Legislative Branches.

(3) Authority. 815 CMR 6.00 is adopted under the authority of M.G.L. c. 7A, §§ 8, 11, and 15 and M.G.L. c. 29, § 29I.

6.02: Definitions

Buyer Department. A State Department with statutory authorization to procure goods and services to implement programs, services or objectives authorized under general or special law. The Buyer Department transfers funds to a Seller Department as compensation for goods or services provided by the Seller Department. Buyer Departments may also be referred to as "Parent Departments", and an Buyer Department ISA account may also be referred to as a "Parent account".

Department. Agencies, subdivisions, offices, boards, commissions or institutions of the Executive, Judicial and Legislative Branches of the State.

Interdepartmental Chargebacks. Fee-based charges for statutorily authorized commodities and services which are available to State Departments on an *ad hoc* request basis, a public fee basis, or statewide Chargeback basis.

6.02: continued

Interdepartmental Encumbrance (IE). An encumbrance transaction used to notify Buyer Departments of negotiated or mandated estimated charges for the Chargeback goods or services and to reserve funds to pay for these charges.

Interdepartmental Fiscal Business. All types of business relationships that occur between a Buyer and Seller Department requiring the Buyer Department to transfer funds in the state accounting system to the Seller Department.

Interdepartmental Service Agreement (ISA). Non-chargeback interdepartmental business relationships are evidenced by an Interdepartmental Service Agreement (ISA). The ISA is a contract between two state departments that documents the terms and conditions of their business relationship. The ISA must be in accord with and consistent with the language in any appropriation act funding the ISA and any applicable general or special state or federal law or regulation.

Interdepartmental Service Agreement (ISA) Form. A standard form issued by the Office of the Comptroller which must be signed by Seller and Buyer Departments and filed as prescribed by the Office of the Comptroller.

Interdepartmental Voucher (IV). A transaction used by an Authorized Chargeback Department to bill a Buyer Department for the costs of goods and services, and to enable payment from the Buyer Department.

Mosaic. The Commonwealth's enterprise statewide accounting and financial reporting system.

Quality Assurance Program. A program to review and support Departmental compliance with state finance law and applicable policies and procedures relating to contracting and Departmental purchasing expenditures. The Office of the Comptroller shall review ISAs and Interdepartmental Chargebacks as part of its Quality Assurance Program.

Seller Department. A State department which is mandated or authorized in statute to provide the type of services, commodities or programs which are requested or required by a Buyer Department. A Seller Department provides commodities or services, and receives a transfer of funds from a Buyer Department through either an Interdepartmental Service Agreement (ISA), or an Interdepartmental Chargeback, if so authorized. Seller Departments may also be referred to as "Child Departments", and an Seller Department ISA account may also be referred to as a "Child account".

State. The Commonwealth of Massachusetts.

6.03: Interdepartmental Service Agreements (ISAs)

(1) Interdepartmental Service Agreement (ISA) Management. The Chief Fiscal Officer (CFO) for the Buyer and Seller Departments will be responsible for management of ISAs within their Department in accordance with 815 CMR 6.00 and policies and procedures published by the Office of the Comptroller. Management of ISAs shall include, but is not limited to, the evaluation of the ISA option based upon best value, ensuring timely ISA execution, processing of Mosaic transactions prior to the start of ISA performance, meeting reporting requirements, timely payment of invoices in accordance with the Commonwealth's bill paying policy, monitoring ISA performance, and acting as the liaison for the Quality Assurance Program. Buyer and Seller Department ISA Managers designated for each ISA will be responsible for the administration of the ISA and will be the points of contact for ISA correspondence.

(2) Interdepartmental Service Agreement (ISA) Effective Date. The effective date of an ISA shall be the latest of the following three dates:

- (a) The date the Interdepartmental Service Agreement Form has been executed by an authorized signatory of the Buyer Department.
- (b) The date the Interdepartmental Service Agreement Form has been executed by an authorized signatory of the Seller Department.
- (c) A later effective date specified in the Interdepartmental Service Agreement Form.

6.03: continued

(3) Interdepartmental Service Agreement (ISA) Documentation.

(a) Buyer and Seller Departments entering into an ISA must execute the Interdepartmental Service Agreement (ISA) Form prior to the start of performance, and file the ISA and required attachments as prescribed by the Office of the Comptroller.

(b) Signature by the Buyer Department certifies that the Buyer Department is statutorily authorized or required to procure the type of performance under the ISA, that sufficient funds are available for ISA performance, and that the ISA and attachments are in compliance with 815 CMR 6.00 and all other requirements of law.

(c) Signature of the Seller Department certifies that the Seller Department is statutorily authorized to provide the type of performance sought by the Buyer under the ISA and that the ISA and attachments are in compliance with 815 CMR 6.00 and all other requirements of law.

(d) An ISA is a contract and all contract execution and processing rules apply.

(e) An ISA Amendment is required for changes in ISA duration, ISA renewals, increases or decreases in maximum obligation, any material change in performance requirements and any changes in account structure and must be executed by the Buyer and Seller Department prior to the termination date of the ISA, or as amended.

(4) Duration of Interdepartmental Service Agreements (ISAs). Most ISAs are approved annually on a state fiscal year basis. However, ISAs should have the duration that makes sense from a business perspective. Multi-year ISAs are encouraged if it best supports the business process for the Departments. Similar to other types of contracts, all ISAs are subject to appropriation or the availability of adequate non-appropriated funding.

(5) Interdepartmental Service Agreement Funding.

(a) The Buyer Department must allocate the amount needed for the Seller Department's performance for the entire fiscal year into the authorized ISA account(s), or otherwise encumber sufficient funds as prescribed by the Office of the Comptroller, to ensure timely encumbrance of funds and payment by the Seller Department for employees, contractors, grantees, *etc.* in accordance with Commonwealth payment policies;

(b) Seller Departments may expend funds for ISA performance only from the authorized ISA allocation account(s);

(c) When expending ISA funds, Seller Departments must treat these funds the same as any other contract funds, and conduct procurements and make ISA expenditures in accordance with the same state finance law and applicable general and special state and federal laws and regulations that apply to other types of contracts procure by the Seller Department.

(6) Access to Records. Buyer Departments are entitled to "scan only" online access to state accounting system (Mosaic) data of the Seller Department for ISA business purposes. In addition, Seller Departments are required to provide whatever progress, programmatic or expenditure reports to the Buyer Department, as specified in an ISA. Even if reports are not specified, the Seller Department is required to provide a detailed accounting of all expenditures, encumbrances, planned encumbrances, any information in the state accounting or payroll system related to the child account, access to any ISA records, or on-site access to monitor ISA performance, upon request at any time during the period of the ISA. The Seller Department shall cooperate with the Buyer Department to provide whatever information, data or access is necessary to verify ISA performance and expenditures. Seller Department shall provide the same access to ISA reports and data to the Office of the Comptroller, the State Auditor's Office and the House and Senate Committees on Ways and Means.

6.04: Interdepartmental Chargebacks

(1) Types of Chargeback Department Authorization. There are three types of Chargeback Department Authorization:

(a) Ad Hoc Chargeback Department. A State Department with explicit statutory authority to provide a specific service(s) or good(s) at a Buyer Department's request, and to be paid by the Buyer Department for the actual cost of the specific service(s) or good(s) provided.

6.04: continued

(b) Public Fee Chargeback Department. A Department with explicit statutory authority to charge the general public and other Departments for authorized services, goods, fees or licenses, and for which such charges Departments are not specifically exempted by law. Public Fee Chargeback Departments may charge Buyer Departments for the amounts authorized by law, except for fees for licenses or other charges which total less than \$25.00 per department per fiscal year and fees for public records requests under \$25.00, except where the Public Fee Chargeback department can demonstrate substantial hardship.

