



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

DIVISION OF HEALTH CARE FINANCE AND POLICY

Two Boylston Street • Boston, MA 02116-4737
(617) 988-3100 • FAX (617) 727-7662 • TTY (617) 988-3175
www.mass.gov/dhcfp

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

RONALD PRESTON
SECRETARY

PAUL J. COTE, JR.
COMMISSIONER

September 9, 2004

Re: Regulation 114.6 CMR 12.00: Services Eligible for Payment from the Uncompensated Care Trust Fund

Dear Interested Party:

This letter is to inform you that the Division intends to make several changes to its proposed regulations concerning the Uncompensated Care Pool following the August 24th public hearing. Thank you for your testimony. The Division values your input on this important regulation. In proposing these changes, the Division has attempted to balance the continuing need for access to health care for the low income population with the needs of providers and surcharge payers. The Division has considered all of the testimony offered at the August 24, 2004 public hearing, and will shortly adopt emergency amendments effective October 1, 2004 that will make the following changes to the proposal:

- Retain existing notice requirements, including all current specifications.
- Reinstate patient protections on billing -- with the limited exception that providers may collect co-pays and deductibles required by state public assistance programs.
- Increase the retroactive eligibility period from sixty days to six months.
- Clarify the definition of critical access services by changing the exception for "high acuity" conditions to specify that the treating clinician must make a reasonable clinical judgment that "the patient's medical condition is so severe or complex that his/her primary care cannot be adequately provided in a community setting".
- Delay implementation of the critical access provision until April 1, 2005 to give providers additional time to transition to the new requirement.
- Exempt hospitals with no community health center within 5 miles, rather than 15 miles, from the critical access provision.
- Delay implementation of reporting services by site of service until April 1, 2005, to give providers additional time to comply.
- Clarify that students and nursing home residents who are also residents of the state may apply for uncompensated care.

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The Division has made these changes in response to the extensive public hearing testimony. There will be a public comment period on the revised regulation during which interested parties may submit additional testimony.

We hope that these changes will assist all interested parties during the transition process. If you have any questions or would like to speak to me personally about any of these issues, please feel free to call me directly at (617) 988 -3120.

Sincerely,

Paul J. Cote, Jr.
Commissioner