Issue: 1453, Date: October 1, 2021

The Massachusetts Register

Published by:
The Secretary of the Commonwealth,
William Francis Galvin, Secretary **$15.00**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

UNITED STATES POSTAL SERVICE®

Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

1. Publication Title	2. Publication Number	3. Filing Date
Massachusetts Register	0896-3681	09/15/2021
4. Issue Frequency	**5. Number of Issues Published Annually**	**6. Annual Subscription Price**
Semi-monthly	26	Printed $300/Electronic $225

7. Complete Mailing Address of Known Office of Publication *(Not printer) (Street, city, county, state, and ZIP+4®)*
State Publications and Regulations Division
State House, Room 117
Boston, MA 02133

Contact Person
Steven Kfoury

Telephone *(Include area code)*
617-727-2831

8. Complete Mailing Address of Headquarters or General Business Office of Publisher *(Not printer)*
Secretary of the Commonwealth
State House, Room 340
Boston, MA 02133

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor *(Do not leave blank)*

Publisher *(Name and complete mailing address)*
Secretary of the Commonwealth
State house, Room 340
Boston, MA 02133

Editor *(Name and complete mailing address)*
State Publications and Regulations Division
State House, Room 117
Boston, MA 02133

Managing Editor *(Name and complete mailing address)*
State Publications and Regulations division
State House, Room 117
Boston, MA 02133

10. Owner *(Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)*

Full Name	Complete Mailing Address
Secretary of the Commonwealth	State House, Room 340, Boston, MA 02133

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box → ☑ None

Full Name	Complete Mailing Address

12. Tax Status *(For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)*
The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
☑ Has Not Changed During Preceding 12 Months
☐ Has Changed During Preceding 12 Months *(Publisher must submit explanation of change with this statement)*

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

13. Publication Title	14. Issue Date for Circulation Data Below
Massachusetts Register	09/03/2021

15. Extent and Nature of Circulation			Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies *(Net press run)*			88	80
b. Paid Circulation *(By Mail and Outside the Mail)*	(1)	Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	47	38
	(2)	Mailed In-County Paid Subscriptions Stated on PS Form 3541 *(Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)*	0	0
	(3)	Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	3	3
	(4)	Paid Distribution by Other Classes of Mail Through the USPS (e.g., First-Class Mail®)	17	18
c. Total Paid Distribution *[Sum of 15b (1), (2), (3), and (4)]*			67	59
d. Free or Nominal Rate Distribution *(By Mail and Outside the Mail)*	(1)	Free or Nominal Rate Outside-County Copies included on PS Form 3541	8	8
	(2)	Free or Nominal Rate In-County Copies Included on PS Form 3541	0	0
	(3)	Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail)	3	3
	(4)	Free or Nominal Rate Distribution Outside the Mail *(Carriers or other means)*	0	0
e. Total Free or Nominal Rate Distribution *(Sum of 15d (1), (2), (3) and (4))*			11	11
f. Total Distribution *(Sum of 15c and 15e)*			78	70
g. Copies not Distributed *(See Instructions to Publishers #4 (page #3))*			10	10
h. Total *(Sum of 15f and g)*			88	80
i. Percent Paid *(15c divided by 15f times 100)*			86	84

* If you are claiming electronic copies, go to line 16 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only. The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

UNITED STATES POSTAL SERVICE®

Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

16. Electronic Copy Circulation	Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Paid Electronic Copies	100	102
b. Total Paid Print Copies (Line 15c) + Paid Electronic Copies (Line 16a)	167	102
c. Total Print Distribution (Line 15f) + Paid Electronic Copies (Line 16a)	178	172
d. Percent Paid (Both Print & Electronic Copies) (16b divided by 16c × 100)	94	94

☑ **I certify that 50% of all my distributed copies (electronic and print) are paid above a nominal price.**

17. Publication of Statement of Ownership

☑ If the publication is a general publication, publication of this statement is required. Will be printed in the 10/1/20 issue of this publication.

☐ Publication not required.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner	Date
Sherrill Hanny, Deputy Secretary	09/15/2021

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

PRIVACY NOTICE: See our privacy policy on *www.usps.com.*

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only. The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Issue: 1453, Date: 10/1/21

THE COMMONWEALTH OF MASSACHUSETTS

Secretary of the Commonwealth - William Francis Galvin

The Massachusetts Register

TABLE OF CONTENTS

Page

THE GENERAL COURT

Acts and Resolves 1

DEPARTMENT OF FAMILY AND MEDICAL LEAVE

DFML Financial Report 3

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Administrative Bulletin 21-23: 101 CMR 322.00: Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment 5

CENTER FOR HEALTH INFORMATION AND ANALYSIS (CHIA)

Administrative Bulletin 21-05: Clarification of $50,000 Annual Limit for Fines 7

ADMINISTRATIVE PROCEDURES

Notices of Public Review of Prospective Regulations 9
Cumulative Table 33
Notice of Expiration of Emergency Regulations 43
Emergency Regulations 45
Permanent Regulations 53
Future Effective Date Regulations -