(c) Statewide Chargeback Department. A Department mandated by explicit statutory authority to charge Departments for services rendered by the Statewide Chargeback Department, or for payments made by the Chargeback Department on behalf of State Departments. For certain mandated Statewide Chargebacks that the Office of the Comptroller, or other authorized Department, are required to make on behalf of all State Departments (for example, unemployment insurance, unemployment health insurance, and medicare tax) the Office of the Comptroller will enable automated processing of Interdepartmental Encumbrances (IE) and Interdepartmental Vouchers (IV), or other appropriate transactions, on behalf of all Departments in lieu of the procedures outlined in 815 CMR 6.04(4) and (5).

(2) Chargeback Department status is approved annually by the Office of the Comptroller and recorded in the state accounting system. Departments may not provide legislatively authorized goods or services to another Department prior to approval as a Chargeback Department in the state accounting system. A department seeking to be approved as an Chargeback Department must submit the following documentation to the Office of the Comptroller prior to providing authorized Chargeback goods or services:

- (a) a completed Chargeback Department Authorization Form;
- (b) evidence of the Department's explicit legislative authorization to charge other State Departments for specified goods or services;
- (c) a schedule of rates and charges for the authorized service(s) or good(s), including a detailed explanation of how each rate was derived (statutory amount, formula, etc.) justifying the accuracy of the rates and charges;
- (d) The eight-digit account number or fund to be credited with Chargeback funds.

(3) Prior to the provision of Chargeback goods or services, or both, authorized Chargeback Departments must notify Buyer Departments of negotiated or mandated estimated charges for the Chargeback goods or services using an Interdepartmental Encumbrance (IE).

(4) Within 30 days of the receipt of notification of estimated or mandated charges from an Authorized Chargeback Department the Buyer Department must encumber sufficient funds to cover the full fiscal year of estimated or mandated charges. If the Buyer Department fails to encumber sufficient funds within 45 days of the receipt of notification of estimated or mandated charges from the Authorized Chargeback Department, the Chargeback Department may submit a request to the Office of the Comptroller to encumber funds on behalf of the delinquent Buyer Department.

(5) Promptly after the period in which services are performed or goods are delivered, or both, the Chargeback Department shall bill the Buyer Department using an Interdepartmental Voucher (IV). The Buyer Department must process payment within 30 days of receipt of the bill. If the Chargeback Department has not received payment within 45 days of the submission of the IV, the Chargeback Department may request assistance from the Office of the Comptroller to make the payment on behalf of the delinquent Buyer Department. The name of the delinquent Buyer Department shall be submitted upon request to the House and Senate Ways and Means Committees for failure to make timely payments.

(6) Revenue received from Interdepartmental Chargebacks may be retained and expended by the Seller Department in accordance with the authorizing legislation for the chargeback. Once a Department has reached the limit imposed by the Department's chargeback authorization for retaining and expending funds received as chargeback revenues, the Department may not use an ISA in order to retain and expend additional revenues received for chargeback commodities or services, without prior approval of the Office of the Comptroller.

6.05: Interdepartmental Fiscal Transactions

There are multiple fiscal transactions in the state accounting system that support interdepartmental business. The appropriate transactions and use of these transactions for interdepartmental business will be prescribed policies and procedures issued by the Office of the Comptroller. The Office of the Comptroller reserves the right to make any adjustments to the state accounting system to correct errors made during the processing of an interdepartmental fiscal transaction.

6.06: Disputes

Departments must make a good faith effort to resolve any dispute arising under 815 CMR 6.00 within 30 calendar days using all appropriate internal procedures including seeking assistance from their respective secretariats, but in no event shall this resolution period extend beyond May 30th in any fiscal year. In the event the Departments are unable to resolve a dispute within the stated period, either Department may request assistance from the Office of the Comptroller to resolve the dispute or to provide a determination as to the application or interpretation of 815 CMR 6.00.

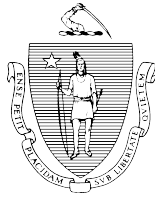
6.07: Severability

If any provision of 815 CMR 6.00 is declared or found to be illegal, unenforceable or void, then Departments shall be relieved of all obligations under that provision only, and all other provisions shall remain in full force and effect.

REGULATORY AUTHORITY

815 CMR 6.00: M.G.L. c. 7A §§ 8, 11, and 15 and M.G.L. c. 29, § 29I.

(PAGES 41 THROUGH 48 ARE RESERVED FOR FUTURE USE.)



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **815 CMR 8.00**

CHAPTER TITLE: **Contingent Fee Contracts for Non-Tax Revenue Maximization**

AGENCY: **Office of the Comptroller**

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

815 CMR 8.00 assures that the departments of the Commonwealth have access to professional and expert services to promote the efficiency and effectiveness of programs and to determine the necessity, appropriateness and reasonableness of present and future expenditures for operations which qualify for federal financial participation and other reimbursements.

REGULATORY AUTHORITY: **MGL c. 29, § 29E**

AGENCY CONTACT: **Parris Lourenco** PHONE: **617-631-3182**

ADDRESS: **Office of the Comptroller One Ashburton Place, 9th Floor Boston, Massachusetts 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.*

04/28/2026 Advisory Board to the Comptroller

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: **N/A**

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: _____

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:

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 815 CMR 8.00.

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: May 07 2026

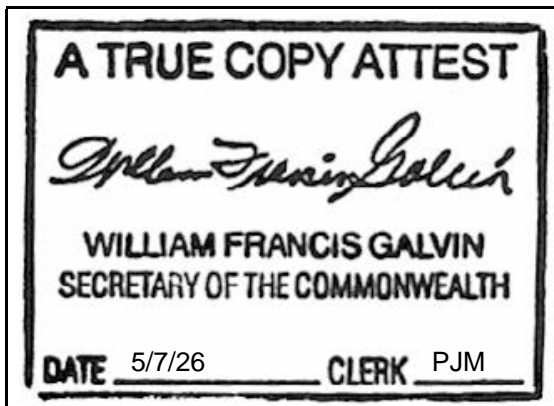
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

Remove these Pages:	Insert these Pages:
53 - 58	53 - 58



815 CMR 8.00: CONTINGENT CONTRACTS FOR NON-TAX REVENUE MAXIMIZATION

Section:

- 8.01: Application, Purpose, Scope and Authority
- 8.02: Definitions
- 8.03: Procurement
- 8.04: Contract Terms and Conditions
- 8.05: Contract and Project Management and Supervision
- 8.06: Accounting Procedures
- 8.07: Appeals Process

8.01: Application, Purpose, Scope and Authority

(1) The purpose of 815 CMR 8.00 is to assure that the departments of the Commonwealth have access to professional and expert services to promote the efficiency and effectiveness of programs and to determine the necessity, appropriateness and reasonableness of present and future expenditures for operations which qualify for federal financial participation and other reimbursements.

(2) A method to obtain additional professional and expert services is to engage outside assistance, and to pay for such assistance from the proceeds of the additional revenue attributable thereto. Since the ability to pay the contractor is directly related to the accomplishment of increased revenue, the financial exchange is contingent upon the success of the underlying revenue maximization effort.

(3) All departments in all branches of state government using the Commonwealth's enterprise statewide accounting and financial reporting system (Mosaic) may participate in contingency contracts to improve the efficiency and effectiveness of revenue performance. Entities that are component units of the Commonwealth but do not use Mosaic may not participate in contingency contracts authorized under 815 CMR 8.00.

(4) 815 CMR 8.00 is adopted under authority of M.G.L. c. 29, § 29E.

8.02: Definitions

Base Revenue and Maximized Revenue. The term base revenue refers to the amount of revenue, federal or from any other sources, that is estimated or budgeted to occur without any special assistance or advice from outside parties. In most cases the calculation and measurement of base revenue is a function of existing operational plans of the department. The term maximized revenue refers to the increment of revenue, federal or from any other source, that is estimated or budgeted to occur because of special efforts or projects and is to be in addition to the base revenue. Contingency contracts may be employed to promote the accomplishment of both base revenue and maximized revenue.

