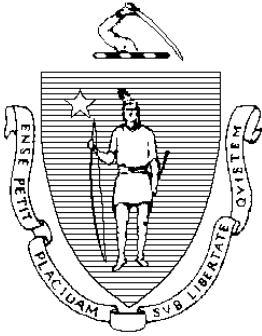


The --- Massachusetts --- Register ---

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

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

The Massachusetts Register
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Notice of Expiration of Emergency Regulations

There are no Notice of Expiration of Emergency Regulations.

Emergency Regulations

101 CMR	Executive Office of Health and Human Services	
613.00	Health Safety Net Eligible Services	31
	<i>Describes eligible services for the Health Safety Net (HSN).</i>	
130 CMR	Division of Medical Assistance	
450.000	Administrative and Billing Regulations	33
	<i>Describes the administrative and billing rules for all MassHealth providers, including the regulations for copayments.</i>	
520.000	MassHealth: Financial Eligibility	35
	<i>Describes the financial eligibility rules for traditional-type MassHealth applicants and members.</i>	
205 CMR	Massachusetts Gaming Commission	
219.00	Temporary Licensing Procedures	37
	<i>Relates to the procedures by which the Commission may issue temporary sports wagering licenses to applicants.</i>	

Permanent Regulations

205 CMR	Massachusetts Gaming Commission	
230.00	Review of a Proposed Agreement with a Category 3 Licensee	39
	<i>Sets out the process for Category 1 or 2 operators to obtain Commission approval of "agreements related to mobile or digital sports wagering with a category 3 licensee" in accordance with M.G.L. c. 23N, § 6(b)(4). Governs any agreement relating to mobile or digital sports wagering between a Category 1 and 2 Operator and a Category 3 Operator.</i>	
256.00	Sports Wagering Advertising	41
	<i>Governs sports wagering advertising, and 205 CMR 256.05 specifically governs advertising to youth.</i>	
322 CMR	Division of Marine Fisheries	
6.00	Regulation of Catches - Compliance	43

Acts 2023

CHAPTER NUMBER	BILL NUMBER	TITLE	DATE
16	H 3828	Authorizing the Town of Mansfield to Grant an Additional License for the Sale of All Alcoholic Beverages Not to Be Drunk on the Premises.	6/27/2023
17	H 3739	Establishing a Sick Leave Bank for David Benway, an Employee of the Massachusetts Maritime Academy.	6/29/2023
18	S 2383	Establishing a Sick Leave Bank for Amelia Alex, an Employee of the Department of Children and Families.	6/29/2023
19	H 3807	Authorizing the Town of Wakefield to Establish a Means Tested Senior Citizen Property Tax Exemption.	6/29/2023
20	H 345	Authorizing the Town of Berlin to Grant up to 2 Additional Licenses for the Sale of All Alcoholic Beverages Not to Be Drunk on the Premises.	7/18/2023
21	H 3821	Establishing a Sick Leave Bank for Michael Grant, an Employee of the Department of Correction.	7/18/2023
22	S 1302	Changing the Name of the Board of Selectmen of the Town of Hanover to Select Board.	7/18/2023
23	H 3778	Establishing a Sick Leave Bank for William Donahue, an Employee of the Trial Court of the Commonwealth.	7/24/2023
24	H 4022	Making Certain Appropriations for Fiscal Year 2024 Before Final Action on the General Appropriation Bill.	7/31/2023
25	H 393	Authorizing the Town of Rochester to Grant an Additional License for the Sale of All Alcoholic Beverages.	7/31/2023
26	H 4033	Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.	7/31/2023
27	H 4013	Financing Improvements to Municipal Roads and Bridges.	8/3/2023
28	H 4040	Making Appropriations for the Fiscal Year 2024 for the Maintenance of the Departments, Boards, Commissions, Institutions, and Certain Activities of the Commonwealth, for Interest, Sinking Fund, and Serial Bond Requirements, and for Certain Permanent Improvements.	8/9/2023
29	H 3966	Establishing a Sick Leave Bank for Thomas Hartley, an Employee of the Department of Correction.	8/10/2023
30	H 2029	Changing the Name of the Board of Selectmen of the Town of Lanesborough to the Select Board.	8/16/2023
31	H 3836	Establishing a Sick Leave Bank for Tanya Pizzi, an Employee of the Massachusetts Department of Transportation.	8/24/2023

Acts 2023

CHAPTER NUMBER	BILL NUMBER	TITLE	DATE
32	H 3906	Authorizing the Town of Shrewsbury to Grant Abatement of Real Estate Taxes for the Daughter of Fallen Firefighter Christopher Roy.	8/24/2023
33	H 4006	Establishing a Sick Leave Bank for Kimberly Riggins, an Employee of the Department of Correction.	8/24/2023
34	S 2433	Establishing a Sick Leave Bank for Jody Ricketson, an Employee of the Department of Children and Families.	8/31/2023
35	H 2435	Authorizing the Town of Lanesborough to Continue the Employment of Daniel Bolognia, Charles Garrity, Peter Pannesco, Peter Oakley, David Rolle, Donald Whalen and Michael Wooliver as Firefighters.	8/31/2023
36	H 2437	Authorizing the Town of Hancock to Continue the Employment of Firefighters and the Police Chief.	8/31/2023
37	H 2649	Providing for Certain Retirement Benefits for the Surviving Beneficiary of Robert Lawler.	8/31/2023

SEC OF STATE / REG DIV
2023 AUG 23 AM 9:22

STATE REGISTER OF HISTORIC PLACES

WEEKS OF: May 20 – August 18, 2023

For further information call the Massachusetts Historical Commission (617-727-8470)

ACTIONS TAKEN UNDER 950 CMR 71.00			
Town/Property/Agency	Finding	Date	
NONE			
ADDITIONAL LISTINGS UNDER 950 CMR 71.00			
Town/Name/Address	Designation	Date	Number of Properties
Barnstable Unitarian Church of Barnstable and Barnstable Schoolhouse 3330 Main St	PR	05/10/2023	2
Boston (Roxbury) Saint James African Orthodox Church 50 Cedar St	PR	06/23/2023	1
Deerfield Indian House Memorial 107 Old Main St	PR	06/12/2023	1
Lynn Lynn Item Building 38-54 Exchange St	NRIND	08/18/2023	1
Maynard Coolidge, Calvin Elementary School 12 Bancroft St	PR	06/14/2023	1
Salem Phillips School 86 Essex St	PR	07/27/2023	3
Tisbury Grace Episcopal Church 128 William St	PR	06/20/2023	1



EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF MEDICAID
ONE ASHBURTON PLACE, BOSTON, MA 02108



MAURA T. HEALEY
GOVERNOR

KATHLEEN E. WALSH
SECRETARY

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

MIKE LEVINE
ASSISTANT SECRETARY
FOR MASSHEALTH

Administrative Bulletin 23-21

101 CMR 317.00: Rates for Medicine Services

Effective October 1, 2023

Addition of a Certain Medication Assisted Treatment Code

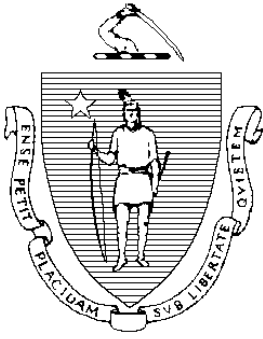
In accordance with 101 CMR 317.01(5): *Coding Updates and Corrections*, the Executive Office of Health and Human Services (EOHHS) is adding a new service code, effective for dates of service on and after October 1, 2023. The following tables list the code and rates that have been added. For entirely new codes that require new pricing and have Medicare-assigned relative value units (RVUs), rates are to be calculated according to the rate methodology used in setting physician rates. As the code listed in this bulletin has Medicare-assigned RVUs, its rates have been calculated according to the rate methodology used in setting the current physician rates. The rates listed in this administrative bulletin are applicable until revised rates are issued by the EOHHS.

Added Code

Code	Description
G2213	Initiation of medication for the treatment of opioid use disorder in the emergency department setting, including assessment, referral to ongoing care, and arranging access to supportive services (list separately in addition to code for primary procedure).

Rates of Added Code

Code	Non-Facility Fee	Facility Fee	Global	Professional Component Fee	Technical Component Fee
G2213	\$52.90	\$49.41	-	-	-



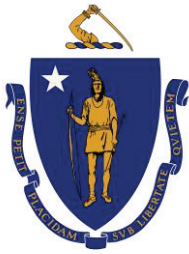
THE COMMONWEALTH OF MASSACHUSETTS

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

September 15, 2023

Attorney General, Office of the	940 CMR 37.00	9/22/23 @ 1:00 P.M. Written comments accepted through 9/22/23 @ 5:00 P.M.
Health and Human Services, Executive Office of	101 CMR 613.00	Comments accepted until 9/22/23 by 5:00 P.M.
Medical Assistance, Division of	130 CMR 450.000 & 520.000	Comments accepted until 9/22/23 by 5:00 P.M.



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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

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 will hold a hybrid public hearing on **Friday, September 22nd, 2023 at 1:00p.m.** and accept public comment through **Friday, September 22nd at 5:00p.m** concerning the following regulatory action:

940 C.M.R. 37.00 (Promulgated Pursuant to St. 2022, c. 81, § 7: *Act Relative to Work and Family Mobility*)

The proposed regulation will make allowances and place limitations on information the Registry of Motor Vehicles (RMV) can share with third parties. The regulation will clarify the types of information and records that the RMV may disclose, the entities to which information can be disclosed, and the purposes for which information can be disclosed. It will also require that the RMV obtain certification from third parties with which it shares information or records that the information will not be used for impermissible purposes or shared with impermissible parties.

The in-person hearing will be held on the date and time specified above at the **Conference Room on the 21st Floor of One Ashburton Place, Boston, MA 02108**. To join the hearing virtually, please register at:

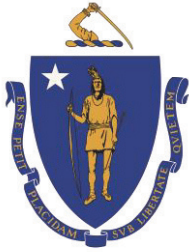
<https://us06web.zoom.us/j/85985011582?pwd=MGdMdHg5eXlFNDDdMdDdPZHpjU0lrUT09>

Individuals who provide notice of their intent to testify during the hearing will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to provide notice of their intention to testify at the hearing by emailing the address below with the subject line: “*Regulation Hearing Comment – 940 CMR 37.00*.” Written comments will be accepted starting September 1st, 2023 until 5:00 p.m. on September 22nd, 2023.

Email: Robert.Fernandez@mass.gov

Postal Mail: Robert Fernandez
Senior Policy Coordinator
Massachusetts Office of the Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108

A copy of the above-listed regulations may be obtained by contacting Robert Fernandez at the above address or email address.



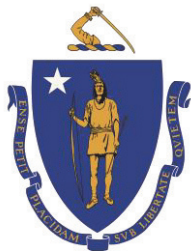
THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

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

Small Business Impact Statement (As required by M.G.L. c. 30A §§ 2, 3 & 5)		
940 CMR 37.00		
Estimate of the Number of Small Businesses Impacted by the Regulation: Indeterminate at this time.		
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? We do not anticipate that small businesses will have additional reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? We do not anticipate that small businesses will have to implement additional recordkeeping procedures.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? We do not anticipate that small businesses will 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? We do not anticipate that small businesses will have to hire additional staff 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.)? We do not anticipate that small businesses will have to hire additional professionals to comply with the proposed regulation.
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? The regulations do not require small businesses to purchase a produce or make any other capital investments to comply with the proposed 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? (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 COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

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ATTORNEY GENERAL

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

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No 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? The proposed regulation will require certain third parties to certify that some types of information obtained from the Registry of Motor Vehicles (RMV) cannot be used for impermissible purposes or shared with impermissible parties.
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? We do not anticipate that the proposed regulation will require small businesses to provide 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?
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? We do not anticipate that the proposed regulation will affect 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? We do not anticipate that the proposed regulations will affect 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?

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

NOTICE OF PROPOSED AMENDMENT OF REGULATIONS

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) proposes to amend the following regulation.

101 CMR 613.00: Health Safety Net Eligible Services

Federal law establishes requirements around cost-sharing. Effective May 1, 2023, through March 31, 2024, these proposed amendments waive all cost sharing for the Health Safety Net.

The purpose of the proposed amendments is to eliminate copayments during the unwinding of the federal public health emergency (PHE). This ensures that the Executive Office of Health and Human Services (EOHHS) complies with federal requirements barring increased copayments for members before redeterminations are completed after the end of the federal PHE. The Health Safety Net is aligning with MassHealth for reasons of operational efficiency.

The amendments also update the affected regulations to reflect that copayments are permanently waived for 12 months post-pregnancy.

The proposed amendments are expected to increase annual aggregate Health Safety Net expenditures by approximately \$800,000. There is no fiscal impact on cities and towns.

Note: EOHHS previously held a public hearing on these changes on May 22, 2023. These proposed amendments do not reflect a substantive change, but EOHHS nevertheless is providing an additional opportunity for public input.

To submit data, views, or arguments concerning the emergency amendments, please email them 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 comments must contain the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit comments by email should mail comments to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Comments will be accepted through 5:00 p.m. on Friday, September 22, 2023. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care for MassHealth-covered services.

To review the emergency regulation, go to www.mass.gov/service-details/executive-office-of-health-and-human-services-public-notices or request a copy in writing or in

person from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, Massachusetts 02171.

EOHHS may adopt a final, revised version of the emergency regulation taking into account relevant comments and any other practical alternatives that come to its attention.

September 1, 2023

Small Business Impact Statement

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

CMR No: 101 CMR 613.00: Health Safety Net Eligible Services

Estimate of the Number of Small Businesses Impacted by the Regulation: The Health Safety Net regulations apply to HSN participating providers, which include acute care hospitals and community health centers (CHCs). There are no acute care hospitals that are small businesses in Massachusetts and there are 35 CHCs that may qualify.

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. Small businesses will not 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? No. Small businesses will not have additional responsibilities to keep records because of the proposed amendments to these regulations
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required to provide additional administrative oversight because of the proposed amendments to these regulations.
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. small businesses will not 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.)? No. Small businesses are not required to hire other professionals to comply with these regulations
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. This regulation does not require small businesses to purchase any particular product or make any capital investments.
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. Performance standards are not more appropriate than design or operational standards, because the regulatory amendments will temporarily eliminate copayments.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations duplicate or conflict with the obligations imposed by 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? The proposed amendments to these regulations do not concern 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? No. The regulations do not require small businesses to provide educational services to keep up to date with the 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? No. The regulations are not likely to deter or encourage 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 regulations are not likely to deter or encourage 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 regulations specify consistent requirements for MassHealth providers, without distinguishing between small and other businesses
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 regulations do not distinguish between small and other businesses. The same effective date applies across the board.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulations do not distinguish between small and other 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? No. Distinguishing small businesses from other businesses would not be practicable for this regulation
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. There is no adverse impact on small businesses

Division of Medical Assistance
Commonwealth of Massachusetts
Office of Medicaid

NOTICE OF PROPOSED AMENDMENT OF REGULATIONS

Under the authority of M.G.L. c. 6A, s. 16; M.G.L. c. 118E, ss. 7 and 12; and in accordance with M.G.L. c. 30A, the Division of Medical Assistance (the Division) proposes to amend the following regulations.

130 CMR 520.000: MassHealth: Financial Eligibility and
130 CMR 450.000: Administrative and Billing Regulations

Federal law establishes requirements around cost-sharing. Effective May 1, 2023, through March 31, 2024, these proposed amendments waive all cost sharing for MassHealth members.

The purpose of proposed amendments is to eliminate copayments during the unwinding of the federal public health emergency (PHE). This ensures that the Executive Office of Health and that Human Services (EOHHS) complies with federal requirements barring increased copayments for members before redeterminations are completed after the end of the federal PHE. There is no impact on or waiver of copayments for individuals covered by the Children's Medical Security Plan.

The proposed amendments also update the affected regulations to reflect that copayments are permanently waived for 12 months post-pregnancy.

The proposed amendments are expected to increase annual aggregate MassHealth expenditures by approximately \$4,700,000. There is no fiscal impact on cities and towns.

Note: EOHHS previously held a public hearing on these changes on May 22, 2023. These proposed amendments do not reflect a substantive change, but EOHHS nevertheless is providing an additional opportunity for public input.

To submit data, views, or arguments concerning these proposed amendments, please email them to masshealthpublicnotice@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All submissions must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit comments by email should mail comments to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Comments will be accepted through 5:00 p.m. on Friday, September 22, 2023. The Division specifically invites comments as to how the amendments may affect beneficiary access to care.