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

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only. The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Notice of Expiration of Emergency Regulations

430 CMR **Department of Unemployment Assistance**

24.00 COVID-19 Emergency Regulations - Employer Relief 43

Emergency Regulations

105 CMR **Department of Public Health**

141.000 Licensure of Hospice Programs 45

Sets the licensing requirements for hospice programs. Requires hospice inpatient facilities to ensure that all personnel are vaccinated against COVID-19 and to ensure that personnel of residential services who provide direct care are vaccinated against COVID-19 to strengthen infection control for hospice programs and protect vulnerable individuals.

150.000 Standards for Long-term Care Facilities 47

Sets the standards for governing long-term care facilities. Requires that all long-term care facilities, including nursing homes and rest homes, ensure that all personnel are fully vaccinated against COVID-19 to strengthen infection control in long-term care facilities and protect vulnerable residents.

159.000 COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts 49

Requires that home care agencies contracting with state agencies and providing direct care to clients in a home-based setting, ensure that home care agency workers have received the COVID-19 vaccination no later than October 31, 2021. Also requires that certain non-agency based home care workers receive the COVID-19 vaccination no later than October 31, 2021. Strengthens infection control among home care workers to protect vulnerable individuals.

651 CMR **Executive Office of Elder Affairs**

12.00 Certification Procedures and Standards for Assisted Living Residences 51

Establishes the standards by which Assisted Living Residences become certified and are overseen and monitored by EOEA. Modifications will benefit the health, safety, and welfare of ALR residents and personnel by establishing COVID-19 vaccination requirements for ALR personnel.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Permanent Regulations

101 CMR Executive Office of Health and Human Services

347.00 Rates for Freestanding Ambulatory Surgery Center Services 53

Governs the facility component rates of payment used by MassHealth and other state governmental units for surgical services provided by eligible freestanding ambulatory surgery centers to publicly aided individuals and industrial accident patients. Updates title.

433.00 Rates for Certain Health and Human Services Programs 55

Establishes increased payment rates based on updated labor statistics salary information for certain Health and Human Services programs or services whose rates were previously established on July 1, 2021.

447.00 Rates for Certain Home- and Community-based Services Related to Section 9817 of the American Rescue Plan Act 57

Establishes the payment rates for certain home- and community-based services related to the American Rescue Plan Act § 9817.

105 CMR Department of Health

316.000 Use of Face Masks or Coverings in Response to the COVID-19 Pandemic 59

- Compliance

106 CMR Department of Transitional Assistance

360.000 Supplemental Nutrition Assistance Program: General Provisions 61

- Correction

310 CMR Department of Environmental Protection

73.00 Amalgam Wastewater and Recycling for Dental Facilities 63

Amendments to Amalgam Wastewater and Recycling for Dental Facilities exempt dental facilities that certify annually or biennially to a local Publicly Owned Treatment Works (POTW) that has a pretreatment program approved by the U.S. Environmental Protection Agency (EPA), thereby eliminating duplicative certifications and fees on dental facilities.

80.00 Underground Storage Tank Systems 65

Ensures that the MassDEP underground storage tank (UST) 310 CMR 80.00 regulations are as stringent as the federal UST regulations, which were amended in 2015. Key changes include testing requirements for leak detection, sumps, spill buckets and overfill protection; periodic inspection of UST components; compatibility requirements for UST systems and the regulated substance they contain; and removal of past deferrals of certain USTs.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

540 CMR **Registry of Motor Vehicles**

2.00 Motor Vehicle Regulations 67

Promotes and protects public safety by ensuring every motor vehicle and trailer operated, pushed, drawn, towed, or remaining in any way shall be in compliance with certain registration requirements. Resolves conflicts with Federal law, promulgates legal authority for business process improvements within the RMV, addresses matters involving Commercial Driver Licenses (CDLs), and makes other edits to the regulatory text.

550 CMR **Municipal Police Training Committee**

6.00 Use of Force by Law Enforcement Officers 69

Use of Force Regulations governing Commonwealth law enforcement officers as required by "An Act relative to justice, equity, and accountability in law enforcement in the Commonwealth", (police reform).

555 CMR **Peace Officer Standards and Training Commission**

6.00 Use of Force by Law Enforcement Officers 71

Use of Force Regulations governing Commonwealth law enforcement officers as required by "An Act relative to justice, equity, and accountability in law enforcement in the Commonwealth", (police reform).

940 CMR **Office of the Attorney General**

36.00 Regulations Implementing the Act to Prevent Cruelty to Farm Animals 73

Establishes procedures for implementing the provisions of St. 2016, c. 333 as enacted, to prevent animal cruelty by phasing out extreme methods of farm animal confinement and the sale of products produced from animals confined in such manners. Clarifies the obligations of producers and retailers of covered shell eggs, veal meat, and pork meat in the Commonwealth and outlines the authority of the Office of the Attorney General to investigate and enforce violations.