Office of the Comptroller. The Office established pursuant to M.G.L. c. 7A and authorized to administer contingency contracts to promote the efficiency and effectiveness of federal entitlement and other programs and to determine the necessity, appropriateness and reasonableness of present and future expenditures for operations which qualify for federal financial participation or other reimbursement pursuant to M.G.L. c. 29, § 29E. The Office of the Comptroller is also a department.

Contingency Contract. A contract executed by one or several state departments with other parties pursuant to 815 CMR 8.00. In a contingency contract, the amount of compensation paid to other parties is directly linked to and paid from the attainment of increased revenue. Contracts under 815 CMR 8.00 may have a duration up to but no longer than 36 months.

8.02: continued

Department. An entity of the state government recognized by the Office of the Comptroller as a legally defined component unit of the government. Department recognition is demonstrated by the establishment of department codes and financial accounting records on Mosaic as determined by the Comptroller. Pursuant to its enabling statute and subject to appropriation and other special laws or agreements, a department may operate programs, either directly through its own organization or through other state departments or organizations, in a manner that allows federal financial participation and other reimbursement.

Evaluation Criteria and Selection Committee. These are additional elements of an RFP that demonstrate specific steps to promote competitive interest and result in a contingency contract under terms most beneficial to the Commonwealth.

Federal Revenue or Federal Financial Participation. In the context of 815 CMR 8.00, these terms have the same meaning and refer to the flow of funds from the federal government to the state government. In most cases there are specific federal laws and specific federal regulations with companion operational terms and conditions that must be satisfied by the state in order to qualify for and receive federal revenue. In many cases, the federal revenue represents a portion of the total program cost, and the state may choose to incur originally the entire program cost and subsequently apply the federal revenue as a reimbursement or off set to the total program cost. Under this reimbursement model, the federal revenue is considered to be the federal share of a total program which qualifies for federal financial assistance.

Fiscal Affairs Division (FAD). The Division within the Executive Office of Administration and Finance with the responsibility and authority to plan and direct the statewide budget process. The FAD, also referred to as the Budget Bureau, has a special interest in the design and implementation of programs in a manner that allows opportunity for federal financial participation. The FAD is also a department.

Fiscal Conduit. An arrangement which exhibits the features of supplementation of existing staff or resources to the Department typically provided and controlled through the state budget process. The identification of a fiscal conduit will be based on the judgement of the Office of the Comptroller, and such judgement will include but not be limited to criteria such as:

- (a) intention to circumvent the budget process,
- (b) similarity between resources normally provided in the state budget process and resources provided by the outside party under the contingency contract, and
- (c) length of time that such resources are planned and actually used.

The Office of the Comptroller will take actions as relevant to disapprove and not allow fiscal conduit arrangements under 815 CMR 8.00.

Interdepartmental Service Agreement (ISA). An arrangement between two or more state departments that has many of the features of a contract. All ISA arrangements are governed by the Office of the Comptroller under a separate regulation published as 815 CMR 6.00. It is anticipated that many projects involving contingency contracts may also involve Interdepartmental Service Agreements.

Mosaic. The statewide accounting and financial reporting system for the Commonwealth of Massachusetts.

Measurement Basis for Contingency Contracts. The measurement basis for contingency contracts shall be specified to establish clearly the difference between that revenue which would be received without outside assistance and that revenue expected to be received with outside assistance. A measurement basis for contingency contracts may be defined and applied to base revenue situations, maximized revenue situations, or both situations.

8.02: continued

Object Code T09. An expenditure classification category established by the Office of the Comptroller in Mosaic. Object Code T09 will be used for accounting and reporting of all contingency contracts executed pursuant to 815 CMR 8.00.

Request for Proposals. The Request for Proposals (RFP) is a solicitation process organized to stimulate competitive interest in the award of a contingency contract.

Revenue. Income earned by the Commonwealth for services provided. Only revenue actually received and confirmed by a Treasury cash receipt is available for measuring revenue for contingency payments.

Secretariat. The executive office in the executive branch of government established pursuant to M.G.L. chs. 6A and 7 with responsibility and authority to direct and coordinate the activities of specified departments. Many, but not all, departments in the executive branch are organized under the supervision of secretariats. In those instances where a cognizant secretariat does exist, the secretariat has a special interest in the design and implementation of programs in a manner that allows opportunity for federal financial participation and other reimbursement. A secretariat is also a department.

Single State Agency. A department formally designated by the Governor to the federal government as the one cognizant department on behalf of the state in the management of specified federally assisted programs. In a few instances there is allowed under the law a designation of two "single state agencies". The single state agency has authority and responsibility to operate programs, either directly through its own organizations or through other state departments or organizations, in a manner that complies with both state and federal law.

8.03: Procurement

(1) All contingency contracts executed pursuant to 815 CMR 8.00 shall be awarded based on an RFP that evidences competitive procurement, unless there is a specific written exception made by the Comptroller.

(2) The Comptroller may determine that it is in the best interests of the Commonwealth to make an exception to the normal RFP and competitive procurement process. In rendering this judgment, the Comptroller will rely on criteria such as:

- (a) the unique qualification of the proposed vendor for the contingency contract,
- (b) an extension or addition to work underway so that a substantial economy is accomplished.

(3) All RFPs for contingency contracts must be authorized by the Office of the Comptroller. Management of the procurement process can take several forms:

- (a) Directly by OSC.
- (b) Jointly issued by OSC and one or more operating departments.
- (c) Directly by an operating Department which has specific written authorization from the Comptroller.

(4) Each RFP process will expressly indicate in writing the evaluation criteria and the names of the members of the selection committee. When the Office of the Comptroller expressly authorizes in writing an RFP to be initiated and completed by other departments, it will specifically approve in writing the evaluation criteria and the members of the selection committee prior to RFP issuance. When the Comptroller's office is issuing the RFP under its own authority or as a member of a joint venture, such separate written approvals will not be required.

8.03: continued

(5) No contingency contract shall constitute legal obligation of the Commonwealth unless it complies with procurement requirements as established in 815 CMR 8.00.

(6) In the RFP process, specific attention will be given to evaluation and selection criteria that are designed to promote participation by small business enterprises, minority business enterprises, women owned business enterprises, and business enterprises primarily located in Massachusetts. Each RFP should strive to promote reasonable and maximum participation by such enterprises.

8.04: Contract Terms and Conditions

(1) The Office of the Comptroller will furnish "standard" contract terms and conditions to be used for all contingency contracts. Also the Comptroller's office will furnish "standard" terms and conditions to be used in each Interdepartmental Service Agreement required to support a contingency contract. Any modification to such standard terms and conditions requires the prior written approval of the Comptroller.

(2) Contingency contracts, or Interdepartmental Service Agreements relating to contingency contracts, must be personally signed by the Comptroller. In a situation where the Comptroller's office is a party to a joint venture, the Comptroller will co-sign the contract after the signatures of relevant department heads, as members of the joint venture, are obtained. In a situation where the Comptroller's office had delegated in writing the authority to issue an RFP to other departments, the Comptroller will evidence final approval to such contracts by personally signing the documents prepared by those parties. It is expected that a typical contingency contract may thus demonstrate multi-party participation and have requisite signatures from departments and the Comptroller's office.

(3) All contingency contracts will specify the maximum obligation of the Commonwealth to the outside party. In addition to maximum obligation, contingency contracts may specify compensation as a percent of the increase of federal financial participation or other reimbursement only over the measurement basis. It is expected that most contingency contracts will be structured as a percent of the increase of federal financial participation or other reimbursement only over the measurement basis not to exceed the maximum obligation; however in some cases fee for service arrangements may be appropriate. Within the compensation structure, a differential set of percentages related to differential increments over the measurement basis is allowable.