All persons desiring to review the emergency regulation may go to www.mass.gov/service-details/masshealth-public-notice or request a copy in writing from MassHealth Publications, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

The Division may adopt a final, revised version of the emergency regulation taking into account relevant comments and any other practical alternatives that come to its attention.

September 1, 2023

Small Business Impact Statement

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

CMR No: 130 CMR 450.000: Administrative and Billing Regulations

Estimate of the Number of Small Businesses Impacted by the Regulation: 250

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. Small businesses will not 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? No. Small businesses will not have additional responsibilities to keep records because of the proposed amendments to these regulations
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required to provide additional administrative oversight because of the proposed amendments to these regulations.
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. small businesses will not 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.)? No. Small businesses are not required to hire other professionals to comply with these regulations
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. This regulation does not require small businesses to purchase any particular product or make any capital investments.
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. Performance standards are not more appropriate than design or operational standards, because the regulatory amendments will temporarily eliminate copayments.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations duplicate or conflict with the obligations imposed by 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? The proposed amendments to these regulations do not concern audits, inspections or other regulatory enforcement activities. However, MassHealth Administrative and Billing regulations continue to require that providers 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? No. The regulations do not require small businesses to provide educational services to keep up to date with the 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? No. The regulations are not likely to deter or encourage 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 regulations are not likely to deter or encourage 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 regulations specify consistent requirements for MassHealth providers, without distinguishing between small and other businesses
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 regulations do not distinguish between small and other businesses. The same effective date applies across the board.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulations do not distinguish between small and other 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? No. Distinguishing small businesses from other businesses would not be practicable for this regulation
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. There is no adverse impact on small businesses

Small Business Impact Statement

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

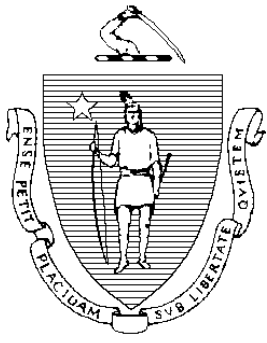
CMR No: 130 CMR 520.000: MassHealth: Financial Eligibility

Estimate of the Number of Small Businesses Impacted by the Regulation: 250

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. Small businesses will not 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? No. Small businesses will not have additional responsibilities to keep records because of the proposed amendments to these regulations
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required to provide additional administrative oversight because of the proposed amendments to these regulations.
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. small businesses will not 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.)? No. Small businesses are not required to hire other professionals to comply with these regulations
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. This regulation does not require small businesses to purchase any particular product or make any capital investments.
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. Performance standards are not more appropriate than design or operational standards, because the regulatory amendments will temporarily eliminated copayments.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations duplicate or conflict with the obligations imposed by 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? The proposed amendments to these regulations do not concern 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?

		No. The regulations do not require small businesses to provide educational services to keep up to date with the 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? No. The regulations are not likely to deter or encourage 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 regulations are not likely to deter or encourage 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 regulations specify consistent requirements for MassHealth providers, without distinguishing between small and other businesses
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 regulations do not distinguish between small and other businesses. The same effective date applies across the board.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulations do not distinguish between small and other 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? No. Distinguishing small businesses from other businesses would not be practicable for this regulation
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. There is no adverse impact on small businesses



THE COMMONWEALTH OF MASSACHUSETTS

Secretary of the Commonwealth - William Francis Galvin

2023 CUMULATIVE TABLE TO THE MASSACHUSETTS REGISTER 1486 - 1504

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

		<i>Issue</i>	<i>Effective Date</i>
101 CMR	Executive Office of Health and Human Services		
31.00	Administration and Enforcement of the Loan Repayment Assistance Program.	1499	7/7/23
204.00	Rates of Payment to resident Care Facilities		
	- <i>Emergency Refile</i> (MA Reg. # 1483)	1489	11/10/22
	- <i>Emergency Refile</i> (MA Reg. 1483)	1495	11/10/22
	- <i>Emergency</i>	1500	7/7/23
206.00	Standard Payments to Nursing Facilities - <i>Emergency</i>	1498	5/31/23
	- <i>Emergency Refile</i> (MA Reg. # 1498)	1503	5/31/23
	. . . . .	1503	9/1/23
304.00	Rates for Community Health Services - <i>Emergency</i>	1486	1/1/23
	- <i>Emergency Refile</i> (MA Reg. # 1486)	1492	1/1/23
	- <i>Compliance</i> (MA Reg. # 1486)	1499	1/1/23
305.00	Rates for Behavioral Health Services Provided in Community Behavioral Health Centers - <i>Correction</i> (MA Reg. # 1485).	1487	1/1/23
306.00	Rates for Mental Health Services Provided in Community Health Centers and Mental Health Centers - <i>Correction</i> (MA Reg. # 1485).	1496	1/1/23
309.00	Rates for Certain Services for the Personal Care Attendant Program	1500	7/21/23
	- <i>Correction</i> (MA Reg. # 1500)	1502	7/21/23
310.00	Rates for Adult Day Health Services - <i>Emergency</i>	1500	7/5/23
312.00	Rates for Family Planning Services - <i>Emergency</i>	1486	1/1/23
	- <i>Emergency Refile</i> (MA Reg. # 1486)	1492	1/1/23
	- <i>Compliance</i> (MA Reg. # 1486)	1495	1/1/23
313.00	Rates for Freestanding Clinics Providing Abortion and Sterilization Services - <i>Emergency</i>	1486	1/1/23
	- <i>Emergency Refile</i> (MA Reg. # 1486)	1492	1/1/23
	- <i>Compliance</i> (MA Reg. # 1486)	1495	1/1/23
314.00	Rates for Dental Services - <i>Emergency</i>	1486	1/1/23
	- <i>Emergency Refile</i> (MA Reg. # 1486)	1492	1/1/23
	- <i>Compliance</i> (MA Reg. # 1486)	1496	1/1/23
315.00	Rates for Vision Care Services and Ophthalmic Materials	1486	1/6/23
316.00	Rates for Surgery and Anesthesia Services - <i>Emergency</i>	1486	1/1/23
	- <i>Emergency Refile</i> (MA Reg. # 1486)	1492	1/1/23
	. . . . .	1495	5/12/23
322.00	Rates for Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment.	1499	7/7/23
324.00	Nonpublic Ambulance Service Reimbursement Trust Fund Assessment and Funding	1486	1/6/23
327.00	Rates of Payment for Ambulance and Wheelchair Van Services.	1486	1/6/23
346.00	Rates for Certain Substance-related and Addictive Disorders Programs	1503	9/1/23
348.00	Rates for Day Habilitation Services - <i>Emergency</i>	1500	7/5/23
350.00	Rates for Home Health Services.	1499	7/7/23
	- <i>Correction</i> (MA Reg. # 1499)	1501	7/7/23
351.00	Rates for Certain Adult Foster Care Services.	1499	7/7/23

		<i>Issue</i>	<i>Effective Date</i>
352.00	Rates of Payment for Certain Children's Behavioral Health Services - <i>Emergency</i>	1487	1/1/23
	- <i>Refile</i> (MA Reg. # 1487)	1493	1/1/23
	- <i>Emergency Correction</i> (MA Reg. # 1487)	1496	1/1/23
	- <i>Compliance</i> (MA Reg. # 1487)	1496	1/1/23
	- <i>Emergency</i>	1501	8/1/23
359.00	Rates for Home and Community Based Services Waivers.	1499	7/7/23
361.00	Rates for Continuous Skilled Nursing Agency and Independent Nursing Services	1500	7/21/23
	- <i>Correction</i> (MA Reg. # 1500)	1502	7/21/23
362.00	Rates for Community Support Program Services	1494	4/28/23
413.00	Payments for Youth Intermediate-term Stabilization Services.	1503	9/1/23
414.00	Rates for Family Stabilization Services	1486	1/6/23
415.00	Rates for Community-based Day Support Services	1503	9/1/23
417.00	Rates for Certain Elder Care Services	1500	7/21/23
426.00	Rates for Certain Adult Community Mental Health Services	1494	4/28/23
427.00	Rates for Certain Youth and Young Adult Support Services.	1503	9/1/23
428.00	Rates for Certain Independent Living Communities and Services.	1503	9/1/23
429.00	Rates for Certain Sexual and Domestic Violence Services	1503	9/1/23
430.00	Rates for Program of Assertive Community Treatment Services.	1503	9/1/23
431.00	Rates for Certain Respite Services	1503	9/1/23
432.00	Rates for Certain Lead Agency Services	1503	9/1/23
452.00	Supplemental Rates for Workforce Investment for Certain Health and Human Services Programs	1494	4/28/23
512.00	Nursing Facility User Fees - <i>Emergency</i>	1487	1/1/23
	. . . . .	1491	3/17/23
514.00	Hospital Assessment - <i>Emergency</i> (MA Reg. # 1483)	1486	11/3/22
	- <i>Compliance</i> (MA Reg. # 1483)	1486	11/3/22
516.00	Behavioral Health Access and Crisis Intervention Trust Fund Surcharge - <i>Compliance</i> (MA Reg. # 1484)	1487	11/25/22
613.00	Health Safety Net Eligible Services - <i>Emergency</i>	1495	5/1/23
	- <i>Emergency</i>	1504	8/24/23
614.00	Health Safety Net Payments and Funding - <i>Compliance</i> (MA Reg. # 1483)	1486	11/3/22
103 CMR	Department of Correction		
505.00	Use of Force	1486	1/6/23
104 CMR	Department of Mental Health		
29.00	Application for DMH Services, Referral, Service Planning and Appeals - <i>Emergency</i>	1486	12/23/22
	- <i>Emergency Refile</i> (MA Reg. # 1486)	1492	12/23/22
	- <i>Compliance</i> (MA Reg. # 1486)	1496	12/23/22
105 CMR	Department of Public Health		
130.000	Hospital Licensure - <i>Emergency</i>	1486	12/19/22
	- <i>Compliance</i> (MA Reg. # 1486)	1490	12/19/22
170.000	Emergency Medical Services System.	1486	1/6/23
	- <i>Correction</i> (MA Reg. # 1486)	1488	1/6/23

		<i>Issue</i>	<i>Effective Date</i>
171.000	Massachusetts First Responder Training	1497	6/9/23
410.000	Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II	1495	5/12/23
	- <i>Correction</i> (MA Reg. # 1495)	1497	5/12/23
	- <i>Correction</i> (MA Reg. # 1495)	1498	5/12/23
700.000	Implementation of M.G.L. c. 94C.	1488	2/3/23
	- <i>Correction</i> (MA Reg. # 1488)	1490	2/3/23
802.000	Registration of Sanitarians	1492	3/31/23
803.000	Certification of Health Officers	1492	3/31/23
	- <i>Correction</i> (MA Reg. # 1492)	1494	3/31/23
107 CMR	Massachusetts Rehabilitation Commission		
11.00	Home Care Assistance Program	1489	2/17/23
110 CMR	Department of Children and Families		
4.00	Intake.	1486	1/6/23
130 CMR	Division of Medical Assistance		
405.000	Community Health Center Services	1499	7/7/23
409.000	Durable Medical Equipment Services	1494	4/28/23
410.000	Outpatient Hospital Services	1499	7/7/23
427.000	Oxygen and Respiratory Therapy Equipment.	1494	4/28/23
428.000	Prosthetics Services	1494	4/28/23
433.000	Physician Services	1499	7/7/23
438.000	Continuous Skilled Nursing Agency	1500	7/21/23
442.000	Orthotics Services.	1494	4/28/23
450.000	Administrative and Billing Regulations - <i>Emergency</i>	1495	5/1/23
	- <i>Emergency</i>	1504	8/24/23
461.000	Community Support Program Services.	1494	4/28/23
462.000	Licensed Independent Clinical Social Worker Services - <i>Correction</i> (MA Reg. # 1485)	1486	1/1/23
501.000	Health Care Reform: MassHealth: General Policies	1500	7/21/23
505.000	Health Care Reform: MassHealth: Coverage Types - <i>Emergency</i>	1496	5/12/23
	- <i>Emergency Refile</i> (MA Reg. # 1496)	1502	5/12/23
	. . . . .	1500	7/21/23
506.000	Health Care Reform: MassHealth: Financial Requirements - <i>Emergency</i>	1495	5/1/23
	. . . . .	1500	7/21/23
515.000	MassHealth: General Policies	1486	1/6/23
519.000	MassHealth: Coverage Types - <i>Emergency</i>	1496	5/12/23
	- <i>Emergency Refile</i> (MA Reg. # 1496)	1502	5/12/23
520.000	MassHealth: Financial Eligibility	1486	1/6/23
	- <i>Emergency</i>	1495	5/1/23
	- <i>Emergency</i>	1504	8/24/23
610.000	MassHealth: Fair Hearing Rules - <i>Correction</i> (MA Reg. # 1485)	1487	12/23/22
205 CMR	Massachusetts Gaming Commission		
105.00	Investigations and Enforcement Bureau.	1489	2/17/23

		<i>Issue</i>	<i>Effective Date</i>
106.00	Information and Filings - <i>Emergency</i>	1489	1/25/23
	- <i>Compliance</i> (MA Reg. # 1489)	1493	1/25/23
107.00	Professional Practice - <i>Emergency</i>	1489	1/25/23
	- <i>Compliance</i> (MA Reg. # 1489)	1493	1/25/23
109.00	Authority of the Commission to Act in an Emergency Situation		
	- <i>Emergency</i>	1489	1/25/23
	- <i>Compliance</i> (MA Reg. # 1489)	1493	1/25/23
138.00	Uniform Standards of Accounting Procedures and Internal Controls		
	for Gaming - <i>Emergency</i>	1486	12/21/22
	- <i>Emergency</i>	1492	3/9/23
	- <i>Compliance</i> (MA Register # 1492)	1494	3/9/23
	- <i>Emergency</i>	1498	6/7/23
	. . . . .	1503	9/1/23
143.00	Gaming Devices and Electronic Gaming Equipment		
	- <i>Compliance</i> (MA Reg. # 1485)	1489	12/9/22
146.00	Gaming Equipment	1490	3/3/23
152.00	Individuals Excluded from Gaming and Sports Wagering		
	- <i>Emergency</i>	1492	3/9/23
	. . . . .	1496	5/26/23
202.00	Sports Wagering Authority and Definitions - <i>Emergency</i>	1489	1/27/23
	. . . . .	1493	4/14/23
	- <i>Correction</i> (MA Reg. # 1493)	1497	4/14/23
212.00	Additional Information and Cooperation	1488	2/3/23
213.00	Withdrawal of an Application - <i>Emergency</i>	1489	1/25/23
	- <i>Compliance</i> (MA Reg. # 1489)	1493	1/25/23
214.00	Sports Wagering Application Fees - <i>Compliance</i> (MA Reg. # 1484) .	1488	11/16/22
215.00	Applicant and Qualifier Suitability Determination, Standards, and		
	Procedures - <i>Compliance</i> (MA Reg. # 1484)	1488	11/16/22
218.00	General Sports Wagering Application Requirements, Standards, and		
	Procedures - <i>Compliance</i> (MA Reg. # 1484)	1488	11/16/22
219.00	Temporary Licensing Procedures	1488	2/3/23
	- <i>Emergency</i>	1504	9/1/23
220.00	Sports Wagering: License Conditions - <i>Compliance</i>		
	(MA Reg. # 1484)	1488	11/16/22
221.00	Sports Wagering License Fees - <i>Compliance</i> (MA Reg. # 1484)	1488	11/16/22
222.00	Capital Investment and Monitoring of Project Construction		
	- <i>Emergency</i>	1497	5/17/23
	- <i>Compliance</i> (MA Reg. # 1497)	1501	5/17/23
229.00	Review of a Proposed Transfer of Interests - <i>Emergency</i>	1489	1/25/23
	. . . . .	1493	4/14/23
230.00	Review of a Proposed Agreement with a Category 3 Licensee	1504	9/15/23
232.00	Discipline of Sports Wagering Operators and Other Licensees, and		
	Registrants - <i>Emergency</i>	1489	1/25/23
	- <i>Compliance</i> (MA Reg. # 1489)	1493	1/25/23
233.00	Sports Wagering Voluntary Self-exclusion - <i>Compliance</i>		
	(MA Reg. # 1484)	1488	11/16/22
234.00	Sports Wagering Vendors - <i>Emergency</i>	1491	3/3/23
	- <i>Compliance</i> (MA Reg. # 1491)	1496	3/3/23
235.00	Sports Wagering Occupational Licenses	1489	2/17/23