(4) All contingency contracts, including multi-year contracts will specify additional elements including but not limited to:

- (a) the time period for which the project or engagement will be undertaken,
- (b) the time period against which the measurement basis used to calculate the increased revenue associated with the contingency contract is applied,
- (c) an explicit (and if possible quantified) definition of the measurement basis for the contingency contract,
- (d) an explicit (and if possible quantified) reference to the expectations for base revenues and maximized revenues associated with the program for which the contingency engagement is being undertaken,
- (e) specific performance criteria and definitions and timing of deliverables by the outside party,
- (f) specific criteria to determine the acceptance by the department of each deliverable,
- (g) an estimate of the increased revenue by source,
- (h) assignments of key personnel to be made by the vendor, and
- (i) procedures for resolving future period disallowances.

8.04: continued

- (5) Each contingency contract can include as a deliverable:
- (a) the study of a program to evaluate and identify possible situations for federal or other revenue maximization,
 - (b) a project to implement results of such studies, and
 - (c) a combination of studies and implementation projects. All implementation projects must follow a study as described in 815 CMR 8.04(5)(a).
- (6) Contingency contracts determined by the Comptroller to be fiscal conduits are prohibited. Decisions as to the applicability of the prohibition to fiscal conduits shall be made by the Comptroller and the determination of the Comptroller in this matter will be conclusive. The Comptroller's Office may also issue supplementary guidance and individual interpretations in this matter.
- (7) Compensation will be paid to the outside party under a contingency contract or related interdepartmental service agreement after certification by the department, and approval by the Comptroller's Office, of both of the following steps:
- (a) it is determined that increased revenue over the measurement basis has been collected and such collection is confirmed through deposit to a bank account with the State Treasury, and
 - (b) it is determined that a specified deliverable in the contract has been accepted. The amount of compensation to be paid after accomplishment of these steps will be governed by contractual terms.
- (8) Each contingency contract will contain explicit written directives to be applied in those circumstances, if any, when action outside the contracted time frame causes a change to the amount calculated under the measurement base. It is recognized that actions in a future period, may be applied retroactively and thus cause a change to amounts previously calculated under the measurement basis. An example of a possible future change that would decrease the initial measurement basis is the retroactive application of an audit disallowance; an example of a possible future change that would increase the initial measurement basis is the retroactive application of a rate increase. Each contingency contract must have written directives that will govern the effect of such changes on the measurement basis and thus on the compensation to the outside party.

8.05: Contract and Project Management and Supervision

- (1) The Office of the Comptroller may provide detail contract and project management and supervision to projects performed pursuant to contingency contracts.
- (2) The Comptroller may also delegate in writing the authority and responsibility for contract and project management and supervision to any other signatory to a contingency contract. This delegation may not be made to an entity that is not a state department and not a signatory to the contingency contract. Criteria to be used by the Comptroller to delegate contract management and supervision include but are not limited to:
- (a) efficiency of operations,
 - (b) complexity of program and policy implications, and
 - (c) encouragement of interdepartmental cooperation.
- (3) Any department performing contract and project management and supervision will provide progress and status reports in a form and at intervals as specified by the Comptroller. These specifications may be tailored by the Comptroller to suit the requirements of individual contingency contracts. Non-performance by a department of the specified requirements for such reporting will be grounds for the Comptroller to revoke the delegation of contract and project management and supervision. If this circumstance arises, the Comptroller may delegate responsibility to another signatory to the contract or assume the responsibility directly to the Comptroller's Office. The Comptroller shall determine satisfactory performance and such determination shall be conclusive.

8.06: Accounting Procedures

(1) The Office of the Comptroller will establish all funds, subfunds, revenue accounts, and expenditure accounts, including retained revenue accounts, to implement each contingency contract executed pursuant to 815 CMR 8.00. The Office of the Comptroller may establish new accounts or other accounting mechanisms as necessary in order to assure proper distinction between revenue and expense operations associated with contingency contracts and revenue and expense operations not associated with contingency contracts.

(2) Approval of the Office of the Comptroller will be required for all specific transactions by which revenues over the measurement basis associated with contingency contracts are accounted to specified accounts. This approval may be done on an item by item basis, summarized basis, or by other method as determined by the Comptroller.

(3) Approval of the Office of the Comptroller will be required for all specific disbursement transacting to any party from any account which includes deposits pursuant to the prior section. This approval may be done on an item by item basis, summarized basis, or by other method as determined by the Comptroller.

(4) At the conclusion of each fiscal year, the Comptroller shall report to the Legislature, the Fiscal Affairs Division, and each department which is a party to a contingency contract, the status of revenues and expenses associated with contingency contracts. Such reports will also include any additional comments or suggestions that the Comptroller finds relevant to the contingency contracts. Such additional comments will include but not be limited to:

- (a) vendors with whom the Commonwealth has engaged in contingency contracts operative during that fiscal year,
- (b) summarized amounts of revenues received and expenses paid as a result of such contingency contracts in that fiscal year and
- (c) recommendations for the disposition of residual balances, if any, of revenues in excess of expenses associated with contingency contract.

8.07: Appeals Process

(1) Appeals may be made by a Contractor to the Office of the General Counsel relative to a Department's application of the measurement basis.

(2) The Contractor shall forward a letter outlining the basis for the appeal and all relevant supporting documentation.

(3) The Office of the General Counsel, following review of the file submitted by the Contractor and the Department's response, shall within 15 days notify the Contractor and the Department of the decision on the appeal.

(4) Any party aggrieved by that decision may, within ten days appeal it to the Comptroller who shall within ten days, render the final agency decision which shall not be subject to administrative appeal.

REGULATORY AUTHORITY

815 CMR 8.00: M.G.L. c. 29, § 29E.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin

Secretary of the Commonwealth

Regulation Filing

To be completed by filing agency

CHAPTER NUMBER: **815 CMR 9.00**

CHAPTER TITLE: **Debt Collection and Intercept**

AGENCY: **Office of the Comptroller**

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

815 CMR 9.00 governs the collection of overdue accounts receivable and debts owed to billing entities as provided by law.

REGULATORY AUTHORITY: **MGL c. 29, § 29D; MGL c. 7A, §§ 3, 8, 15, 18, and 19; MGL c. 62D**

AGENCY CONTACT: **Parris Lourenco** PHONE: **617-631-3182**

ADDRESS: **Office of the Comptroller One Ashburton Place, 9th Floor Boston, Massachusetts 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.*

04/28/2026 Advisory Board to the Comptroller

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: **N/A**

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: _____

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:

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 815 CMR 9.00.

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: May 07 2026

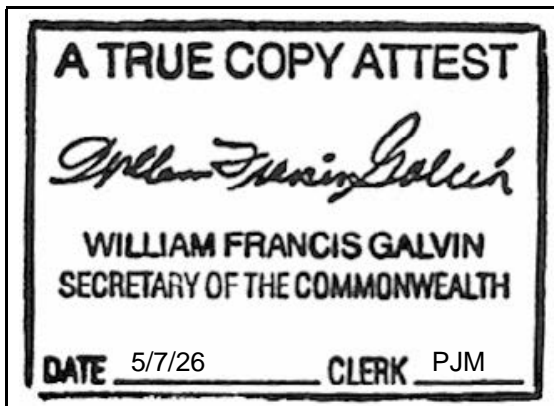
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1574 DATE: 5/22/26

EFFECTIVE DATE: 5/22/26

CODE OF MASSACHUSETTS REGULATIONS

<i>Remove these Pages:</i>	<i>Insert these Pages:</i>
59 - 68	59 - 68



815 CMR 9.00: DEBT COLLECTION AND INTERCEPT

Section

- 9.01: Purpose, Application and Authority
- 9.02: Definitions
- 9.03: Billing Entity Requirements for Collection of Debts
- 9.04: Simultaneous Submission of Debt for Intercept and Debt Collection
- 9.05: Debt Collection Services Statewide Contract
- 9.06: Payment Plans
- 9.07: Intercept of Debt by Office of the Comptroller
- 9.08: Settlement and Write-off
- 9.09: Accounting Procedures and Statewide Debt Collection Agency Payments
- 9.10: Disputes
- 9.11: Severability

9.01: Purpose, Application and Authority

(1) Purpose. 815 CMR 9.00 governs the Collection of overdue Accounts Receivable and Debts owed to Billing Entities as provided by law. 815 CMR 9.00 provides Billing Entities with access to services that promote the efficiency and effectiveness of collecting Debts owed to Billing Entities, thereby enhancing the Collection of Revenues. 815 CMR 9.00 authorizes the Office of the Comptroller to procure and manage contingent fee contracts for Debt Collection services and enables the Office of the Comptroller to Intercept payments due to Debtors to offset their outstanding Debts.

(2) Application. 815 CMR 9.00 applies to all State Department Billing Entities seeking to collect Debts, including State agencies, subdivisions, offices, boards, commissions, committees, councils, boards, institutions of higher education, the judicial and legislative branches and constitutional offices. 815 CMR 9.00 also applies to any other State public entities seeking to use the Debt Collection and Intercept services under 815 CMR 9.00 and that are authorized by law to submit Debt to the Office of the Comptroller for Intercept, including a municipality, city, town, agency of a city or town of the State, a housing authority of the State, or a State authority as defined by M.G.L. c. 29.

815 CMR 9.00 also applies to any non-State Billing Entity, including federal public Billing Entities or another non-Massachusetts state public Billing Entity, seeking to use the Intercept process under 815 CMR 9.00 and that are authorized by law to submit Debt to the Office of the Comptroller for Intercept.

The Office of the Comptroller will interpret 815 CMR 9.00 and take any actions necessary to carry out the purposes of 815 CMR 9.00 including waivers or amendments to 815 CMR 9.00, issuing additional policies, procedures and forms to be used by Billing Entities, and utilizing state-of-the-art skiptracing and identity validation software and services. Absent separate statutory authority, no State Department Billing Entity may Intercept payments owed Debtors, or enter into a contract for Debt Collection Services except as provided in 815 CMR 9.00. Any State Department Billing Entity authorized to Intercept or use Debt Collection services under separate statutory authority may use the Intercept and Debt Collection Agency Statewide Contract provided under 815 CMR 9.00. State Department Billing Entities shall pursue intercept and Debt Collection services under 815 CMR 9.00 for the discharge of Debts and Accounts Receivable as prescribed by the Comptroller. Non-state Department Billing Entities shall comply with the requirements of 815 CMR 9.00 as identified for use of the Intercept process.

(3) Authority. 815 CMR 9.00 is promulgated under the authority of M.G.L. c. 29, § 29D, M.G.L. c. 7A, §§ 3, 8, 15, 18, and 19 and M.G.L. c. 62D, and as authorized under any other federal law or law of another state governing Debt Collection and Intercept.

9.02: Definitions

Accounts Receivable. Public Revenues earned but not yet collected for legislatively or legally authorized Charges for services performed, goods provided, or events, such as judgments and recoveries, fines, fees for licenses and permits, charges for services, investment income, operating leases or any other obligations owed to and being pursued for Collection by a Billing Entity. Accounts Receivable includes, but is not limited to loans, notes and amounts due from employees, other State Departments, cities, towns and political subdivisions of the State, Debts of the Federal government, and Debts of another state. An Accounts Receivable that is unpaid by the due date of its initial billing shall be considered a "Debt". The Collection of certain Revenues with separate Debt Collection authority, including taxes, lottery operations, State investments, federal grants and reimbursements, Medicaid vendor overpayments are not included under 815 CMR 9.00 unless the Billing Entity chooses to use the Statewide Debt Collection Agency Contract or Intercept to collect these Debts.

Accounts Receivable System. A billing and Accounts Receivable System or application used to issue invoices and collect Accounts Receivables on behalf of a Billing Entity. State Department Billing Entities must use the state accounting system, known as Mosaic or an alternative billing and Accounts Receivables System or application approved by the Comptroller.

Attorney General (AGO). The Office of the Attorney General of the State, established by M.G.L. c. 12, § 1.

Billing Entity. An entity authorized to collect Debts including State departments, subdivisions, offices, boards, commissions, committees, councils, boards, institutions of Higher Education, the Judicial and Legislative Branches and Constitutional Offices and other public entities as authorized by law including municipalities, a city or town, an agency of a city or town of the State, a housing authority of the State, or a State authority as defined by M.G.L. c. 29, a Federal Billing Entity or Non-Massachusetts state Billing Entity. The Comptroller will prescribe the methods for State Department Billing Entities to bill and collect Debts under 815 CMR 9.00 and the requirements for any Billing Entity to use the Intercept process. The Comptroller may enter into Reciprocal Cooperative Agreements with the federal government and other states to collect and receive Debts and to remit Intercepted State payments to offset the federal government and other state's Debts. Billing Entities shall be responsible for validating that a Debt and Debtor information are accurate prior to submission of any Debt for Intercept under 815 CMR 9.00.

Certify. A certification by an authorized signatory of the Billing Entity that the name of the Debtor, the tax identification number, address, the amount of the Debt and the existence of a Debt have been validated as accurate, that the debt has been diligently pursued, that notices of intercept have been provided and that the Debt is eligible for Intercept under 815 CMR 9.00. The Comptroller shall designate the mechanism for how a Billing Entity will certify that a Debt and Debtor information is accurate and legally enforceable in order to be collected through Intercept.

Collection. An action taken by a Billing Entity to collect a legislatively or legally authorized account receivable. Collection actions include, but are not limited to, billing and Dunning Notices, Intercept, Collection by a Statewide Debt Collection Agency, and litigation.

Contingent Percentage Fee. A payment under which a Statewide Debt Collection Agency is paid a percentage fee "contingent" on the amount of delinquent Accounts Receivable collected by a Statewide Debt Collection Agency.

Debt. An outstanding Accounts Receivable, obligation or other liability to pay or return something to a Billing Entity.

Debt Collection Agency. A duly licensed entity which has been authorized under the Statewide Contract for Debt Collection Services to assist Billing Entities in Collection of Debts. Debt Collection Agencies approved under the Statewide Contract for Debt Collection Services must be licensed to perform Debt Collection services in the State by the Division of Banks.

9.02: continued

Debtor. An individual, sole proprietor, corporation, partnership, organization, business trust or association or two or more persons, or other legal entity which owes an Accounts Receivable, obligation or other liability to pay or return something to the State, federal, local or the Billing Entity in another state.

Department. State agencies, departments, subdivisions, offices, boards, commissions, committees, councils, boards or institutions of the State, the Institutions of Higher Education, the Judicial and Legislative Branches and Constitutional Offices as defined in M.G.L. c. 29.

Discharge. The dissolution of a Debt, either through full payment, Intercept, Settlement with partial Write-off or Write-off.

Disputed Debt. Occurs when a Debtor notifies a Billing Entity, or Debt Collection Agency, that there is a disagreement as to the identity of the Debtor, the amount or the existence of a Debt.

Division of Banks. State Department created under M.G.L. c. 26, 209 CMR 18.00: *Conduct of the Business of Debt Collectors and Loan Servicers* and M.G.L. c. 93, § 24A that licenses Debt Collection Agencies in the State. Debt Collection Agencies under the Statewide Debt Collection Contract must be certified by the Division of Banks to perform Debt Collection services in the State.

Due Date. The date when payment of an account receivable is due, usually 30 calendar days from the date an Accounts Receivable event occurs or its billing date; or as established by contractual terms or statute.

Dunning Notice. A written notice appearing on an invoice or statement mailed or personally delivered to a Debtor providing notice that payment for an Accounts Receivable or a Debt is past due, the right to dispute the Debt and an opportunity for due process or a Hearing. The requirements for Dunning Notices for Debts to be collected on behalf of State Department Billing Entities or through the Intercept process are identified under 815 CMR 9.03.