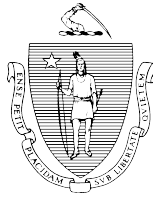
		<i>Issue</i>	<i>Effective Date</i>
238.00	Additional Uniform Standards of Accounting Procedures and Internal Controls for Sports Wagering - <i>Emergency</i>	1486	12/21/22
	- <i>Emergency</i>	1492	3/9/23
	- <i>Compliance</i> (MA Reg. # 1492)	1494	3/9/23
	- <i>Emergency</i>	1498	6/7/23
	- <i>Compliance</i> (MA Reg. # 1498)	1503	6/7/23
239.00	Continuing Disclosure and Reporting Obligations of Sports Wagering Licensees - <i>Emergency</i>	1489	1/25/23
	. . . . .	1493	4/14/23
	- <i>Emergency</i>	1497	5/17/23
	- <i>Compliance</i> (MA Reg. # 1497)	1501	5/17/23
241.00	Surveillance and Monitoring - <i>Emergency</i>	1489	1/25/23
	- <i>Compliance</i> (MA Reg. # 1489)	1493	1/25/23
243.00	Sports Wagering Equipment.	1489	2/17/23
244.00	Approval of Sports Wagering Equipment and Testing Laboratories		
	- <i>Correction</i> (MA Reg. # 1484)	1487	12/9/22
	- <i>Compliance</i> (MA Reg. # 1485)	1489	12/9/22
	- <i>Correction</i> (MA Reg. # 1486)	1496	1/6/23
	- <i>Emergency</i>	1498	6/7/23
247.00	Uniform Standards of Sports Wagering - <i>Emergency</i>	1486	12/22/22
	- <i>Emergency</i>	1492	3/9/23
	- <i>Compliance</i> (MA Reg. # 1492)	1494	3/9/23
	. . . . .	1503	9/1/23
248.00	Sports Wagering Account Management - <i>Emergency</i>	1486	12/22/22
	- <i>Emergency</i>	1492	3/9/23
	- <i>Compliance</i> (MA Reg. # 1492)	1494	3/9/23
	- <i>Emergency</i>	1498	6/7/23
	. . . . .	1503	9/1/23
250.00	Protection of Minors and Underage Youth from Sports Wagering . . .	1489	2/17/23
251.00	Sports Wagering Operation Certificate		
	- <i>Compliance</i> (MA Reg. # 1484)	1489	11/18/22
254.00	Temporary Prohibition from Sports Wagering - <i>Emergency</i>	1486	12/21/22
	- <i>Emergency</i>	1492	3/9/23
	- <i>Compliance</i> (MA Reg. # 1492)	1494	3/9/23
255.00	Play Management - <i>Emergency</i>	1496	5/9/23
	. . . . .	1501	8/4/23
256.00	Sports Wagering Advertising - <i>Emergency</i>	1489	1/25/23
	. . . . .	1493	4/14/23
	- <i>Emergency</i>	1497	5/17/23
	- <i>Compliance</i> (MA Reg.# 1497)	1501	5/17/23
	- <i>Emergency</i>	1500	6/30/23
	. . . . .	1504	9/15/23
257.00	Sports Wagering Data Privacy	1503	9/1/23
211 CMR	Division of Insurance		
59.00	Term and Universal Life Insurance Reserve Financing	1486	1/6/23
66.00	Small Group Health Insurance	1487	1/20/23
	- <i>Correction</i> (MA Reg. # 1487)	1489	1/20/23

		<i>Issue</i>	<i>Effective Date</i>
225 CMR	Department of Energy Resources		
24.00	Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project	1501	8/4/23
26.00	Massachusetts Offers Rebates for Electric Vehicles (MOR-EV) Program - <i>Emergency</i>	1503	8/8/23
244 CMR	Board of Registration in Nursing		
6.00	Approval of Nursing Education Programs, Standards and Procedures	1486	1/6/23
	- <i>Correction</i> (MA Reg. # 1486)	1489	1/6/23
	- <i>Correction</i> (MA Reg. # 1486)	1496	1/6/23
272 CMR	Board of Certification of Community Health Workers		
7.00	Continuing Education	1487	1/20/23
301 CMR	Executive Office of Energy and Environmental Affairs		
11.00	MEPA Regulations	1486	1/6/23
310 CMR	Department of Environmental Protection		
7.00	Air Pollution Control - <i>Correction</i> (MA Reg. # 1482).	1495	11/11/22
	- <i>Emergency</i>	1487	12/30/22
	- <i>Emergency</i> (MA Reg. # 1487)	1491	12/30/22
	- <i>Compliance</i> (MA Reg. # 1487)	1493	12/30/22
	. . . . .	1503	9/1/23
15.000	The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the for the Transport and Disposal of Septage	1499	7/7/23
	- <i>Correction</i> (MA Reg. # 1499)	1501	7/7/23
36.00	Massachusetts Water Resources Management Program	1487	1/20/23
	- <i>Correction</i> (MA Reg. # 1487)	1491	1/20/23
44.00	DEP Selection, Approval and Regulation of Water Pollution Abatement Projects Receiving Financial Assistance from the State Revolving Fund.	1487	1/20/23
314 CMR	Division of Water Pollution Control		
21.00	Massachusetts Watershed Permit Regulations	1499	7/7/23
	- <i>Correction</i> (MA Reg. # 1499)	1501	7/7/23
321 CMR	Division of Fisheries & Wildlife		
2.00	Miscellaneous Regulations Relating to Fisheries and Wildlife	1486	1/6/23
3.00	Hunting	1486	1/6/23
	- <i>Correction</i> (MA Reg. # 1486)	1489	1/6/23
	. . . . .	1499	7/7/23
	- <i>Correction</i> (MA Reg. 1499).	1502	7/7/23

		<i>Issue</i>	<i>Effective Date</i>
322 CMR	Division of Marine Fisheries		
4.00	Fishing and Shellfish Equipment	1487	1/20/23
	. . . . .	1500	7/21/23
6.00	Regulation of Catches	1487	1/20/23
	- <i>Correction</i> (MA Reg. # 1487)	1491	1/20/23
	- <i>Correction</i> (MA Reg. # 1487)	1495	1/20/23
	- <i>Correction</i> (MA Reg. # 1487)	1495	1/20/23
	- <i>Emergency</i>	1495	4/28/23
	- <i>Emergency</i>	1497	5/24/23
	- <i>Compliance</i> (MA Reg. # 1497)	1504	5/24/23
	. . . . .	1500	7/21/23
	. . . . .	1502	8/18/23
7.00	Permits	1487	1/20/23
	- <i>Correction</i> (MA Reg. # 1487)	1491	1/20/23
	. . . . .	1500	7/21/23
8.00	Coastal Fisheries Conservation and Management	1487	1/20/23
12.00	Protected Species	1487	1/20/23
	- <i>Correction</i> (MA Reg. # 1487)	1495	1/20/23
454 CMR	Department of Labor Standards		
28.00	The Removal, Containment, Maintenance, or Encapsulation of Asbestos	1486	1/6/23
	- <i>Correction</i> (MA Reg. # 1486)	1489	1/6/23
458 CMR	Department of Family and Medical Leave		
2.00	Family and Medical Leave	1486	1/6/23
501 CMR	Executive Office of Public Safety and Security		
8.00	Standards for the Use of Electronic Control Weapons in the Commonwealth	1486	1/6/23
527 CMR	Board of Fire Prevention Regulations		
1.00	Massachusetts State Fire Code - <i>Correction</i> (MA Reg. # 1484)	1488	12/9/22
	- <i>Correction</i> (MA Reg. # 1484)	1495	12/9/22
12.00	Massachusetts Electrical Code (Amendments) - <i>Emergency</i>	1489	1/26/23
	- <i>Emergency Correction</i> (MA Reg. # 1489)	1492	1/26/23
	. . . . .	1489	2/17/23
	- <i>Correction</i> (MA Reg. # 1489)	1491	2/17/23
540 CMR	Registry of Motor Vehicles		
2.00	Motor Vehicle Regulations	1497	6/9/23
550 CMR	Municipal Police Training Committee		
3.00	Requirements of Law Enforcement Officer Training	1486	1/6/23

		<i>Issue</i>	<i>Effective Date</i>
555 CMR	Peace Officer Standards and Training Commission		
8.00	Databases and Dissemination of Information	1493	4/14/23
	- <i>Correction</i> (MA Reg. # 1493)	1503	4/14/23
10.00	Specialized Certification for School Resource Officers	1495	5/12/23
11.00	Regulatory Action and Advisory Opinions	1503	9/1/23
603 CMR	Department of Elementary and Secondary Education		
7.00	Educator Licensure and Preparation Program Approval	1491	3/17/23
	. . . . .	1500	7/21/23
52.00	Commonwealth of Massachusetts Virtual Schools	1500	7/21/23
760 CMR	Department of Housing and Community Development		
57.00	Data Sharing to Verify Income for Rental Assistance	1495	5/12/23
801 CMR	Executive Office for Administration and Finance		
4.00	Rates	1487	1/20/23
	- <i>Correction</i> (MA Reg. # 1487)	1489	1/20/23
	. . . . .	1492	3/31/23
	- <i>Emergency</i>	1494	4/5/23
	- <i>Emergency Refile</i> (MA Reg. # 1494)	1500	4/5/23
807 CMR	Teacher's Retirement Board		
2.00	Rules of Election.	1499	7/7/23
13.00	Transfer of Membership of RetirementPlus Members		
	- <i>Compliance</i> (MA Reg. # 1483)	1490	11/14/22
830 CMR	Department of Revenue		
62B.00	Withholding and Estimated Taxes - <i>Emergency</i>	1501	7/20/23
63.00	Taxation of Corporations	1493	4/14/23
840 CMR	Public Employee Retirement Administration Commission		
3.00	Internal Revenue Code Compliance Provisions	1497	6/9/23
13.00	Rollovers for Service Purchases and Buybacks	1497	6/9/23
940 CMR	Office of the Attorney General		
37.00	Regulations Authorizing Disclosure of Massachusetts License or Learner's Permit Applicant or Holder Information - <i>Emergency</i>	1500	6/30/23
950 CMR	Office of the Secretary of the Commonwealth		
57.00	Voter Registration - <i>Emergency</i>	1499	6/22/23
130.00	Administration of Address Confidentiality Program	1498	6/23/23
131.00	Alternative Address for Those Engaged in Protected Health Care Services	1498	6/23/23

		<i>Issue</i>	<i>Effective Date</i>
956 CMR	Commonwealth Health Insurance Connector Authority		
12.00	Eligibility, Enrollment, and Hearing Process for Connector Programs - <i>Emergency</i>	1503	8/15/23
958 CMR	Health Policy Commission		
3.000	Health Insurance Consumer Protection	1494	4/28/23
961 CMR	State Lottery Commission		
2.00	Rules and Regulations - <i>Emergency</i>	1487	1/3/23
	- <i>Compliance</i> (MA Reg. # 1487)	1492	1/3/23
995 CMR	Pilot Commissioners		
3.00	Pilotage within District Two.	1488	2/3/23

**THE COMMONWEALTH OF MASSACHUSETTS****William Francis Galvin**

Secretary of the Commonwealth

Regulation Filing*To be completed by filing agency*CHAPTER NUMBER: **101 CMR 613.00**CHAPTER TITLE: **Health Safety Net Eligible Services**AGENCY: **Executive Office of Health and Human Services**

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
The regulations at 101 CMR 613.00 describe eligible services for the Health Safety Net (HSN).

REGULATORY AUTHORITY: **M.G.L. c. 118E, §§ 7 and 12**AGENCY CONTACT: **Deborah M. Briggs, MassHealth Publications** PHONE: **617-847-3302**ADDRESS: **100 Hancock Street, 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.*

Beginning May 1, 2023, the changes eliminate Health Safety Net (HSN) copayments during the unwinding of the federal public health emergency (PHE). This will ensure that the Executive Office of Health and Human Services complies with federal requirements barring increased copayments for HSN members before redeterminations are completed after the end of the federal PHE.

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.***EO 145 notifications: April 25, 2023****EO 562 approval: April 20, 2023**PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: _____

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

For the first and second year: Estimated annual increase of approximately \$8.2 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:

101 CMR 613.00 is being amended.

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: Aug 24 2023

Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1504 DATE: 9/15/23

EFFECTIVE DATE: 8/24/23

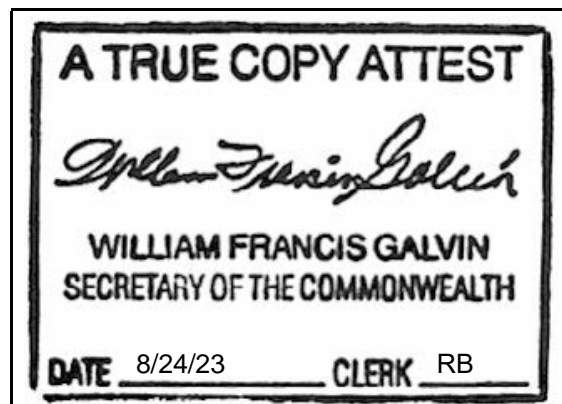
CODE OF MASSACHUSETTS REGULATIONS

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613.04: continued

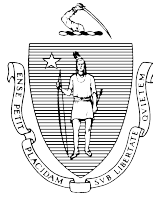
1. Providers may submit claims for Reimbursable Health Services for the period beginning on the Patient's Medical Coverage Date and ending 100 days after the Patient's Medical Coverage Date.
 2. Effective 101 days after the Patient's Medical Coverage Date, providers may submit claims only for dental services not otherwise covered by the Premium Assistance Payment Program Operated by the Health Connector until the Patient's eligibility is terminated.
- (c) Low Income Patient status is effective for a maximum of one year from the date of determination, subject to periodic redetermination and verification that the Patient's MassHealth MAGI Household income or Medical Hardship Family Countable Income, as described in 101 CMR 613.04(2), or insurance status has not changed to such an extent that the Patient no longer meets eligibility requirements.
- (8) Low Income Patient Responsibilities.
- (a) Cost Sharing Requirements. Low Income Patients are responsible for paying copayments in accordance with 101 CMR 613.04(8)(b) and deductibles in accordance with 101 CMR 613.04(8)(c).
 - (b) Low Income Patient Copayment Requirements. Low Income Patients are responsible for copayments for pharmacy services.
 1. The copayments for pharmacy services are
 - a. \$1 for each prescription and refill for each generic drug in the following drug classes: antihyperglycemics, antihypertensives, and antihyperlipidemics;
 - b. \$3.65 for each prescription and refill for other generic drugs; and
 - c. \$3.65 for each prescription and refill for brand-name drugs.
 2. There are no copayments for services provided to Low Income Patients who are
 - a. younger than 21 years old; or
 - b. pregnant or in the postpartum period that extends through the last day of the second calendar month following the month in which their pregnancy ends (for example, if the individual gave birth on May 15th, the individual is exempt from the copayment requirement until August 1st).
 3. There is an annual maximum of \$250 per Patient on pharmacy copayments.
 4. Notwithstanding 101 CMR 613.04(8)(b)1. through 3., Low Income Patients are not responsible for the making copayments for pharmacy services during the period May 1, 2023 through March 31, 2024.
 - (c) Health Safety Net - Partial Deductibles.
 1. Annual Deductible. For Health Safety Net - Partial Low Income Patients with MassHealth MAGI Household income or Medical Hardship Family Countable Income greater than 150% and less than or equal to 300% of the FPL, there is an annual deductible if all members of the PBFG have an FPL above 150%. If any member of the PBFG has an FPL equal to or below 150% there is no deductible for any member of the PBFG. The annual deductible is equal to the greater of
 - a. the lowest cost Premium Assistance Payment Program Operated by the Health Connector premium, adjusted for the size of the PBFG proportionally to the MassHealth FPL income standards, as of the beginning of the calendar year; or
 - b. 40% of the difference between the lowest MassHealth MAGI Household income or Medical Hardship Family Countable Income, as described in 101 CMR 613.04(2), in the applicant's Premium Billing Family Group (PBFG) and 200% of the FPL.
 2. Applying the Deductible. The Patient is responsible for payment for all services provided up to this deductible amount. Once the Patient has incurred the deductible, a Provider may submit claims for Reimbursable Health Services in excess of the deductible. There is only one deductible per PBFG per approval period. The deductible is not applied to pharmacy services. Copayments are not considered expenses to be included in the deductible amount.
 3. Deductible Tracking. The annual deductible is applied to all Reimbursable Health Services provided to a Low Income Patient or PBFG member during the Eligibility Period. Each PBFG member must be determined a Low Income Patient in order for his or her expenses for Reimbursable Health Services to be applied to the deductible. The Provider must track the Patient's Reimbursable Health Services expenses until the Patient meets the deductible. If more than one PBFG member is determined to be a Low Income Patient, or if the Patient or PBFG members receive services from more than one Provider, it is the Patient's responsibility to track the deductible and provide documentation to the Provider that the deductible has been reached.