Hearing. A Debtor's opportunity to present evidence or other proof to dispute the validity of a Debt, the amount of a Debt or the identity of the Debtor. A Hearing may be in any format that provides a Debtor with a reasonable opportunity to provide proof to dispute any aspect of a Debt or the identity of the Debtor and to resolve the Disputed Debt. A Hearing may be in the form of a M.G.L. c. 30A Hearing or any other meeting or reasonable opportunity to collect and record evidence provided by a Debtor, hear any arguments and attempt to resolve the Disputed Debt. Any administrative or other court process pursued in the normal course of business of a Billing Entity that provides the same opportunity to dispute the Debt and results in an order or other directive to make payment shall meet the Hearing requirement.

Intercept. An action performed under 815 CMR 9.00 by the Office of the Comptroller through Mosaic to discharge a delinquent Debt from other funds owed or scheduled to be paid to a Debtor, including tax refunds pursuant to M.G.L. c. 62D, Settlements and judgments, and other funds as determined by the Comptroller to be authorized to be used for Intercept Collections. Intercept Collection Charges are automatically deducted from at the time of Intercept.

Judgment. A court order ruling that the Debtor is obligated to pay a Billing Entity a specific sum. Court judgments or other administrative procedures providing a Debtor with sufficient due process and opportunity to dispute a Debt will waive the requirement for multiple billings and notices of Debt Collection and Intercept. A Billing Entity may submit directly to a Statewide Debt Collection Agency or Intercept or any other administrative or legal procedure to collect a Debt under judgment.

Late Fees and Collection Charges. Contingent Percentage Fees and other fees and charges established under M.G.L. c. 29, § 29H or other state or federal laws or regulations, which are added to the Debt to be collected and deducted from payments when a Debt is collected.

Mosaic. The Commonwealth's enterprise statewide accounting and financial reporting system.

9.02: continued

Non-tax Revenue. Funds derived as a result of legislatively or legally authorized fines, fees, licenses, permits, assessments, third-party payments, interest, overpayments and other Accounts Receivable owed to a Billing Entity with certain exceptions such as Revenues from taxes, lottery operations and State, federal or local investments.

Payment Plan Agreement. A written installment plan for collecting an outstanding Debt agreed to by a Billing Entity and Debtor. The Comptroller shall prescribe the requirements for Payment Plans to collect State Debts, and Payment Plans negotiated by Debt Collection Agencies under the Statewide Debt Collection Contract.

Reciprocal Cooperative Agreements. A written agreement between the State and other Billing Entities to share Collection data, and cooperate in the Collection of Debts for both the State and the reciprocal Billing Entity.

Revenue. All amounts due and collected from taxes, agency fees, fines, assessments, Charges, and other Revenues, retained Revenues, federal grants, federal reimbursements, lottery receipts, court judgments and investment earnings and other Revenues for a State, federal or local Billing Entity.

Settlement. A legally enforceable agreement between a Billing Entity and a Debtor to accept a lesser Debt amount than owed to discharge the Debt in full. For State Department Billing Entities, a Settlement requires a partial Write-off of the Debt and the Billing Entity must have made diligent efforts to collect the full amount of the Debt through Intercept, a Debt Collection Agency, litigation or other administrative process prior to submitting a request to the Office of the Comptroller for partial Write-off of the Debt through Settlement.

State. The Commonwealth of Massachusetts.

Statewide Contract for Debt Collection Services. A contract procured by the Office of the Comptroller for the provision of Debt Collection services on behalf of all Departments and other authorized Billing Entities. Statewide Collection Agencies agree to provide Debt Collection services in return for a specified Contingent Percentage Fee based upon the amount of delinquent Accounts Receivable collected by the Collection Agency.

Uncollected Receivable. A Debt which, after diligent but unsuccessful attempts at Collection is deemed uncollectible. State Department Billing Entities are required to pursue Debts through both Intercept and Debt Collection services prior to identifying a Debt uncollectible and eligible for Write-off. For the purposes of Debt Collection services, Debts will be administratively deemed "uncollectible" six months after referral to a Debt Collection Agency and must be returned to the Billing Entity for re-referral, continued Intercept, or Write-off.

Write-off. An accounting action to remove an uncollected receivable from the Billing Entity's financial records. For State Debts, the Billing Entity must demonstrate diligent efforts to collect the Debt including Debt Collection and Intercept, prior to submission of a request for Write-off to the Office of the Comptroller.

9.03: Billing Entity Requirements for Collection of Debts

(1) Billing Entity Accounts Receivable Management. State Department Billing Entities are responsible for making diligent efforts to collect legislatively and legally authorized Accounts Receivables and Debts and for pursuing the full amount of a Debt. The Comptroller may prescribe accounting requirements for State Department Billing Entities to record Collection activity. All State Department Billing Entities, and any other Billing Entity using the Intercept process or the Statewide Debt Collection Contract are required to maintain detailed records to support the Collection of an Accounts Receivable, that a Debt is accurate and legally enforceable, and to support the accuracy of Debtor information.

9.03: continued

(2) Confidentiality of Debt Collection Information. All Billing Entities are required to maintain the security and confidentiality of information related to Debts and Debtors in accordance with state and federal laws related to confidentiality and Debt Collection, including M.G.L. c. 93H and c. 93I.

(3) Fast Track to Attorney General's Office. At any point in the Collection process when a State Department Billing Entity has reason to believe the assistance of the Office of the Attorney General is essential to the successful Collection of the Debt, a State Department Billing Entity Department may contact the Office of the Attorney General for assistance.

(4) Billing Entity Collection Efforts. The following outlines the standard process for billing and notices to collect Accounts Receivables and Debts. A State Department Billing Entity, and any Billing Entity seeking to submit Debts to the Intercept process under 815 CMR 9.00 must comply with 815 CMR 9.03(4)(a) through (d).

(a) Suspension of Collection Efforts for Disputed Debts. A Billing Entity must immediately suspend the Debt Collection process for any Disputed Debt, or whenever a written request for a Hearing has been timely submitted, with the exception of any Debt that has already been subject to a court or administrative due process and has received a Hearing opportunity. A Billing Entity must suspend any Debt that cannot be confirmed and certified as accurate and legally enforceable. The suspension of Debt Collection activities shall continue until the Billing Entity has completed a Hearing or other comparable due process, if one has been timely requested in writing by the Debtor, or until the dispute is resolved between the Billing Entity and the Debtor. If a Hearing has not been timely requested in writing by the Debtor, and the Billing Entity determines that the Debtor's dispute is not supported by credible evidence, the Billing Entity may remove the suspension and continue with the Debt Collection activities.

(b) Initial Billing. A Billing Entity must transmit an initial bill to a Debtor. The bill must include the name of the Debtor, the authorized type of Accounts Receivable being charged, the amount of the bill, the date the bill was issued, the date that payment is due before it is considered delinquent and procedures for remittance of payment. Billing Entities are responsible for ensuring and certifying the accuracy of the information contained in the bill.

(c) Dunning Notices. If the initial bill is not paid in full by the Debtor by the payment due date, and the Debt has not been disputed by the Debtor, a Billing Entity must demonstrate diligent efforts to collect the Debt. Diligent efforts shall include at a minimum, but shall not be limited to, three written billing and Dunning Notices in addition to the initial billing, and a final notice. The following is the standard dunning schedule, but a Billing Entity shall establish any comparable Dunning Notice schedule that provides at least 120 days prior notice of Debt Collection and Intercept:

1. 1 day past due Dunning Notice;
2. 30 days past due Dunning Notice;
3. 60 days past due Dunning Notice;
4. 90 days past due final notice.

(d) Notice Requirements. If Debts will be submitted for Collection through Intercept or to a Statewide Debt Collection Agency, at least three Dunning Notices must contain notice informing the Debtor of the following items:

1. Right to Dispute the Debt. Notice to the Debtor of the right to dispute the Debt if the Debt is inaccurate or the Debtor is not the individual who legally owes the Debt.
2. Due Process Notice. Notice to the Debtor that they may make a timely written application for a Hearing or other due process procedure within 15 business days from the date of the notice. The Hearing or due process procedure shall be based upon the Billing Entity's Debt dispute internal procedures, unless a Hearing has already been provided to the Debtor or a due process opportunity is provided before the dunning process begins.
3. Notice of Discharge of the Debt Through Intercept. Notice that the Debt remains unpaid, and if the Debtor fails to dispute the Debt or request a Hearing, that the Debt will be automatically assigned to Intercept from any other State, federal or local payments that may be due to the Debtor, or scheduled to be paid to the Debtor, including State tax refunds under M.G.L. c. 62D or federal taxes, and that the Debt may be subject to Late Fees and Collection Charges.