613.04: continued

4. Acute Hospitals. The Patient must incur expenses for Reimbursable Health Services in excess of the annual deductible before the Provider may submit a claim for Reimbursable Health Services. Once the Patient has incurred the deductible, the Provider may submit a claim for the remaining balance of Reimbursable Health Service expenses. The Acute Hospital may require a deposit and/or a payment plan in accordance with 101 CMR 613.08(1)(g).
5. Community Health Centers and Hospital Licensed Health Centers.
 - a. Health Safety Net - Partial Low Income Patients receiving Reimbursable Health Services from Community Health Centers are responsible for 20% of the Health Safety Net payment for each visit, to be applied to the amount of the Patient's annual deductible until the Patient meets his or her deductible. Health Safety Net - Partial Low Income Patients receiving Reimbursable Health Services from Hospital Licensed Health Centers, Satellite Clinics, and school-based health centers are responsible for either 20% of the Health Safety Net payment for each visit or the full amount of the service, as specified by the Provider. If the Provider specifies that a Health Safety Net - Partial Low Income Patient is responsible for 20% of the payment amount, the Provider may submit a claim for the remaining balance of each eligible service.
 - b. If a Hospital Licensed Health Center, Satellite Clinic, or school-based health center that provides Reimbursable Health Services specifies that any Health Safety Net - Partial Low Income Patient is responsible for only 20% of the payment amount, it must offer this option to all Health Safety Net - Partial Low Income Patients receiving Reimbursable Health Services at the location.
 - c. The Health Safety Net Office may require a Community Health Center to report when a Patient's deductible has been met or any other information regarding the Patient's deductible in a manner specified by the Health Safety Net Office.
- (d) Assignment of Third-party Payments. A Low Income Patient must assign to the MassHealth Agency his or her rights to third-party payments for medical benefits provided under the Health Safety Net and must fully cooperate with and provide the MassHealth Agency with information to help pursue any source of third-party payment. A Low Income Patient must inform the Health Safety Net Office or MassHealth when he or she is involved in an accident or suffers from an illness or injury, or other loss that has resulted or may result in a lawsuit or insurance claim, other than a medical insurance claim. The Low Income Patient must
 1. file an insurance claim for compensation, if available;
 2. assign to the MassHealth Agency or its agent, the right to recover an amount equal to the Health Safety Net benefits provided from the proceeds of any claim or other proceeding against a third party;
 3. provide information about the claim or any other proceeding and cooperate fully with the MassHealth Agency, unless the MassHealth Agency determines that cooperation would not be in the best interests of, or would result in serious harm or emotional impairment to, the Low Income Patient;
 4. notify the Health Safety Net Office or MassHealth in writing within ten days of filing any claim, civil action or other proceeding; and
 5. repay the Health Safety Net Office from the money received from a third party for all Health Safety Net services provided on or after the date of the accident or other incident. If the Low Income Patient is involved in an accident or other incident after becoming Health Safety Net eligible, repayment will be limited to Health Safety Net Eligible Services provided as a result of the accident or incident.
- (e) Patients are obligated to return money to the Health Safety Net Office, and the Health Safety Net Office may recover such sums directly from a Patient, only to the extent that the Patient has received payment from a third party for the medical care paid by the Health Safety Net or to the extent specified in 101 CMR 613.06(5).

613.05: Medical Hardship

- (1) Eligibility.
 - (a) General. A Massachusetts Resident at any Countable Income level may qualify for Medical Hardship if allowable medical expenses exceed a certain percentage of his or her Countable Income as specified in 101 CMR 613.05(1)(c). A determination of Medical Hardship is a one-time determination and not an ongoing eligibility category. An applicant may submit no more than two Medical Hardship applications within a 12-month period.

**THE COMMONWEALTH OF MASSACHUSETTS****William Francis Galvin**

Secretary of the Commonwealth

Regulation Filing*To be completed by filing agency*CHAPTER NUMBER: **130 CMR 450.000**CHAPTER TITLE: **Administrative and Billing Regulations**AGENCY: **Division of Medical Assistance**SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.***The regulations at 130 CMR 450.000 describe the administrative and billing rules for all MassHealth providers. These include the regulations for copayments.**REGULATORY AUTHORITY: **M.G.L. c. 118E, §§ 7 and 12**AGENCY CONTACT: **Deborah M. Briggs, MassHealth Publications** PHONE: **617-847-3302**ADDRESS: **100 Hancock Street, 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.***The changes eliminate MassHealth copayments during the unwinding of the federal public health emergency (PHE). This will ensure that the Division complies with federal requirements barring increased copayments for MassHealth members before redeterminations are completed after the end of the federal PHE.**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.***EO 145 notifications: April 25, 2023****EO 562 approval: April 20, 2023**PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: _____

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

For the first and second year: Estimated annual increase of approximately \$8.2 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:

130 CMR 450.000 is being amended.

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: Aug 24 2023

Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1504 DATE: 9/15/23

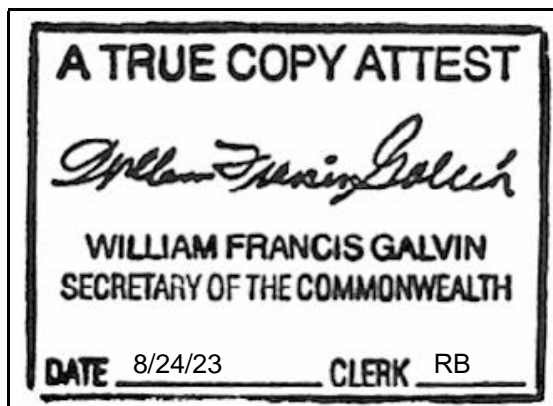
EFFECTIVE DATE: 8/24/23

CODE OF MASSACHUSETTS REGULATIONS

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450.130: continued

- (1) be approved by the MassHealth agency;
- (2) exclude the persons and services listed in 130 CMR 450.130(D) and (E);
- (3) not exceed the MassHealth copayment amounts set forth in 130 CMR 450.130(B); and
- (4) not exceed the maximums set forth in 130 CMR 450.130(C). (*See also 130 CMR 506.011 through 506.018, 508.004(C), 508.005(C), 508.006(A)(3), 508.007(G), 508.008(G), and 520.036 through 520.040.*)

(B) Services Subject to Copayments. MassHealth members are responsible for making the following copayments for pharmacy services, unless excluded in 130 CMR 450.130(D) or (E).

- (1) \$1 for each prescription and refill for each generic drug and over-the-counter drug covered by MassHealth in the following drug classes: antihyperglycemics, antihypertensives, and antihyperlipidemics; and
- (2) \$3.65 for each prescription and refill for all other generic and over-the-counter drugs, and all brand-name drugs covered by MassHealth.

(C) Maximum Cost Sharing.

- (1) Members are responsible for the MassHealth copayments described in 130 CMR 450.130(B), up to a monthly maximum of 2% of applicable monthly income. Each member's monthly copayment cap will be calculated using 2% of the lowest income in the MassHealth MAGI household or the MassHealth Disabled Adult household, as applicable, and assigning the member a monthly cap of the nearest \$10 increment that corresponds to 2% of the applicable income without exceeding 2%. A further explanation of this calculation is publicly available on MassHealth's website.
- (2) Members are responsible for the MassHealth premiums described in 130 CMR 506.012 up to a monthly maximum of 3% of applicable monthly income, except no such limit applies to CommonHealth members. Each member's monthly premium cap will be calculated using 3% of the lowest income in the MassHealth MAGI household or the MassHealth Disabled Adult household, as applicable. A further explanation of this calculation is publicly available on MassHealth's website.

(D) Excluded Individuals.

- (1) The following individuals do not have to pay the copayments described in 130 CMR 450.130(B):
 - (a) members younger than 21 years old;
 - (b) members who are pregnant or in the postpartum period that extends through the last day of the 12th calendar month following the month in which their pregnancy ends (for example, if the woman gave birth May 15th, she is exempt from the copayment requirement until June 1st of the following year);
 - (c) MassHealth Limited members;
 - (d) MassHealth Senior Buy-In members or MassHealth Standard members for drugs covered under Medicare Parts A and B only, when provided by a Medicare-certified provider;
 - (e) members who are inpatients in nursing facilities, chronic-disease or rehabilitation hospitals, or intermediate-care facilities for individuals with intellectual disabilities or who are admitted to a hospital from such a facility or hospital;
 - (f) members receiving hospice services;
 - (g) persons receiving medical services through the EAEDC Program pursuant to 130 CMR 450.106, if they do not receive MassHealth CarePlus, MassHealth Standard, or MassHealth Family Assistance;
 - (h) members who are former foster care individuals and who are eligible for MassHealth Standard until they reach the age of 21 or the age of 26, as specified in 130 CMR 505.002(H): *Eligibility Requirements for Former Foster-Care Individuals*;
 - (i) members who are American Indians or Alaska Natives who are currently receiving or have ever received an item or service furnished by the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization, or through referral, in accordance with federal law;
 - (j) "referred eligible" members, who are:
 - 1. persons who receive Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA) and who receive MassHealth Standard under 130 CMR 505.002(A)(2) or 130 CMR 519.002(B);

450.130: continued

2. persons who receive Transitional Aid to Families with Dependent Children (TAFDC) cash assistance from the Department of Transitional Assistance (DTA) and who receive MassHealth Standard under 130 CMR 505.002(A)(3);
 3. children, young adults, and parents and caretaker relatives who receive Emergency Aid to the Elderly, Disabled and Children (EAEDC) cash assistance and who receive MassHealth Standard under 130 CMR 505.002(K) or 130 CMR 519.002(D), MassHealth Family Assistance under 130 CMR 505.005(G) or 130 CMR 519.013(C), or MassHealth CarePlus under 130 CMR 505.008(B);
 4. children receiving medical assistance under 130 CMR 522.003: *Adoption Assistance and Foster Care Maintenance*, because they are receiving Title IV-E or state-subsidized adoption or foster-care assistance;
 5. persons who receive extended eligibility for MassHealth Standard under 130 CMR 505.002(L)(1) and (2) or 130 CMR 519.002(C); and
 6. persons who receive MassHealth Standard or CarePlus because they are eligible for Refugee Medical Assistance (RMA) under 130 CMR 522.002: *Refugee Resettlement Program*; and
- (k) members whose applicable income for the purposes of calculating copayments is at or below 50% of the FPL when adjusted for family size.

(2) Members who are inpatients in a hospital do not have to pay a copayment for pharmacy services provided as part of the hospital stay.

(E) Excluded Services. The following services are excluded from the copayment requirement described in 130 CMR 450.130(B):

- (1) family-planning services and supplies such as oral contraceptives, contraceptive devices such as diaphragms and condoms, and contraceptive jellies, creams, foams, and suppositories;
- (2) detoxification and maintenance treatment of an individual for substance use disorders using FDA approved medications (including methadone, buprenorphine, buprenorphine/naloxone, and naltrexone);
- (3) preventive services assigned a grade of 'A' or 'B' by the United States Preventive Services Task Force (USPSTF), or such broader exclusion as specified by MassHealth;
- (4) all approved vaccines and their administration, recommended by the Advisory Committee on Immunization Practices (ACIP);
- (5) smoking cessation products and drugs;
- (6) emergency services; and
- (7) provider-preventable services as defined in 42 CFR 447.26(b).

(F) Notice to Members about Exclusions from the Copayment Requirement. Pharmacies must post a notice about MassHealth copayments in areas where copayments are collected. The notice must be visible to the public and easily readable and must specify the exclusions from the copayment requirement listed in 130 CMR 450.130(D) and (E), and instruct members to inform providers if members believe they are excluded from the copayment requirement.

(G) Collecting Copayments.

- (1) A member must pay the copayment described in 130 CMR 450.130(B) at the time the service is provided unless the member is exempt under 130 CMR 450.130(D) or (E), claims that he or she is exempt from the copayment, or claims that he or she is unable to make the copayment at the time the service is provided. The member's inability to make the copayment at the time service is provided does not eliminate the member's liability for the copayment, and providers may bill the member for the copayment amount.
- (2) The MassHealth agency will deduct the amount of the copayment from the amount paid to the provider, whether or not the provider collects the copayment from the member, unless the member or service is exempt according to 130 CMR 450.130(D) or (E). Providers must not deduct the copayment amount from the amount claimed.
- (3) Providers may not refuse services to any members who are unable to pay the copayment at the time service is provided.

(H) Receipt. The provider must give the member a receipt identifying the provider, service, date of service, member, and amount paid.

(I) Recordkeeping. Providers must keep all records necessary to determine if a copayment was collected from a member for a service on a specific date.

450.130: continued

(J) Copayment Waiver during Federal Public Health Emergency Unwind. Notwithstanding 130 CMR 450.130(A) through (I), the MassHealth agency will require no copayments by its members during the period May 1, 2023 through March 31, 2024.

450.140: Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Services: Introduction

(A) Legal Basis.

(1) In accordance with federal law at 42 U.S.C. 1396d(a)(4)(b) and 1396d(r), and 42 CFR 441.50, and notwithstanding any limitations implied or expressed elsewhere in MassHealth regulations or other publications, the MassHealth agency has established a program of Early and Periodic Screening, Diagnostic and Treatment (EPSDT) for MassHealth Standard and MassHealth CommonHealth members younger than 21 years old, including those who are parents.

(2) Any qualified MassHealth provider may deliver EPSDT services. However, in delivering well-child care, providers must follow the EPSDT Medical Protocol and Periodicity Schedule.

(3) EPSDT screening services include among other things, health, vision, dental, hearing, behavioral health, developmental and immunization status screening services.

(4) The regulations governing the EPSDT program are set forth in 130 CMR 450.140 through 450.149.

(B) Program Objectives. The objectives of the EPSDT program are

(1) to provide comprehensive and continuous health care designed to prevent illness and disability;

(2) to foster early detection and prompt treatment of health problems before they become chronic or cause irreversible damage;

(3) to create an awareness of the availability and value of preventive well-child care services; and

(4) to create an awareness of the services available under the EPSDT program, and where and how to obtain those services.

450.141: EPSDT Services: Definitions

Dental Care — dental services customarily furnished by or through dental providers as defined in 130 CMR 420.000: *Dental Services*, to the extent the furnishing of those services is authorized by the MassHealth agency.

EPSDT Dental Protocol and Periodicity Schedule (the Dental Schedule) — a schedule (*see* Appendix W: *EPSDT Services: Medical and Dental Protocols and Periodicity Schedules* of all MassHealth provider manuals) developed and periodically updated by the MassHealth agency in consultation with recognized medical and dental organizations involved in child health care. The Dental Schedule consists of screening and treatment procedures arranged according to the intervals or age levels at which each procedure is to be provided.

EPSDT Medical Protocol and Periodicity Schedule (the Medical Schedule) — a schedule (*see* Appendix W: *EPSDT Services: Medical and Dental Protocols and Periodicity Schedules* of all MassHealth provider manuals) developed and periodically updated by the MassHealth agency in consultation with recognized medical and dental organizations involved in child health care. The Medical Schedule consists of screening procedures arranged according to the intervals or age levels at which each procedure is to be provided.

Interperiodic Visit — the provision of screening procedures or treatment services at an age other than those indicated on the Medical or the Dental Schedule. Interperiodic visits may be:

(1) screenings that are medically necessary to determine the existence of a suspected illness or condition, or a change in or complication of a preexisting condition;

(2) the provision of the full-range of EPSDT screening or treatment services delivered at an age other than one listed on the Medical or Dental Schedule to update the member's care according to the Medical or Dental Schedule; or

(3) additional screening or treatment services provided to a member whose care is already up-to-date according to the Medical or Dental Schedule.

Periodic Visit — the provision of screening procedures appropriate to the member's age and medical history, as prescribed by the Medical Schedule or the Dental Schedule.

450.141: continued

Primary Care — health care services customarily furnished by or through a general practitioner, family physician, internal medicine physician, obstetrician/gynecologist, pediatrician, certified nurse practitioner, certified nurse midwife, or physician assistant to the extent the furnishing of those services is legally authorized in the Commonwealth. Primary care does not include emergency or post stabilization services provided in a hospital or other setting.