9.03: continued

4. Notice of Intent to Assign a Debt to a Collection Agency. Notice that the Debt may be assigned to a Collection Agency and may be subject to Late Fees and Collection Charges.
5. Final Notice. A final notice (usually when 90 days past due) that the Debt is eligible for immediate referral to Intercept and may also be submitted to a Collection Agency for Collection, and may be subject to Late Fees and Collection Charges.

9.04: Simultaneous Submission of Debt for Intercept and Debt Collection

State Department Billing Entities processing Debts through Mosaic will automatically assign Debts systemically to Intercept when the Debt is 120 days past due, unless the Debt has been flagged as exempt from Intercept. Unless otherwise specified by the State Department Billing Entity submitting the Debt, all Debts may be simultaneously submitted to Intercept and to a Statewide Debt Collection Agency. Statewide Debt Collection Agencies have the right to refuse and return Debts to the submitting Billing Entity until Intercept efforts are completed. Statewide Debt Collection Agencies that accept a Debt that has been submitted simultaneously for Intercept and Debt Collection assume the risk that the Debt will be successfully Intercepted in whole or in part prior to the Collection Agency's Collection of the Debt, and the Agency shall not be entitled to any compensation for Debt Collection work performed.

9.05: Debt Collection Services Statewide Contract

- (1) Procurement of Statewide Contract for Debt Collection Services. The Office of the Comptroller shall procure a Statewide Contract for Debt Collection Services in accordance with applicable procurement requirements and publish the Contract for use by Billing Entities. State Department Billing Entities collecting State Debts must use the Statewide Contract for Debt Collection Services unless authorized to procure Debt Collection services under separate legislative authority. Any Billing Entity using the Statewide Contract shall use the Statewide Contract as negotiated and published and may not amend or negotiate different terms without prior review by the Office of the Comptroller.
- (2) Location Assistance. If a Billing Entity cannot locate a Debtor to serve notice of a Debt, the Billing Entity may use the Statewide Debt Collection Contract for location services on a fee for service basis.
- (3) Confidentiality of Debt Collection Information. Statewide Debt Collection Agencies are contractually obligated to ensure the security and confidentiality of all Debt information submitted under a Debt referral, training staff to ensure that no information about any Debt or Debtor is disclosed or accessed for any reason except as authorized, and taking the necessary precautions to ensure the security of all files, systems and other filing or storage locations of Debt and Debtor information to prevent data breaches as defined under M.G.L. c. 93H, and as prescribed for Federal, local and other states under applicable Debt Collection laws. In addition, all Statewide Contract Debt Collection Agencies are contractually obligated to meet the Payment Card Industry (PCI) standards for securing banking information and other personally identifiable information when receiving electronic payments from Debtors.
- (4) Contingent Percentage Fees. Unless otherwise provided by law, or as authorized in the Debt Collection Services Statewide Contract, or by the Office of the Comptroller, no Contingent Percentage Fee payments shall be made for any Debt Collection services unless a Debt has been collected. Approved Contingent Percentage Fees are added by the Statewide Debt Collection Contractor to Debts referred by a Billing Entity. Statewide Debt Collection Agencies are authorized to net the Contingent Percentage Fee from gross receipts collected at the time the net proceeds are remitted to the Billing Entity in accordance with terms of the Statewide Contract. Statewide Debt Collection Agencies are required to provide detailed reports of all Collection activity as well as access to any information necessary to validate the amounts collected and the Contingent Percentage Fees netted.

9.05: continued

(5) Statewide Debt Collection Litigation Services.

(a) Statewide Debt Collection Agencies may provide litigation services for a Contingent Percentage Fee rate, which is usually a higher Contingent Percentage Fee rate than standard Collection services. Litigation services provided by a Statewide Debt Collection Agency may be charged only at the Contingent Percentage Rate which is added to the Debt, and may not separately bill or charge the Billing Entity or to the Debtor.

(b) Litigation Services-approval of SAAGs (Special Assistants Attorney General) by Office of the Attorney General. Statewide Debt Collection Agencies that provide litigation services must have their selected lawyer(s) designated Special Assistants Attorney General (SAAG) by the Attorney General's Office before any litigation services may be provided for State Department Billing Entities. State Department Billing Entities shall be responsible for monitoring the litigation efforts undertaken on behalf of the State by Debt Collection Agency SAAGs who have been approved by the AGO. Litigation by SAAGs may be undertaken only with the prior written approval of the State Department Billing Entity.

(6) Settlement with Partial Discharge/Partial Write-off. Statewide Debt Collection Agencies are not authorized to negotiate or settle a partial discharge of a Debt without the prior written approval of the Billing Entity, but may recommend a Settlement with a partial discharge to the Billing Entity, based upon the Debt type and financial circumstances of the Debtor and the likelihood of Collection. The Billing Entity will then determine if a Settlement with a Partial Discharge (partial Write-off) is appropriate and authorize the Debt Collection Agency to negotiate a Settlement. State Department Billing Entities are responsible for diligent efforts to collect the full amount of the Debt, and must certify that any Settlement and partial discharge, which will result in a partial Write-off, is in the best interests of the State when submitting a Write-off request to the Office of the Comptroller.

(7) Uncollected Debts. Statewide Contract Debt Collection Agencies must refer all uncollected Debts back to the Billing Entity after all Debt Collection actions have been exhausted, or upon six months after the Debt referral date, whichever is earlier. For the purposes of Debt Collection services, Debts will be administratively deemed "uncollectible" six months after referral to a Statewide Debt Collection Agency and must be returned to the Billing Entity for re-referral, continued Intercept, or Write-off. A Debt Collection Agency that returns a Debt as uncollectible may not claim a Contingent Percentage Fee if the Debt is subsequently collected directly by the Billing Entity or through other Collection efforts.

9.06: Payment Plans

(1) A Billing Entity shall have the option, at any time during the Debt Collection process, PRIOR to submission of the Debt to Intercept, to offer a Debtor a Payment Plan to discharge the full amount of a Debt through installment payments.

(2) Payment Plans for State Department Billing Entities and Payment Plans negotiated by a Statewide Contract Debt Collection Agency on behalf of any Billing Entity must adhere to the following requirements:

(a) Payment Plans must be negotiated for the full amount of the Debt and may not be negotiated for less than the full Debt amount unless the Settlement process is followed pursuant to 815 CMR 9.05(6).

(b) Payment Plans should attempt to collect an initial down payment of at least 25% of the total Debt, depending upon the Debt type and financial circumstances of the Debtor, as negotiated between the Billing Entity and the Statewide Debt Collection Agency.

(c) Payment Plans should have a maximum duration not to exceed six months, unless the Eligible Entity approves a longer period not to exceed in any case 12 months.

(d) Payment Plans negotiated in the final year of the Statewide Contract for Debt Collection may not be negotiated to extend beyond six months after the termination date of the Contract unless confirmed with the Office of the Comptroller.

(e) Contingent fees payable to the Debt Collection Agency will be due at the time each Payment Plan installment is remitted to the Billing Entity.

9.06: continued

(3) Payment Plans by other Billing Entities that are not negotiated by a Statewide Contract Debt Collection Agency shall follow the internal requirements for the non-State Department Billing Entity.

9.07: Intercept of Debt by Office of the Comptroller

(1) Submission of Billing Entity Debt to Intercept.