Primary Care Providers — a general practitioner, family physician, internal medicine physician, obstetrician/gynecologist, pediatrician, certified nurse practitioner, certified nurse midwife, or physician assistant.

450.142: EPSDT Services: Medical Protocol and Periodicity Schedule and Dental Protocol and Periodicity Schedule

(A) Providers of Periodic and Interperiodic Visits.

- (1) Primary care providers must offer to conduct periodic and medically necessary interperiodic visits to screen all members younger than 21 years old (except members enrolled in MassHealth Limited) in accordance with the Medical Schedule, and must provide or refer such members to assessment, diagnosis, and treatment services.
- (2) Hospitals and community health centers that provide primary care services must offer to conduct periodic and medically necessary interperiodic visits to screen all members younger than 21 years old (except members enrolled in MassHealth Limited) in accordance with the Medical Schedule, and must provide or refer such members to assessment, diagnosis and treatment services.
- (3) The health assessments described in the Medical Schedule are payable when provided by a physician, certified nurse practitioner, certified nurse midwife, hospital, community health center, or physician assistant.

(B) Providers of Dental Services.

- (1) Dental care providers must offer to provide services listed in Appendix W: *EPSDT Services: Medical and Dental Protocols and Periodicity Schedules* of all MassHealth provider manuals to all members younger than 21 years old, except members enrolled in MassHealth Limited) in accordance with the Dental Schedule, and must provide or refer such members to assessment, diagnosis, and treatment services.
- (2) The dental services described in the Dental Schedule are payable when provided by dental providers as described in 130 CMR 420.000: *Dental Services*.

(C) Explanation of Procedures.

- (1) The Medical Schedule outlines the procedures for comprehensive preventive care that help to identify members who may require further diagnosis of suspected or actual health problems, treatment of these problems, or both.
- (2) The Medical Schedule explains procedures that must be documented in the medical record.
- (3) The Dental Schedule is a tool to help dental providers identify members with suspected or actual dental problems that may require additional investigations, diagnosis, or treatment.

450.143: EPSDT Services: Description of Medical Protocol and Periodicity Schedule Visits (EPSDT Visits)

(A) Initial EPSDT Visit.

- (1) An initial EPSDT visit must be provided for every
 - (a) new member;
 - (b) member previously seen only for sick care; and
 - (c) newborn previously seen only in the hospital.
- (2) An initial EPSDT visit includes the recording of
 - (a) family, medical, behavioral health, developmental, and immunization history;
 - (b) a review of all systems;
 - (c) a comprehensive physical examination; and
 - (d) all exams, assessments, screening, and laboratory work indicated on the Medical Schedule as appropriate for the member's age.

**THE COMMONWEALTH OF MASSACHUSETTS****William Francis Galvin**

Secretary of the Commonwealth

Regulation Filing*To be completed by filing agency*CHAPTER NUMBER: **130 CMR 520.000**CHAPTER TITLE: **MassHealth: Financial Eligibility**AGENCY: **Division of Medical Assistance**SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.***The regulations at 130 CMR 520.000 describe the financial eligibility rules for traditional-type MassHealth applicants and members.**REGULATORY AUTHORITY: **M.G.L. c. 118E, §§ 7 and 12**AGENCY CONTACT: **Deborah M. Briggs, MassHealth Publications** PHONE: **617-847-3302**ADDRESS: **100 Hancock Street, 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.***The changes eliminate MassHealth copayments during the unwinding of the federal public health emergency (PHE). This will ensure that the Division complies with federal requirements barring increased copayments for MassHealth members before redeterminations are completed after the end of the federal PHE.**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.***EO 145 notifications: April 25, 2023****EO 562 approval: April 20, 2023**PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: _____

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

For the first and second year: Estimated annual increase of approximately \$8.2 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:

130 CMR 520.000 is being amended.

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: Aug 24 2023

Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1504 DATE: 9/15/23

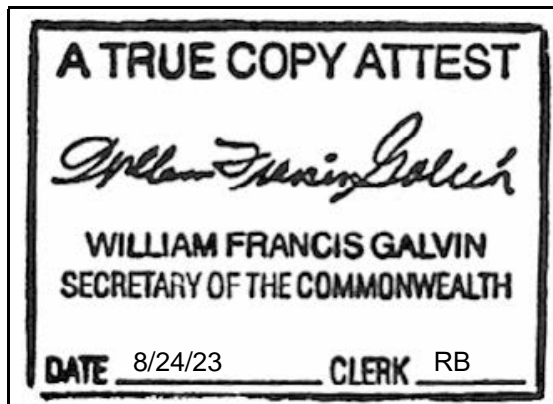
EFFECTIVE DATE: 8/24/23

CODE OF MASSACHUSETTS REGULATIONS

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Regulation. There are no
replacement pages.**



130 CMR 520.000: MASSHEALTH: FINANCIAL ELIGIBILITY

Section

- 520.001: Introduction to General Financial Requirements
- 520.002: Financial Responsibility
- 520.003: Asset Limit
- 520.004: Asset Reduction
- 520.005: Ownership of Assets
- 520.006: Inaccessible Assets
- 520.007: Countable Assets
- 520.008: Noncountable Assets
- 520.009: Countable-income Amount
- 520.010: Business Expenses
- 520.011: Standard Income Deductions
- 520.012: Community Earned-income Deductions
- 520.013: Community Unearned-income Deductions
- 520.014: Long-term-care Earned-income Deductions
- 520.015: Noncountable Income
- 520.016: Long-term-care: Treatment of Assets
- 520.017: Right to Appeal the Asset Allowance or Minimum-monthly-maintenance-needs Allowance
- 520.018: Transfer of Resources Regardless of Date of Transfer
- 520.019: Transfer of Resources Occurring on or after August 11, 1993
- 520.021: Treatment of Trusts
- 520.022: Trusts or Similar Legal Devices Created before August 11, 1993
- 520.023: Trusts or Similar Legal Devices Created on or after August 11, 1993
- 520.024: General Trust Rules
- 520.025: Long-term-care Income Standard
- 520.026: Long-term-care General Income Deductions
- 520.027: Long-term-care Deductible
- 520.028: Eligibility for a Deductible
- 520.029: The Deductible Period
- 520.030: Calculating the Deductible
- 520.031: Notification of Potential Eligibility
- 520.032: Submission of Bills to Meet the Deductible
- 520.033: Verification of Medical Expenses
- 520.034: Interim Changes
- 520.035: Conclusion of the Deductible Process
- 520.036: Copayments Required by the MassHealth Agency
- 520.037: Copayment and Cost Sharing Requirement Exclusions
- 520.038: Services Subject to Copayments
- 520.039: Members Unable to Pay Copayment
- 520.040: Maximum Cost Sharing
- 520.041: Copayment Waiver during Federal Public Health Emergency Unwind

520.001: Introduction to General Financial Requirements

(A) 130 CMR 520.000 describes the rules governing financial eligibility for MassHealth. 130 CMR 520.000 is based on financial responsibility, countable income, and countable assets.

(B) The methods for the calculation of the countable-income amount, the deductible, and the income standards used in the determination of eligibility are also explained in 130 CMR 520.000.

520.002: Financial Responsibility

(A) Community Residents.

(1) Spouses Living Together. In the determination of eligibility for MassHealth, the total countable-income amount and countable assets of the individual and the spouse who are living together are compared to an income standard and asset limit, unless one spouse is covered by MassHealth under a home- and community-based service waiver, as described in 130 CMR 519.007(B): *Home- and Community-based Services Waiver- Frail Elder*.

520.002: continued

(2) Spouses Living Apart. When spouses live apart for reasons other than admission to a medical institution, their assets and income are considered mutually available only through the end of the calendar month of separation.

(B) Residents of Medical Institutions.

(1) Spouses Living Together. When spouses live in the same long-term-care facility, the income and assets are not mutually available.

(2) One Spouse Institutionalized.

(a) If only one spouse is a resident of a medical institution who is expected to remain in the facility for 30 days or more, the community spouse's income is not counted in the determination of eligibility for the institutionalized spouse. The institutionalized spouse may provide for the maintenance needs of the community spouse in accordance with 130 CMR 520.026(B).

(b) The countable assets of both spouses must be evaluated and a spousal share established in accordance with 130 CMR 520.016(B).

(3) Institutionalized Child. When a child under age 18 lives in a medical institution, the income and assets of the parents are considered available only through the end of the calendar month of separation.

520.003: Asset Limit

(A) The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard, Family Assistance, or Limited may not exceed the following limits:

(1) for an individual – \$2,000; and

(2) for a couple living together in the community where there is financial responsibility according to 130 CMR 520.002(A)(1) – \$3,000.

(B) The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Senior Buy-in for Qualified Medicare Beneficiaries (QMB) as described in 130 CMR 519.010: *MassHealth Senior Buy-in (for Qualified Medicare Beneficiaries (QMB))* or MassHealth Buy-in for Specified Low Income Medicare Beneficiaries (SLMB) or MassHealth Buy-in for Qualifying Individuals (QI), both as described in 130 CMR 519.011: *MassHealth Buy-in*, may not exceed the amount equal to two times the amount of allowable assets for Medicare Savings Programs as identified by the Centers for Medicare and Medicaid Services. Each calendar year, the allowable asset limits shall be made available on MassHealth's website.

(C) The treatment of a married couple's assets when one spouse is institutionalized, as described in 130 CMR 520.016(B).

520.004: Asset Reduction

(A) Criteria.

(1) An applicant whose countable assets exceed the asset limit of MassHealth Standard, Family Assistance, or Limited may be eligible for MassHealth

(a) as of the date the applicant reduces his or her excess assets to the allowable asset limit without violating the transfer of resource provisions for nursing-facility residents at 130 CMR 520.019(F); or

(b) as of the date, described in 130 CMR 520.004(C), the applicant incurs medical bills that equal the amount of the excess assets and reduces the assets to the allowable asset limit within 30 days after the date of the notification of excess assets.

(2) In addition, the applicant must be otherwise eligible for MassHealth.

(B) Evaluating Medical Bills. The MassHealth agency does not pay that portion of the medical bills equal to the amount of excess assets. Bills used to establish eligibility

(1) cannot be incurred before the first day of the third month prior to the date of application as described at 130 CMR 516.002: *Date of Application*; and

(2) must not be the same bills or the same portions of the bills that are used to meet a deductible based on income.

520.035: Conclusion of the Deductible Process

When the total of submitted bills is equal to or greater than the deductible and all other eligibility requirements continue to be met, the MassHealth agency notifies the applicant that he or she is eligible. The member is eligible for payment of all covered medical expenses incurred during that deductible period, other than those submitted to meet the deductible, as long as the member continues to meet all other eligibility requirements during the balance of the deductible period.

520.036: Copayments Required by the MassHealth Agency

The MassHealth agency requires its members to make the copayments described in 130 CMR 520.038, up to the maximum described in 130 CMR 520.040, except as excluded in 130 CMR 520.037, and provided that if the payment rate for the service is equal to or less than the copayment amount, the member must pay the payment rate for the service minus one cent.

520.037: Copayment and Cost Sharing Requirement Exclusions(A) Excluded Individuals.

(1) The following individuals do not have to pay the copayments described in 130 CMR 520.038:

- (a) members younger than 21 years old;
- (b) members who are pregnant or in the postpartum period that extends through the last day of the 12th calendar month following the month in which their pregnancy ends (for example, if the woman gave birth May 15th, she is exempt from the copayment requirement until June 1st of the following year);
- (c) MassHealth Limited members;
- (d) MassHealth Senior Buy In members or MassHealth Standard members for drugs covered under Medicare Parts A and B only, when provided by a Medicare-certified provider;
- (e) members who are inpatients in nursing facilities, chronic-disease or rehabilitation hospitals, or intermediate care facilities for individuals with intellectual disabilities or who are admitted to a hospital from such a facility or hospital;
- (f) members receiving hospice services;
- (g) persons receiving medical services through the Emergency Aid to the Elderly, Disabled and Children Program pursuant to 130 CMR 450.106: *Emergency Aid to the Elderly, Disabled and Children Program*, if they do not receive MassHealth Standard, or MassHealth Family Assistance;
- (h) members who are former foster care individuals and who are eligible for MassHealth Standard until they reach the age of 21 or the age of 26, as specified in 130 CMR 505.002(H): *Eligibility Requirements for Former Foster-Care Individuals*;
- (i) members who are American Indians or Alaska Natives who are currently receiving or have ever received an item or service furnished by the Indian Health Service, an Indian tribe, a tribal organization or an urban Indian organization, or through referral, in accordance with federal law.
- (j) "referred eligible" members, who are:
 - 1. persons who receive Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA) and who receive MassHealth Standard under 130 CMR 505.002(A)(2) or 130 CMR 519.002(B);
 - 2. persons who receive Transitional Aid to Families with Dependent Children (TAFDC) cash assistance from the Department of Transitional Assistance (DTA) and who receive MassHealth Standard under 130 CMR 505.002(A)(3);
 - 3. children, young adults, and parents and caretaker relatives who receive Emergency Aid to the Elderly, Disabled and Children (EAEDC) cash assistance and who receive MassHealth Standard under 130 CMR 505.002(K) or 130 CMR 519.002(D), MassHealth Family Assistance under 130 CMR 505.005(G) or 130 CMR 519.013(C), or MassHealth CarePlus under 130 CMR 505.008(B);
 - 4. children receiving medical assistance under 130 CMR 522.003: *Adoption Assistance and Foster Care Maintenance*, because they are receiving Title IV-E or state-subsidized adoption or foster-care assistance

520.037: continued

5. persons who receive extended eligibility for MassHealth Standard under 130 CMR 505.002(L)(1) and (2) or 130 CMR 519.002(C); and
 6. persons who receive MassHealth Standard or CarePlus because they are eligible for Refugee Medical Assistance (RMA) under 130 CMR 522.002: *Refugee Resettlement Program*; and
 - (k) members whose applicable income for the purposes of calculating copayments is at or below 50% of the FPL when adjusted for family size.
- (2) Members who are inpatients in a hospital do not have to pay a copayment for pharmacy services provided as part of the hospital stay.

(B) Excluded Services. The following services are excluded from the copayment requirement described in 130 CMR 520.038:

- (1) family-planning services and supplies such as oral contraceptives, contraceptive devices such as diaphragms and condoms, and contraceptive jellies, creams, foams, and suppositories;
- (2) detoxification and maintenance treatment of an individual for substance use disorders using FDA approved medications (including methadone, buprenorphine, buprenorphine/naloxone, and naltrexone);
- (3) preventive services assigned a grade of 'A' or 'B' by the United States Preventive Services Task Force (USPSTF), or such broader exclusion as specified by MassHealth;
- (4) all approved vaccines and their administration, recommended by the Advisory Committee on Immunization Practices (ACIP);
- (5) smoking cessation products and drugs;
- (6) emergency services; and
- (7) provider-preventable services as defined in 42 CFR 447.26(b).

520.038: Services Subject to Copayments

MassHealth members are responsible for making the following copayments for pharmacy services unless excluded in 130 CMR 520.037.

(A) \$1 for each prescription and refill for each generic drug and over-the-counter drug covered by MassHealth in the following drug classes: antihyperglycemics, antihypertensives, and antihyperlipidemics; and

(B) \$3.65 for each prescription and refill for all other generic and over-the-counter drugs, and all brand-name drugs covered by MassHealth

520.039: Members Unable to Pay Copayment

Providers may not refuse services to a member who is unable to pay at the time the service is provided. However, the member remains liable to the provider for the copayment amount.

520.040: Maximum Cost Sharing

(A) Members are responsible for the MassHealth copayments described in 130 CMR 520.038 up to a monthly maximum of 2% of applicable monthly income. Each member's monthly copayment cap will be calculated using 2% of the lowest income in the MassHealth MAGI household or the MassHealth Disabled Adult household, as applicable, and assigning the member a monthly cap of the nearest \$10 increment that corresponds to 2% of the applicable income without exceeding 2%. A further explanation of this calculation is publicly available on MassHealth's website.

520.040: continued

(B) Members are responsible for MassHealth premiums described in 130 CMR 506.012 up to a monthly maximum of 3% of applicable monthly income, except no such limit applies to CommonHealth members. Each member's monthly premium cap will be calculated using 3% of the lowest income in the MassHealth MAGI household or the MassHealth Disabled Adult household, as applicable. A further explanation of this calculation is publicly available on MassHealth's website.