(a) State Department Billing Entities processing Debts through Mosaic and Accounts Receivable System will automatically assign Debts systemically to Intercept when the Debt is 120 days past due, unless the Debt has been flagged as exempt from Intercept.

(b) State Department Billing Entities that have received prior Office of the Comptroller approval to use an alternate billing and Accounts Receivable System or application must take the appropriate steps to assign Debt through the Intercept system either through an interface with Mosaic or through any other interface prescribed by the Office of the Comptroller. If an alternative billing and Accounts Receivables Systems or application is used, the State Department Billing Entity must certify to the Comptroller annually as part of the internal control review process, in addition to any other required certification, that the delegated system supports appropriate security of personally identifiable information in accordance with M.G.L. c. 93H and c. 93I, Executive Order 504: *Order Regarding the Security and Confidentiality of Personal Information* if applicable to that State Department Billing Entity, any other applicable security or privacy requirements, and compliance with state finance law as prescribed by the Comptroller.

(c) Other non-State Department Billing Entities may submit Debt to Intercept through any interface prescribed by the Office of the Comptroller.

(2) Certification of Due Process and Accuracy of Debts. A Billing Entity submitting a Debt to Intercept must certify compliance with the Accounts Receivable, billing, dunning and due process notice requirements in 815 CMR 9.03, including verifying and certifying the accuracy of the name of any Debtor, the tax identification number, the amount of the Debt and that the Debt is legally enforceable.

(a) Debts submitted by State Department Billing Entities under 815 CMR 9.07(1)(a) shall be considered certified when a Debt is entered into Mosaic and approved to final status.

(b) Debts submitted by State Department Billing Entities under 815 CMR 9.07(1)(b) shall be considered certified when a Debt is approved by an authorized signatory through interface with Mosaic or through any other interface prescribed by the Office of the Comptroller. The State Department Billing Entity must continually verify and separate each submission to ensure that any exempted, restricted, disputed, uncertified or previously collected Debts have been removed from interface files to be submitted for Intercept.

(c) Debts submitted by non-State Department Billing Entities under 815 CMR 9.07(1)(c) shall be considered certified when a Debt is approved by an authorized signatory through an interface with Mosaic as prescribed by the Office of the Comptroller. The Billing Entity must continually verify and separate each submission to ensure that any exempted, restricted, disputed, uncertified or previously collected Debts have been removed from interface files to be submitted for Intercept.

(3) Reconciliation of Intercepts. Billing Entities shall be responsible for reimbursing any collected amounts, Late Fees or other Collection Charges deducted from any Debt that was improperly Intercepted. Billing Entities are required to maintain detailed records to support the Collection of an Accounts Receivable through Intercept, that a Debt was accurate and legally enforceable, and to support the accuracy of the Debt and Debtor information, and any Debts that were modified or reimbursed through improper Intercept.

(4) Procedures for Exempting Certain Debts or Payments from Intercept. State Department Billing Entities may submit requests to the Office of the Comptroller to exempt certain Debts or types of payments from the Intercept process. For other Billing Entities, Debts that should be exempt from Intercept must be removed from any file to be submitted through an interface for Intercept.

9.07: continued

(5) A Debt may be re-submitted to Intercept indefinitely until the statute of limitations for Collection of that Debt has expired, or the Debt is deemed uncollectible and eligible for Settlement or Write-off under 815 CMR 9.08.

9.08: Settlement and Write-off

(1) Settlement with Partial Discharge and Write-off. State Department Billing Entities are responsible for diligent efforts to collect the full amount of a Debt, and must certify that any Settlement and partial discharge which will result in a partial Write-off is in the best interests of the State when submitting a Write-off request to the Office of the Comptroller. State Department Billing Entities may not submit a Debt for partial Write-Off to the Office of the Comptroller until the Debt has been submitted to both Intercept and to a Statewide Debt Collection Agency, unless there is supporting documentation that the Debt is uncollectible, the Debtor is deceased and the Debt can not be pursued, or it is recommended for Write-off by a Statewide Debt Collection Agency. Non-State Department Billing Entities shall follow their own internal requirements for allowing Settlements with partial discharge of a Debt.

(2) Write-off. State Department Billing Entities are responsible for diligent efforts to collect the full amount of a Debt, and must certify that any Write-off is in the best interests of the State when submitting a Write-off request to the Office of the Comptroller. State Department Billing Entities may not submit an Uncollectible Debt for Write-off to the Office of the Comptroller until the Debt has been submitted to both Intercept and to a Statewide Debt Collection Agency, unless there is supporting documentation that the Debt is Uncollectible, the Debtor is deceased and the Debt can not be pursued, or it is recommended for Write-off by a Statewide Debt Collection Agency. Non-State Department Billing Entities shall follow their own internal requirements for allowing Write-off and full discharge of a Debt. The Office of the Comptroller may delegate Write-off authority to State Department Billing Entities which have demonstrated sound business practice in their management of receivables, Debt Collection, and requests for Write-offs as measured by adherence to Office of the Comptroller policy and procedures. This authority may not be delegated to a Statewide Debt Collection Agency.

9.09: Accounting Procedures and Statewide Debt Collection Agency Payments

(1) Office of the Comptroller Management of State Debt Collection Services. Pursuant to 815 CMR 9.00, the Office of the Comptroller is responsible for the oversight of non-tax Debt Collection activities for State Department Billing Entities. The Comptroller shall take such actions as are necessary for the management of Accounts Receivable and Debt Collection activities by State Department Billing Entities, and may direct any State Department Billing Entity to take any action necessary to ensure compliance with the terms of 815 CMR 9.00, state finance law or any other state, local or federal law requiring Debt Collection compliance.

(2) All Revenue collected for Debts under 815 CMR 9.00 during the initial billing, dunning, Intercept or Debt Collection process by State Department Billing Entities, and Intercepts interfaced to Mosaic, shall be recorded and processed through Mosaic as prescribed by the Office of the Comptroller. The Office of the Comptroller will take all necessary steps to establish funds, subfunds, Revenue accounts, expenditure accounts, retained Revenue accounts and any other action necessary to support the Collection of Debts and the Intercept of Debts for participating Billing Entities. The Comptroller may direct any Billing Entity submitting Intercepts through interface to Mosaic to take any action necessary to ensure compliance with the terms of 815 CMR 9.00 related to Intercept or any other state, local or federal law requiring Debt Collection compliance.

(3) The Office of the Comptroller shall approve the payment mechanisms for the Contingent Percentage fees paid to Statewide Debt Collection Agencies under the Statewide Contract for Debt Collection Services. The Comptroller may take any actions necessary and prescribe any procedures or requirements, as appropriate for each type of Billing Entity, for the timely and accurate payment, reconciliation, tax reporting, financial reporting or accounting of Contingent Fee Payments under the Statewide Debt Collection Contract and for the management of Accounts Receivable and Debt Collection activities under the Statewide Contract.

9.10: Disputes

A State Department Billing Entity and a Statewide Debt Collection Agency must make reasonable efforts to resolve a dispute within 30 days using all appropriate mechanisms, but in no event shall this resolution period extend beyond the 30th day of May in any fiscal year. If a State Department Billing Entity and a Statewide Debt Collection Agency are unable to resolve a dispute after reasonable efforts, or a significant compliance issue, data breach or other contract issue arises, either party may seek assistance from the Office of the Comptroller to resolve the dispute. Disputes between non-State Department Billing Entities, such as cities, towns, authorities, Federal and other States shall be the responsibility of the Billing Entity and the Office of the Comptroller shall have no responsibility to resolve the dispute other than enforcement of the Statewide Contract terms as negotiated under the Statewide Contract.

9.11: Severability

If any provision of 815 CMR 9.00 is found to be illegal, unenforceable or void, then Billing Entities and affected parties shall be relieved of all obligations under that provision only, and all other provisions shall remain in full force and effect.

REGULATORY AUTHORITY

815 CMR 9.00: M.G.L. c. 29, § 29D; c. 7A, §§ 3, 8, 15, 18 and 19 and c. 62D.