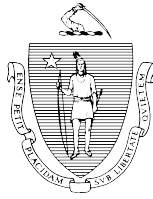
520.041: Copayment Waiver during Federal Public Health Emergency Unwind

Notwithstanding 130 CMR 520.036 through 520.040, the MassHealth agency will require no copayments by its members during the period May 1, 2023 through March 31, 2024.

REGULATORY AUTHORITY

130 CMR 520.000: M.G.L. c. 118E, §§ 7 and 12.

NON-TEXT PAGE

**THE COMMONWEALTH OF MASSACHUSETTS****William Francis Galvin**

Secretary of the Commonwealth

Regulation Filing*To be completed by filing agency*CHAPTER NUMBER: **205 CMR 219.00**CHAPTER TITLE: **Temporary Licensing Procedures**AGENCY: **Massachusetts Gaming Commission**SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.***This regulation relates to the procedures by which the Commission may issue temporary sports wagering licenses to applicants.**REGULATORY AUTHORITY: **M.G.L. c. 23N, § 4**AGENCY CONTACT: **Judith Young** PHONE: **8574064277**ADDRESS: **101 Federal Street, Floor 12, Boston Massachusetts, 02110****Compliance with M.G.L. c. 30A**EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.***This regulation is part of the Commission's regulatory framework. The Legislature made clear that commencement of sports wagering in the Commonwealth should begin promptly, through passing the sports wagering act in an emergency session. This regulation is part of the sports wagering licensing framework that is necessary for the Commission to effectively regulate and issue temporary licenses to sports wagering operators.**PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period, including a small business impact statement, be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: _____

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

For the first and second year: _____

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:*

Amends the existing 205 CMR 219.00

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: **Sep 01 2023**

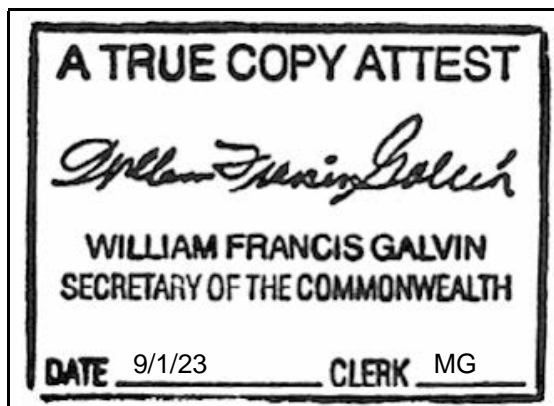
Publication - *To be completed by the regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1504** DATE: **9/15/23**

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CODE OF MASSACHUSETTS REGULATIONS

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205 CMR 219.00: TEMPORARY LICENSING PROCEDURES

Section

- 219.01: Eligibility to Request a Temporary License
- 219.02: Temporary License Request Process
- 219.03: Temporary License Expiration
- 219.04: Applying for Leave to Obtain a Renewed Temporary License

219.01: Eligibility to Request a Temporary License

A Person shall be eligible to request a Temporary License if:

- (a) The Commission deems it eligible in accordance with 205 CMR 218.07(1)(a); or
- (b) The Commission awards it a Sports Wagering License in accordance with 205 CMR 218.07(1)(b); or
- (c) It has received leave to request a renewed Temporary License in accordance with 205 CMR 219.04.

219.02: Temporary License Request Process

(1) Any Person who is eligible to request a Temporary License may submit a request for a Temporary License to the Executive Director on a form to be approved by the Commission. Such request shall be accompanied by an initial licensing fee of \$1,000,000 payable to the Commission.

(2) Upon receiving a request for a Temporary License, the Executive Director or their designee shall within fourteen days determine whether the requestor is eligible to request a Temporary License and has paid the initial licensing fee as described in 205 CMR 219.02, and make a written recommendation to the Commission as follows:

- (a) If the Executive Director determines that the requestor is eligible and has paid the initial licensing fee, they shall recommend to the Commission that the Commission issue the requested Temporary License.
- (b) If the Executive Director determines that the requestor is not eligible or has not paid the initial licensing fee, they shall recommend to the Commission that the Commission deny the requested Temporary License.

(3) Upon receiving a recommendation from the Executive Director in accordance with 205 CMR 219.02(2), the Commission shall, at an open public meeting held within 14 days, either issue or deny the requested Temporary License.

- (a) The Commission shall send written notice of the public meeting to the requestor at least seven days in advance of the meeting.
- (b) The Commission may in its discretion receive comment or presentations from representatives of the requestor or from the public.

(4) Effective Date of Renewed Temporary Licenses. If the Operator already holds a Temporary License, and:

- (a) The Commission issues a renewed Temporary License before the expiration of the prior Temporary License: the effective date of the renewed Temporary License shall be the day after the prior Temporary License expires.
- (b) The Commission issues a renewed Temporary License during the period where the prior Temporary License remains in effect because of 205 CMR 219.03(3): the effective date of the renewed Temporary License shall be the day after the day the prior Temporary License would have expired if not for 205 CMR 219.03(3).
- (c) Otherwise, the effective date of the renewed Temporary License shall be the day after the Commission's vote to issue the renewed Temporary License.

(5) Any Temporary License shall be subject to conditions in accordance with M.G.L. c. 23N and 205 CMR 220.00: *Sports Wagering: License Conditions*.

219.03: Temporary License Expiration

- (1) The first Temporary License granted to an Operator in the Commonwealth shall expire after one year.
- (2) The Operator's second and subsequent Temporary Licenses shall each expire after one year, or after the Commission makes a supplemental determination of suitability and awards a Sports Wagering License in accordance with 205 CMR 218.06(7), whichever is shorter.
- (3) Non-expiration of licenses while timely request for leave to obtain a renewed temporary license is pending.
 - (a) If an Operator has submitted a timely application for leave to request a renewed Temporary License, the Operator's Temporary License shall not expire until:
 - (i) the application has finally been determined by the Commission; or
 - (ii) the operator fails to cure a deficiency within the time permitted by 205 CMR 219.04(2)(c).
 - (b) An application for leave to request a renewed Temporary License shall be considered timely if it has been submitted within the time permitted, as applicable, by 205 CMR 219.04(5) or 205 CMR 219.04(2)(c).
- (4) Limited Extension to Wind Down Sports Wagering Operations. Except as required by other regulations or a lawful order of the Commission: if the Commission denies a request for leave to obtain a renewed Temporary License, the Operator's Temporary License shall expire no sooner than two weeks after the date on which the Commission denies the renewal, or upon such later date as the Commission determines is necessary to allow wind down of the Operator's operations in the Commonwealth.

219.04: Applying for Leave to Obtain a Renewed Temporary License

- (1) Applications for leave to request a renewed Temporary License shall be submitted to the Executive Director on a form approved by the Commission.
- (2) Administrative Sufficiency Review.
 - (a) The Commission's Division of Licensing will review each application for leave for administrative sufficiency.
 - (b) When determining whether an application for leave is administratively sufficient, the Division of Licensing shall review only the form required by 205 CMR 219.04(1), and only determine whether all information or materials required to be provided in response to each question or request has been submitted.
 - (c) If an application for leave is determined to be insufficient:
 1. The Division shall notify the Operator by email. The notification shall specifically identify the deficiencies.
 2. The Operator shall have the right to submit supplemental or corrected information to cure the deficiencies within one month.
 3. For each deficient request component, the one-month period established in 205 CMR 219.04(2)(c)(ii) shall begin the day after:
 - a. The last date to submit an application for leave to request a renewed temporary license, as established by 205 CMR 219.04(5), if that date has not passed; or
 - b. The date on which the notification sent pursuant to 205 CMR 219.04(2)(c)(i) was sent, if the last date to submit an application for leave to request a renewed temporary license, as established by 205 CMR 219.04(5), has passed.
- (3) In reviewing the application for leave to request a renewed Temporary License, the Commission may, at such times and in such order as the Commission deems appropriate, take any of the actions listed in 205 CMR 218.04(1).
- (4) The Commission shall, at an open public meeting, either grant or deny leave to obtain a renewed Temporary License. The Commission shall send written notice of the public meeting to the requestor at least 14 days in advance of the meeting.
- (5) Applications for leave to obtain a renewed Temporary License: timing, evaluation, and fees.
 - (a) Second, fourth, and fifth Temporary Licenses.

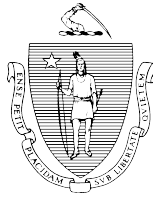
219.04: continued

1. Timing: An Operator may submit an application for leave to obtain a renewed Temporary License no sooner than ten months nor later than eleven months after the effective date of the prior Temporary License.
 2. Evaluation: in determining whether to grant or deny the application for leave, the Commission may consider, in its discretion, any appropriate factor.
 3. Fee: the application for leave shall be accompanied by a nonrefundable application fee of \$10,000 to defray the costs associated with the processing of the application and investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.
- (b) Third Temporary License.
1. Timing: an Operator may submit an application for leave to obtain a renewed Temporary License no later than three months after the effective date of the prior Temporary License.
 2. Evaluation:
 - a. Before the Commission may grant the Operator's application for leave, the Bureau shall conduct an investigation into the qualifications and continued suitability of the Operator and its Qualifiers, and submit a written report to the Commission, consistent with 205 CMR 215.01(2)(b).
 - b. In determining whether to grant or deny the application for leave, the Commission may consider, in its discretion, any appropriate factor.
 3. Fee: the application for leave shall be accompanied by a nonrefundable application fee of \$50,000 to defray the costs associated with the processing of the application and investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.
- (c) Sixth and Subsequent Temporary Licenses.
1. Timing: an Operator may submit an application for leave to obtain a renewed Temporary License no later than three months after the effective date of the prior Temporary License.
 2. Evaluation:
 - a. Within one month of a positive determination of administrative sufficiency, the Commission may instruct the Bureau to conduct an investigation and submit a written report to the Commission. The investigation and written report shall address any topic directed by the Commission, and, in the Bureau's discretion, any other topic. If the Commission so instructs the Bureau, the Commission shall receive the Bureau's report before it may grant the Operator's application for leave. Otherwise, the Commission may grant the Operator's application for leave without receiving a report from the Bureau.
 - b. In determining whether to grant or deny the application for leave, the Commission may consider, in its discretion, any appropriate factor. In addition, the Commission shall determine whether any delays in making a supplemental determination of suitability are primarily attributable to the Operator and its Qualifiers, and the Commission and its staff.
 - c. Fee: the application for leave shall be accompanied by a nonrefundable application fee of \$25,000 to defray the costs associated with the processing of the application and any investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.
- (d) The Commission may, in its discretion, extend the time for filing a complete application for leave to enable an Operator to cure a deficiency in its application, provided that the application for leave was submitted before the established deadlines, or to provide a reasonable additional time for filing in cases where extraordinary circumstances prevented a timely filing.
- (e) The Executive Director shall deny, without prejudice, any renewal request not accompanied by the required application fee.

REGULATORY AUTHORITY

205 CMR 219.00: M.G.L. c. 23N, § 4.

NON-TEXT PAGE

**THE COMMONWEALTH OF MASSACHUSETTS****William Francis Galvin**

Secretary of the Commonwealth

Regulation Filing*To be completed by filing agency*CHAPTER NUMBER: **205 CMR 230.00**CHAPTER TITLE: **Review of a Proposed Agreement with a Category 3 Licensee**AGENCY: **Massachusetts Gaming Commission**SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

This regulation sets out the process for Category 1 or 2 operators to obtain Commission approval of “agreements related to mobile or digital sports wagering with a category 3 licensee” in accordance with Section 6(b)(4) of c. 23N. This regulation governs any agreement relating to mobile or digital sports wagering between a Category 1 and 2 Operator and a Category 3 Operator.

REGULATORY AUTHORITY: **M.G.L. c. 23N, §§ 4, 6(b)(4)**AGENCY CONTACT: **Judith Young** PHONE: **857-406-4277**ADDRESS: **101 Federal Street, Floor 12, Boston Massachusetts, 02110****Compliance with M.G.L. c. 30A**EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

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 - 06/23/2023**Notice Filed with the Secretary of State - 07/21/2023****Publication in Boston Herald - 07/21/2023**

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: **08/15/2023**

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: 08/28/2023

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

Sports Wagering, Mobile or digital platforms, contracts, agreements, Commission, approval

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:

New chapter 205 CMR 230.00.

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: Sep 01 2023

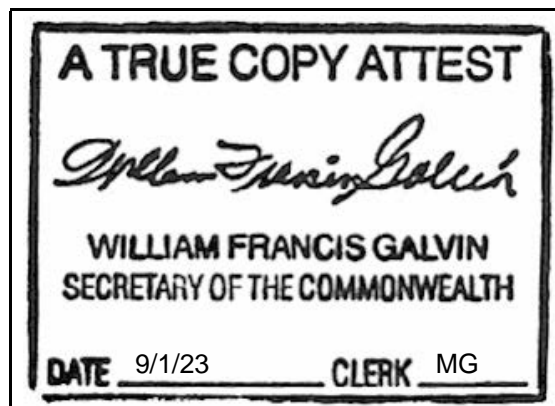
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1504 DATE: 9/15/23

EFFECTIVE DATE: 9/15/23

CODE OF MASSACHUSETTS REGULATIONS

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205 CMR: MASSACHUSETTS GAMING COMMISSION

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205 CMR 230.00: REVIEW OF A PROPOSED AGREEMENT WITH A CATEGORY 3 LICENSEE

Section

230.01: Notice and Approval

230.01: Notice and Approval

(1) In accordance with M. G.L. c. 23N, § 6(b)(4), no Category 1 or Category 2 Operator shall enter into an agreement related to mobile or digital Sports Wagering with a Category 3 Operator, including a Category 3 Operator whose Tethered Category 3 License is tethered to the Category 1 or 2 Operator's License, or amend such an agreement, without prior notice to and approval from the Commission.

(2) Notwithstanding 205 CMR 230.01(1), the following agreements and amendments do not require approval:

- (a) The acceptance by one Operator of a second Operator's standardized consumer terms of service in order to place a wager with the second Operator in accordance with M.G.L. c. 23N, § 13(c).
- (b) Amendments as to form or to correct typographical errors.

(3) In reviewing the agreement, the Commission may, at such times and in such order as the Commission deems appropriate, take any of the actions listed in 205 CMR 218.04(1).

(4) Preliminary Approval.

- (a) The parties to any agreement subject to 205 CMR 230.01(1) may request a preliminary approval.
- (b) Whether to grant preliminary approval shall be in the Commission's discretion. However, the Commission shall not grant preliminary approval unless the parties demonstrate, through a clause in the agreement or otherwise, that the agreement can be promptly terminated if:
 - 1. the Commission denies final approval; or
 - 2. the Commission withdraws the preliminary approval in accordance with 205 CMR 230.01(4)(d).
- (c) If the Commission grants a preliminary approval, the parties may operate under the agreement until the Commission makes a final determination on the agreement.
- (d) The Commission may withdraw a preliminary approval at any time if it finds reasonable cause to believe that the proposed agreement would be disadvantageous to the interests of the Commonwealth.

(5) The Commission shall, at an open public meeting, either approve or reject the proposed agreement.

(6) The Commission may reject any agreement requiring approval pursuant to 205 CMR 230.01(1) that it finds would be disadvantageous to the interests of the Commonwealth of Massachusetts. An agreement may, without limitation, be considered disadvantageous to the interests of the Commonwealth if:

- (a) the Commission determines that the agreement would cause a violation of any of the applicable considerations set forth in M.G.L. c. 23N, §§ 5, 6, or 9(a), or any other applicable provisions of M.G.L. chs. 23K, 23N or 205 CMR; or
- (b) the agreement would result in any party to the agreement having a financial interest in more Sports Wagering Licenses issued by the Commission than the party is permitted to hold or be tethered to under M.G.L. c. 23N.

REGULATORY AUTHORITY: M.G.L. c. 23N, §§ 4, 5, 6(b)4

(PAGES 701 THROUGH 716 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: **205 CMR 256.00**CHAPTER TITLE: **Sports Wagering Advertising**AGENCY: **Massachusetts Gaming Commission**SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.***205 CMR 256 governs sports wagering advertising, and 205 CMR 256.05 specifically governs advertising to youth.**REGULATORY AUTHORITY: **G.L. c. 23N, § 4**AGENCY CONTACT: **Judith Young** PHONE: **857-406-4277**ADDRESS: **101 Federal Street, Floor 12, Boston Massachusetts, 02110****Compliance with M.G.L. c. 30A**EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*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 - 07/07/2023****Notice Filed with the Secretary of State - 07/21/2023****Publication in Boston Herald - 07/21/2023**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: **08/15/2023**

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: 08/28/2023

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

Sports wagering, Advertising, Responsible Gaming, Marketing, Children and Youth, Licensees, Sports wagering Operators

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:

Replaces the existing version of 205 CMR 256.05, that was filed by emergency on 6/30/2023, and published in the MA Register #1500 on 07/21/2023.

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: Sep 01 2023

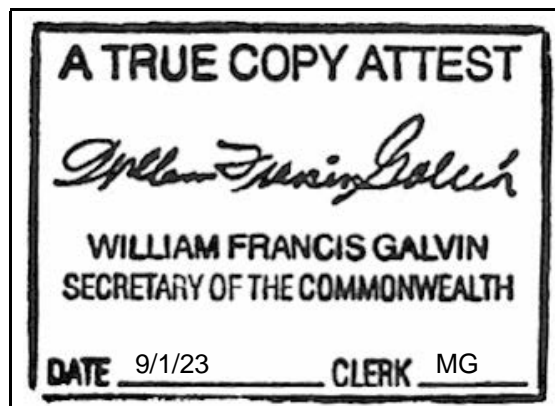
Publication - To be completed by the regulations Division

MASSACHUSETTS REGISTER NUMBER: 1504 DATE: 9/15/23

EFFECTIVE DATE: 9/15/23

CODE OF MASSACHUSETTS REGULATIONS

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256.04: continued

- (e) Encourage players to "chase" losses or re-invest winnings;
- (f) Suggest that betting is a means of solving or escaping from financial, personal, or professional problems;
- (g) Portray, suggest, condone or encourage Sports Wagering behavior as a rite of passage or signifier of reaching adulthood or other milestones;
- (h) Portray, suggest, condone or encourage Sports Wagering behavior that is socially irresponsible or could lead to financial, social or emotional harm;
- (i) Imply that the chances of winning increase with increased time spent on Sports Wagering or increased money wagered;
- (j) Be placed on any website or printed page or medium devoted primarily to responsible gaming;
- (k) Offer a line of credit to any consumer; or
- (l) Use individuals to provide purported expertise or Sports Wagering advice who are employed by, contracted with, or otherwise compensated by a Sports Governing Body, team, club or athlete on which a wager may be placed.

256.05: Advertising to Youth

- (1) Advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator shall state that patrons must be 21 years of age or older to participate; provided that branding consisting only of a display of an Operator's logo or trademark related to Sports Wagering shall not be required to comply with 205 CMR 256.05(1) unless it is, or is intended to be, displayed on signage or a fixed structure at a sports venue where it is likely to be viewed by persons younger than 21 years old.
- (2) No Sports Wagering Operator shall allow, conduct, or participate in any advertising, marketing, or branding for Sports Wagering that is aimed at individuals younger than 21 years old.
- (3) No advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator for Sports Wagering shall contain images, symbols, celebrity or entertainer endorsements, or language designed to appeal primarily to individuals younger than 21 years old.
- (4) No advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator for Sports Wagering shall be published, aired, displayed, disseminated, or distributed:
 - (a) in media outlets, including social media, video and television platforms, where 25% of the audience is reasonably expected to be younger than 21 years old, unless adequate controls are in place to prevent the display, dissemination or distribution of such advertising, marketing, branding or other promotional materials to individuals younger than 21 years old including by use of age category exclusions and similar mechanisms;
 - (b) in other media outlets, including social media, video and television platforms, unless the Operator utilizes all available targeted controls to exclude all individuals younger than 21 years old from viewing such advertising, marketing, branding, and other promotional materials;
 - (c) at events aimed at minors or where 25% or more of the audience is reasonably expected to be younger than 21 years old;
 - (d) at any elementary, middle, and high school, or at any sports venue exclusively used for such schools;
 - (e) on any college or university campus, or in college or university news outlets such as school newspapers and college or university radio or television broadcasts, except for advertising, including television, radio, and digital advertising that is generally available, and primarily directed at an audience, outside of college and university campuses as well; or
 - (f) to any other audience where 25% or more of the audience is presumed to be younger than 21 years old.
- (5) No Sports Wagering advertisements, including logos, trademarks, or brands, shall be used, or licensed for use, on products, clothing, toys, games, or game equipment designed or intended for persons younger than 21 years old.

256.05: continued

(6) No advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator for Sports Wagering shall depict an individual who is, or appears to be, younger than 21 years old, except live footage or images of professional athletes during sporting events on which sports wagering is permitted. Any individual younger than 21 years old may not be depicted in any way that may be construed as the underage individual participating in or endorsing sports gaming.

(7) No advertising, marketing, branding, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator for Sports Wagering shall depict students, schools or colleges, or school or college settings.

256.06: Advertising to Other Vulnerable Persons

(1) No Sports Wagering Operator shall allow, conduct, or participate in any advertising, marketing, or branding for Sports Wagering that is aimed exclusively or primarily at individuals or groups of people that are at moderate or high risk of gambling addiction. A Sports Wagering Operator shall not use characteristics of at-risk or problem bettors to target potentially at-risk or problem bettors with advertisements.

(2) Advertising, marketing, and other promotional materials published, aired, displayed, disseminated, or distributed by or on behalf of any Sports Wagering Operator shall include a link to and phone number for the Massachusetts Problem Gambling Helpline using language provided by the Department of Public Health or such other responsible gaming information required by the Commission ("Responsible Gaming Messaging").

(3) Such advertising, marketing, branding and other promotional materials shall not use a font, type size, location, lighting, illustration, graphic depiction or color obscuring or limiting the advertisement of such Problem Gambling Helpline Information.

(4) Information regarding Responsible Gaming Messaging must also meet the following requirements:

(a) For signs, direct mail marketing materials, posters and other print advertisements, the height of the font used to advertise Responsible Gaming Messaging must be the greater of:

1. The same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement; or
2. 2% of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement.

(b) For billboards, the height of the font used for Responsible Gaming Messaging must be at least 5% of the height or width, whichever is greater, of the face of the billboard.

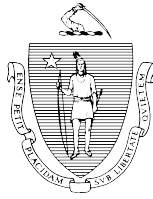
(c) For digital billboards, Responsible Gaming Messaging must be visible for the entire time the rest of the advertisement is displayed.

(d) For video and television, Responsible Gaming Messaging must be visible for either:

1. The entire time the video or television advertisement is displayed, in which case the height of the font used for Responsible Gaming Messaging must be at least 2% of the height or width, whichever is greater, of the image that will be displayed.
2. From the first time Sports Wagering Equipment, a Sports Wagering Facility, a Sports Wagering Area or Sports Wagering is displayed or verbally referenced, and on a dedicated screen shot visible for at least the last three seconds of the video or television advertisement. If the Operator elects to utilize this option, the height of the font used for Responsible Gaming Messaging:
 - a. During the advertisement must be at least 2% of the height or width, whichever is greater, of the image that will be displayed.
 - b. On the dedicated screen shot must be at least 8% of the height or width, whichever is greater, of the image that will be displayed.

(e) For web sites, including social media sites:

1. Responsible Gaming Messaging must be posted in a conspicuous location on each website or profile page and on a gaming related advertisement posted on the webpage or profile page.
2. The height of the font used for Responsible Gaming Messaging must be at least the same size as the majority of the text used in the webpage or profile page.

**THE COMMONWEALTH OF MASSACHUSETTS****William Francis Galvin**

Secretary of the Commonwealth

Notice of ComplianceRegulation Filing *To be completed by filing agency*CHAPTER NUMBER: **322 CMR 6.00**CHAPTER TITLE: **Regulation of Catches**AGENCY: **Division of Marine Fisheries**

THIS REGULATION WAS ORIGINALLY FILED AS AN EMERGENCY:

*Published in Massachusetts Register
Number:***1497**

Date:

6/9/23

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.*

MFAC - 7/10/23**DFG - 7/10/23****EEA - 8/14/23****ANF/GOV - 8/24/23**

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: **05/24/2023**

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: **08/23/2023**AGENCY CONTACT: **Jared A. Silva** PHONE: **617-634-9573**ADDRESS: **836 S. Rodney French Blvd., New Bedford, MA 02744**

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

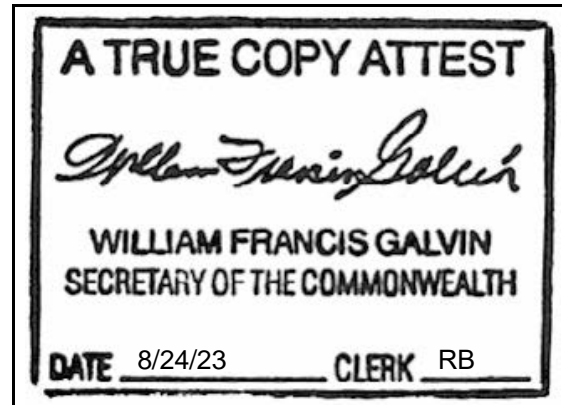
SIGNATURE: **SIGNATURE ON FILE** DATE: **Aug 24 2023**

MASSACHUSETTS REGISTER NUMBER: 1504 DATE: 9/15/23

EFFECTIVE DATE: 5/24/23

CODE OF MASSACHUSETTS REGULATIONS

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6.05: continued

(b) Notwithstanding 322 CMR 6.05(2)(a), it is lawful to fish for, catch, take, have on board, or off-load from any fishing vessel Atlantic Sea Scallops with shells less than 3½ inches in the longest diameter provided said Atlantic Sea Scallops comprise no more than 10% of the entire lot of Atlantic Sea Scallops. This 10% tolerance shall be determined by numerical count taken at random of not less than one peck no more than four pecks of the entire lot of Atlantic Sea Scallops.

(3) Possession and Landing Limits.(a) Possession and Landing Limits.

1. Shucked Sea Scallops. It shall be unlawful for any commercial fisherman to, at any time, possess or land more than 200 lbs. of shucked sea scallops;
2. Whole In-shell Sea Scallops. It shall be unlawful for any commercial fisherman to, at any time, possess or land more than 2,000 lbs. of whole in-shell sea scallops
 - a. Possession Equivalency. For any commercial fisherman landing both whole in-shell sea scallops and shucked sea scallops the weight of whole in-shell sea scallops shall be multiplied by .10 to determine compliance with the possession and landing limits.
 - b. Volumetric Equivalency.
 - i. All whole in-shell sea scallops shall be placed in level filled standard fish totes upon landing;
 - ii. A level filled standard fish tote shall represent 100 lbs. of whole in-shell sea scallops
3. Exemption. Vessels permitted by the National Marine Fisheries Service to commercially harvest and land Atlantic sea scallops may possess and land more than the state possession and daily landing limits provided:
 - a. The vessel transits directly through the waters under the jurisdiction of the Commonwealth for the purpose of landing sea scallops;
 - b. The vessel makes no stops unless otherwise directed by the Massachusetts Environmental Police for the purpose of boarding and inspection;
 - c. The dredge gear is out of the water and properly stowed on board; and
 - d. The vessel, crew, gear and catch is otherwise in compliance with the applicable federal regulations.

(4) Commercial Harvest, Discarding and Disposition of Catch.

- (a) It shall be unlawful to fish for, harvest, possess or land sea scallops taken from the waters of the Exclusive Economic Zone unless so authorized by a sea scallop permit issued by the National Marine Fisheries Service;
- (b) It shall be unlawful to discard any sea scallops within the restricted coastal waters of the Commonwealth, as established at 322 CMR 4.02: *Use of Nets in Inshore Restricted Waters*; and
- (c) It shall be unlawful to land sea scallops in shell unless the area where the sea scallops were harvested from is classified as "Approved" by the Division of Marine Fisheries in accordance with the National Shellfish Sanitation Program.

(5) Recreational Fishery Limit. In any one day, it is unlawful for a recreational fisherman to harvest or possess more than one bushel of whole scallops or four quarts of shucked scallops for personal use.(6) Permits.

- (a) No person shall take or possess scallops in excess of the recreational fishery limits as defined in 322 CMR 6.05(3) unless licensed as a commercial fisherman under the authority of 322 CMR 7.01: *Form, Use and Contents of Permits.*
- (b) Commercial fishermen who harvest sea scallops by hand must possess a commercial permit endorsed for sea scallop diving.
- (c) No person shall be issued a commercial permit endorsed for sea scallop diving unless he or she is a *bona fide* resident of the Commonwealth or is a resident of a state that grants equal access to Massachusetts residents.
- (d) Each individual diver on board a vessel where the scallop quantities exceed the recreational possession limit as noted in 322 CMR 6.05(3) must possess a commercial permit endorsed for sea scallop diving.

6.05: continued

(e) Commercial fishermen who harvest sea scallops by mobile gear from waters under the jurisdiction of the Commonwealth must possess a Coastal Access commercial permit as defined in 322 CMR 7.05: *Coastal Access Permit (CAP)*.

6.06: Atlantic Salmon Restoration

(1) Purpose. 322 CMR 6.06 is in support of the international management program for Atlantic salmon and interstate Atlantic salmon restoration programs.

(2) Prohibition. It shall be unlawful to harvest, catch, take, possess, transport, sell or offer to sell any Atlantic salmon from the coastal waters of the Commonwealth or from the U.S. Exclusive Economic Zone.

(3) Incidental Catch. All Atlantic salmon caught incidental to fisheries directed towards other species must be released in such a manner as to insure maximum probability of survival.

(4) Presumption. The possession of Atlantic salmon will be *prima facie* evidence that such Atlantic salmon were taken in violation of 322 CMR 6.06. Evidence that such fish were harvested from foreign waters or from aquaculture enterprises will be sufficient to rebut the presumption. This presumption does not apply to fish being sorted on deck.

6.07: Striped Bass Fishery (*Morone Saxatilis*)

(1) Purpose and Scope. Since approximately October 1981 the Atlantic coastal states, through the auspices of the Atlantic States Marine Fisheries Commission (ASMFC), have been developing conservation and management measures to arrest the severe decline in the stocks of striped bass and to manage restored stocks. This cooperative management effort has been successful and as a consequence, the Chesapeake Bay Stock of the Atlantic Coast striped bass resource has been declared recovered as of January 1, 1995.

The following regulations represent the Commonwealth's response to this cooperative and joint coastal state conservation management effort. The objective of 322 CMR 6.07 is to allow controlled sustained recreational and commercial fishing for striped bass pursuant to the provisions of the ASMFC striped bass Fishery Management Plan.

322 CMR 6.07 is designed to identify the various user groups, implement conservation and management measures tailored to each group, and collect accurate statistics on striped bass catch levels. Persons intending to fish for striped bass have the option of classifying their activity as recreational or commercial. If a person intends to catch striped bass only for personal consumption and not for sale, that person must have a recreational saltwater fishing permit, and may fish year round, and retain striped bass that measure between 28 inches and less than 31 inches, but may not retain more than one striped bass within any 24-hour period.

Any person intending to catch and possess striped bass for the purpose of sale, barter or exchange must be fishing under the authority of a commercial permit and a regulated fishery permit for striped bass. However, 322 CMR 6.07 establishes a commercial fishing season that closes upon reaching the commercial catch quota, establishes a minimum commercial size of 35 inches, and requires fish to be sold only to dealers licensed and authorized by the Commonwealth.

Finally, 322 CMR 6.07 allows wholesale and retail dealers to purchase and sell striped bass under certain conditions. To purchase striped bass directly from commercial fishermen, wholesale and retail dealers must be authorized as primary buyers of striped bass and must affix a Striped Bass ID Tag to all striped bass at the time of primary purchase from the commercial fisherman. Striped bass imported into the Commonwealth must be marked with a numbered tag that identifies the state of origin and must be accompanied by documents that verify state of origin. Nonconforming (undersized) striped bass that were caught in the wild may be imported into the Commonwealth provided those fish were legally taken, shipped and meet documentation requirements of the state-of-origin.

(2) Definitions. For purposes of 322 CMR 6.07, the following words shall have the following meanings:

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- (a) Massachusetts commercial striped bass harvest will be limited annually by the commercial quota less any amount deducted to compensate for the previous year's overage.
- (b) Commercial fishermen may fish for striped bass only during the commercial season and open commercial fishing days within said season beginning on the first open commercial fishing day on or after June 16th and ending when the commercial quota is taken or on November 15th, whichever occurs first.
 - 1. During the period of June 16th through September 30th, open commercial fishing days shall be Mondays through Wednesdays and closed commercial fishing days shall be Thursdays through Sundays. The 3rd of July, 4th of July and Labor Day shall be considered closed commercial fishing days.
 - 2. During the period of October 1st through November 15th, open commercial fishing days shall be Mondays through Fridays and closed commercial fishing days shall be Saturdays and Sundays.
 - 3. During any closed commercial fishing day it shall be unlawful for any commercial fisherman to retain, possess, or land more than one striped bass; to retain, possess or land any striped bass measuring 35 inches or greater total length; or to sell, barter, or exchange or offer for sale, barter, or exchange any striped bass.
- (c) Commercial fishermen engaged in commercial fishing for striped bass may not possess striped bass less than 35 inches in total length. If the number of striped bass aboard a vessel is greater than the number of fishermen, then all striped bass in possession must be greater than 35 inches in total length, and all fishermen must be commercially permitted as described in 322 CMR 6.07(3). Striped bass less than 35 inches in total length shall be returned immediately to the waters from which taken.
- (d) Commercial fishermen engaged in striped bass fishing under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2): *Commercial Fisherman Permits* and on the registered vessel listed on the permit, may not possess, land, offer for sale or sell more than 15 striped bass per day on open commercial fishing days, as set forth at 322 CMR 6.07(2) and 6.07(4)(b). This limit applies to the individual fisherman, regardless of the number of commercial striped bass regulated fishery permit endorsements held by the individual or number of trips taken in a day and the vessel, regardless of the number of individual commercial striped bass regulated fishery permit endorsement holders onboard or the number of trips taken in a day.
- (e) Commercial fishermen engaged in striped bass fishing under the authority of a Commercial Fisherman Individual or Rod and Reel permit, issued in accordance with 322 CMR 7.01(2): *Commercial Fisherman Permits* or under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2), while fishing from shore or any location other than the registered vessel listed on the permit may not possess, land, offer for sale or sell more than two striped bass per day on open commercial fishing days, as set forth at 322 CMR 6.07(2) and 6.07(4)(b). This limit applies to the individual fisherman whether fishing from shore or a vessel, regardless of the number of commercial striped bass regulated fishery permit endorsement assigned to the individual fisherman or the number of trips taken in a day.
- (f) All striped bass which are the subject of a first sale shall be in the round, with the head, body and tail fully intact.
- (g) Except as provided for in 322 CMR 6.07(5)(f), no striped bass may be filleted or processed in any manner, except by evisceration. In all prosecutions or non-criminal citations issued, mutilation of a striped bass which interferes with or affects a proper or adequate measurement of the fish shall be *prima facie* evidence that the striped bass was or is less than 35 inches in total length.
- (h) Commercial fishermen shall sell striped bass only to Primary Buyers.
- (i) Commercial fishermen shall sell striped bass only during the commercial season and only during the open commercial fishing days within the commercial season.
- (j) Commercial fishermen may harvest, catch, or take striped bass by rod-and-reel or handline only.
- (k) Commercial fishermen engaged in commercial fishing for striped bass may not fish aboard the same vessel at the same time as recreational fishermen.

6.07: continued

(l) In accordance with the Declaration Procedure set forth at 322 CMR 6.41(2), the Director may make in-season adjustments to the commercial fishing limits as established in 322 CMR 6.07(4) including, but not limited to, the open commercial fishing days and the commercial fishing limits as set forth at 322 CMR 6.07(4)(b), (d) and (e).

(m) Commercial fishermen are prohibited from harvesting striped bass from the Cape Cod Canal for commercial purposes or possessing any striped bass 35 inches in total length or larger in any container or vehicle within 1,000 feet of the shoreline of the Cape Cod Canal, unless the fish is being actively transported to a primary dealer and was lawfully taken in a location other than the Cape Cod Canal.

(5) Recreational Management Measures. For purposes of conservation and management of the resource, the following measures shall apply to recreational fishermen who harvest, catch, take or possess or attempt to harvest, catch, take or possess any striped bass:

(a) Only striped bass measuring at least 28 inches and less than 31 inches in total length may be retained. Striped bass measuring less than 28 inches or 31 inches or greater in total length shall be released immediately to the waters from which taken. Recreational fishermen shall not mutilate any striped bass in a manner that prevents the accurate measurement of the fish.

(b) Recreational fishermen may retain no more than:

1. one striped bass per day; and
2. may possess no more than one striped bass at any one time.

(c) Recreational fishermen may not sell, barter or exchange any striped bass.

(d) Recreational fishermen may not discard dead striped bass that measure between at least 28 inches, but less than 31 inches in total length.

(e) To prohibit the practice of high-grading as defined in 322 CMR 6.07(2), recreational fishermen may not retain legal-sized striped bass and release said fish in favor of another larger legal-sized striped bass captured subsequently. Any legal-sized fish not immediately released into the water and held by stringer, live-well or another means shall be considered intent to high-grade.

(f) Mandatory Use of Circle Hooks. Recreational fishermen shall use circle hooks when fishing for striped bass with whole or cut natural baits. This shall not apply to any artificial lure. Striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.

(g) Rules Specific to For-hire Vessels.

At-sea Filleting. Operators and crew onboard for-hire vessels permitted under the authority of 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels* may fillet or process legal sized striped bass for their recreational customers at sea provided that:

1. The skin is left on the fillet; and
2. Not more than two fillets taken from legal striped bass are in the possession of each customer of that trip, representing the equivalent of one fish per angler.

(6) Dealer Management Measures. For purposes of conservation and management of the resource, the following measures shall apply to any dealer who possesses, sells or offers to sell any striped bass:

(a) Only Primary Buyers shall purchase striped bass directly from fishermen.

(b) Primary Buyers shall report all striped bass purchases from commercial fishermen based on schedules and on forms to be provided by the Division.

(c) Primary Buyers may not purchase or receive from a commercial fisherman any striped bass which is less than 35 inches in total length.

(d) Primary Buyers may not purchase, receive or possess from a commercial fisherman any striped bass which has been mutilated in such a way as to interfere with or affect a proper or adequate measurement of the fish.

(e) Primary Buyers may not purchase or receive from a commercial fisherman any striped bass during the closed fishing days within the commercial fishing season.

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(f) Primary Buyers may not purchase more than a single commercial trip limit of striped bass from any commercial fisherman, regardless of the number of commercial striped bass regulated fishery permit endorsements in the possession of the commercial fisherman.

(g) Dealers may purchase and offer for sale whole striped bass that were caught in the wild and imported into Massachusetts from states where they have been lawfully landed provided that the fish comply with the size limit for the jurisdiction of origin and are individually tagged with the jurisdiction of origin. If fish are filleted after importation, all containers of fillets shall be accompanied by records describing the jurisdiction of origin, the name of the Massachusetts dealer that processed the fish, the quantity of fillets and the species. A copy of these records shall be kept on the dealers premises for 30 days after processing. Original tags shall remain with the fish or the fish fillets, as required at 322 CMR 6.07(6)(h)2.

(h) Primary Buyers shall tag each striped bass with a Striped Bass ID Tag in accordance with the following provisions:

1. Issuance of Striped Bass ID Tags.

- a. The Director shall annually issue Striped Bass ID Tags only to Primary Buyers.
- b. The annual quantity of tags issued shall be determined by the Director based on the commercial quota.

2. Use and Disposition of Striped Bass ID Tags.

- a. Prior to departing any ramp, pier, parking lot or other location of primary purchase, the Primary Buyer shall affix a Striped Bass ID Tag through the mouth and gills or through the lower jaw of each striped bass and lock the Striped Bass ID Tag into place.
- b. Striped Bass ID Tags shall remain affixed through the mouth and gills or lower jaw of any whole striped bass or accompany any processed or filleted striped bass while in the possession of any person for the purpose of resale.
- c. If a person intends on selling portions of processed or filleted striped bass to a consumer, the tags shall remain on the premise of the seller until all portions are sold to a consumer.
- d. Once all portions of a striped bass are sold, a person shall cut the Striped Bass ID Tag into two pieces and discard it.

3. Striped Bass ID Tag Accounting.

- a. Within 30 days of a written request by the Director, following the close of the commercial season, the Primary Buyer shall:
 - i. return all unused Striped Bass ID Tags issued to the Primary Buyer by the Director for that year; and
 - ii. submit a Striped Bass ID Tag Accounting Report, on forms provided by the Director, which documents the disposition of all Striped Bass ID Tags.
- b. The Director may restrict a dealer from future participation as a Primary Buyer for failure to return all unused Striped Bass ID Tags or submit the Striped Bass ID Tag Accounting Report in accordance with 322 CMR 6.07(6)(h)3.a.

(7) Prohibitions. It shall be unlawful for:

- (a) a recreational fisherman to retain more than one striped bass per day;
- (b) a recreational fisherman to possess more than one striped bass at any one time;
- (c) a recreational fisherman to sell, barter or exchange or offer to sell, barter or exchange any striped bass;
- (d) a recreational fisherman to retain or possess any striped bass less than 28 inches or 31 inches or greater in total length;
- (e) a recreational fisherman to mutilate any striped bass in a manner that prevents the accurate measurement of the fish; such mutilation shall be *prima facie* evidence of a violation of 322 CMR 6.07(7);
- (f) a recreational fishermen to discard dead striped bass that measure between 28 inches, but less than 31 inches or greater in total length;
- (g) a recreational fisherman to “high-grade” striped bass or to keep striped bass alive in the water by attaching a line or chain to the fish or placing the fish in a live-well or holding car;
- (h) any person(s), whether from shore or onboard a vessel, to possess striped bass in any quantity exceeding one striped bass per person without a commercial striped bass regulated fishery permit and for those striped bass to violate the commercial management regulations at 322 CMR 6.07(4);

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- (i) a for-hire vessel, permitted in accordance with 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels*, during a for-hire trip to retain more than one striped bass for each person onboard;
- (j) any person other than a commercial fisherman to make a primary sale of striped bass to any person other than a Primary Buyer.
- (k) a nonresident commercial fisherman to possess more than one striped bass upon entering or leaving Massachusetts;
- (l) a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to sell, barter or exchange any striped bass without having issued to him or her a valid permit to do so;
- (m) a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to catch, take, possess, sell, barter or exchange any striped bass for commercial purposes once the commercial quota is reached and the commercial fishery is closed, or to retain, possess or land more than one striped bass during any calendar day that is a closed commercial striped bass fishing day, as described at 322 CMR 6.07(4)(b);
- (n) a commercial fisherman to sell, barter, exchange or attempt to sell, barter, exchange any striped bass during any calendar day that is a closed to commercial striped bass fishing day, as described at 322 CMR 6.07(4)(b);
- (o) a commercial fisherman to catch, take, possess, sell, barter, exchange or attempt to sell, barter or exchange any striped bass less than 35 inches in total length;
- (p) any commercial fisherman fishing under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2)(a), (c), (d) and (e) and onboard the registered vessel listed on the permit, to take, possess, land, offer for sale or sell more than 15 striped bass during a single open commercial fishing day, as set forth at 322 CMR 6.07(4)(b). This shall apply to the individual fisherman, regardless of the number of commercial striped bass regulated fishery permit endorsements held by the individual or number of trips taken in a day and the vessel, regardless of the number of commercial striped bass regulated fishery permit endorsement holders aboard;
- (q) any commercial fisherman fishing under the authority of a Commercial Fisherman Individual or Rod and Reel Permit, issued in accordance with 322 CMR 7.01(2)(h): *Individual*, 322 CMR 7.01(2)(i): *Shellfish/Rod and Reel* and 322 CMR 7.01(2)(j): *Rod and Reel*, or under the authority of a Commercial Fisherman Coastal Lobster, Offshore Lobster or Boat Permit, issued in accordance with 322 CMR 7.01(2)(a), (c), (d) or (e), while fishing from shore or anywhere other than the registered vessel listed on the permit, to take, possess, land, offer for sale or sell more than two striped bass during a single open commercial fishing day, as set forth at 322 CMR 6.07(4)(b). This shall apply to the individual commercial fisherman whether fishing from shore or from a vessel, regardless of the number of commercial striped bass regulated fishery permit endorsement holders aboard or trips taken in a day;
- (r) a commercial fisherman to fillet or process any striped bass other than by evisceration;
- (s) a commercial fisherman to mutilate any striped bass in such a way as to interfere with or affect a proper or adequate measurement of the fish;
- (t) a commercial fisherman to participate in the primary purchase of any striped bass which is not in the round, or which has had the head or tail removed;
- (u) a commercial fisherman to possess or land striped bass once the Director has determined that 100% of the commercial quota has been reached;
- (v) any Primary Buyer to purchase or receive during a primary purchase any striped bass which has been mutilated in such a way as to interfere with or affect a proper or adequate measurement of the fish;
- (w) any Primary Buyer to purchase or receive from a commercial fisherman any striped bass which is less than 35 inches in total length;
- (x) any Primary Buyer to purchase or receive from a commercial fisherman any striped bass after the open commercial season has closed or on any calendar day that is not an open commercial fishing day;
- (y) any Primary Buyer to fail to report all striped bass purchases from commercial fishermen as prescribed by the Director;
- (z) any commercial fishermen to harvest, catch, or take striped bass by longlines or tub-trawls;
- (aa) any vessel rigged for otter trawling, hauling sink gillnets, purse seines, or possessing baited or unbaited longline or tub-trawl gear to possess striped bass;

6.07: continued

- (bb) any wholesale or retail dealer to possess, sell, barter or exchange or offer to sell, barter or exchange any whole striped bass imported into Massachusetts, unless such fish so imported is tagged as specified by 322 CMR 6.07(6);
- (cc) commercial fishermen to discard dead striped bass that are 35 inches or greater in total length;
- (dd) any person to receive during a primary purchase any striped bass, unless permitted as a wholesale or retail dealer pursuant to 322 CMR 7.01(3): *Dealer Permits* and authorized as a Primary Buyer pursuant to 322 CMR 7.07: *Dealers Acting as Primary Buyers*;
- (ee) any person involved in the resale of striped bass to fail to furnish, upon request of the Director or the Environmental Police, receipts documenting the purchase of striped bass;
- (ff) any person to apply a Striped Bass ID Tag to a striped bass harvested for commercial purposes without being a Primary Buyer;
- (gg) a Primary Buyer to tag a striped bass with a Striped Bass ID Tag that was not issued to said Primary Buyer by the Director for the current year or that has been defaced or modified in any manner;
- (hh) any person, other than the original harvester, to possess striped bass or portions thereof for the purpose of sale without the striped bass or portions thereof being tagged in accordance with 322 CMR 6.07(6)(g);
- (ii) any person to fail to surrender Striped Bass ID Tags to the Director or the Environmental Police upon request;
- (jj) any person to sell, trade, loan or gift or offer to sell, trade, loan or gift to another person any Striped Bass ID Tags;
- (kk) a Primary Buyer to file a false claim of Striped Bass ID Tag loss for purposes of obtaining additional Striped Bass ID Tags.
- (ll) a dealer to purchase a striped bass that has had its right pectoral fin entirely removed.
- (mm) for any recreational angler to use any device other than a nonlethal device to remove a striped bass from the water or assist in the releasing of a striped bass.
- (nn) for any commercial fisherman fishing on an open commercial fishing day to gaff a striped bass or attempt to use a gaff to remove a striped bass from the water that is less than 35 inches in total length.
- (oo) for any recreational fisherman to use any type of hook other than a circle hook when fishing for striped bass with whole or cut natural baits. This shall not apply to any artificial lure.
- (pp) for any recreational fisherman to retain any striped bass incidentally caught by any unapproved method.
- (qq) any person to retain or possess more than one striped bass taken from the Cape Cod Canal during any calendar day.
- (rr) Any person to possess any striped bass measuring 31 inches in total length or larger within 1,000 feet of the Cape Cod Canal unless that fish was lawfully harvested in a location other than the Cape Cod Canal and is being actively transported to a primary buyer.
- (ss) Any person to possess more than one striped bass at any time within 1,000 feet of the Cape Cod Canal, unless the fish was lawfully harvested in a location other than the Cape Cod Canal and is being actively transported to a primary buyer.
- (tt) Any commercial fisherman to retain or possess any striped bass taken from the Cape Cod Canal for sale or attempted sale.

6.08: Surf Clam and Ocean Quahog Fisheries

- (1) Definitions. For the purposes of 322 CMR 6.08, the following words shall have the following meanings:

Batch means all shellfish in each separate container.

NON-TEXT PAGE