956 CMR **Commonwealth Health Insurance Connector Authority**

5.00 Minimum Creditable Coverage - *Correction* 75

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Acts 2021

CHAPTER NUMBER	BILL NUMBER	TITLE	DATE
39	H 3774	Reorganizing Certain Licensing Agencies of the Executive Department. *The foregoing was filed by the Governor with the General Court on May 19, 2021. Not having been disapproved in either the House of Representatives or Senate and the General Court not having been prorogued, after 60 days it has the force of law as provided in Article LXXXVII of the Amendments to the Constitution.*	8/5/2021
40	H 3995	Amending the Charter of the City of Northampton.	8/13/2021
41	H 3927	Establishing a Sick Leave Bank for Christina Ruccio, an Employee of the Suffolk County Sheriff's Department.	8/20/2021
42	H 2714	Authorizing the Town of Wakefield to Employ Retired Police Officers as Special Police Officers.	8/20/2021
43	H 94	Revoking the Town of Longmeadow's Acceptance of a Certain General Law Establishing a Board of Election Commissioners.	8/20/2021
44	H 2757	Allowing Elected Officers in the Town of Lee to Serve on the Board of Public Works of the Town.	8/25/2021
45	S 2487	Validating Actions Taken at the Annual Town Meeting Held in the Town of Nahant.	8/30/2021
46	S 2450	Amending the Charter of the City of Amesbury Relative to the Position of School Committee Chair.	9/8/2021
47	S 2449	Amending the Charter of the City of Amesbury to Increase the Term of the Mayor to 4 Years.	9/8/2021
48	H 3942	Designating a Certain Bridge in the Town of Wilmington as the Trooper Thomas W. Devlin Memorial Bridge and a Certain Railway Platform in the City of Northampton as the Honorable Peter V. Kocot Memorial Station.	9/10/2021
49	H 3972	Providing for the Terms of Certain Bonds for Transportation Improvements to Be Issued by the Commonwealth.	9/14/2021
50	H 3898	Authorizing the Town of Webster to Grant 2 Additional Licenses for the Sale of All Alcoholic Beverages to Be Drunk on the Premises and 2 Additional Licenses for the Sale of Wines and Malt Beverages to Be Drunk on the Premises.	9/14/2021
51	H 3755	Authorizing Justin Brown to Take the Civil Service Examination for the Position of Firefighter in the Town of Arlington.	9/17/2021
52	S 2479	Authorizing the City of Gloucester to Appoint Retired Police Officers as Special Police Officers.	9/22/2021
53	H 3879	Authorizing the Town of Norwood to Grant an Additional License for the Sale of Wines and Malt Beverages Not to Be Drunk on the Premises.	9/22/2021

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Acts 2021

CHAPTER NUMBER	BILL NUMBER	TITLE	DATE
54	H 3947	Changing the Name of the Members of the City Council in the City of Woburn from Alderman to Councilor.	9/27/2021

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF FAMILY AND MEDICAL LEAVE

CHARLES D. BAKER
GOVERNOR
KARYN E. POLITO
LIEUTENANT GOVERNOR

ROSALIN ACOSTA
SECRETARY
WILLIAM J. ALPINE
DIRECTOR

The Department of Family and Medical Leave hereby provides notice, pursuant to G.L. c. 175M, s. 7(e), that the total contribution rate under G.L. c. 175M, s. 6(a) shall be adjusted to 0.68%, effective January 1, 2022.

Pursuant to G.L. c. 175M, s. 7(e), the department certifies the following information:

i. The total amount of benefits paid by the department during the previous fiscal year;

The department issued a total of **$174,903,736.10** in benefit payments in fiscal year 2021 (July 1, 2020 - June 30, 2021). Note that the department did not begin issuing any benefit payments until January 1, 2021.

ii. The total amount remaining in the trust fund at the close of such fiscal year;

The total amount remaining within the trust fund as of June 30, 2021, was **$1,331,728,076.61**.

iii. The total amount equal to 140 per cent of the previous fiscal year's expenditure for benefits paid and for the administration of the department;

The combined cost of benefits and administration of the program in fiscal year 2021 was **$218,933,175.09**. 140% of that amount is **$306,506,445.13.**

iv. The amount by which the total amount remaining in the trust fund at the close of the previous fiscal year is less than or greater than 140 per cent of the previous fiscal year's expenditure for benefits paid and for the administration of the department;

Trust Fund Balance 6/30/2021	140% of FY21 Expenditure	Difference (Trust Fund Balance minus 140% of FY21 Expenditure)
$1,331,728,076	$306,506,445.13	**+ $1,025,221,631.48**

CHARLES F. HURLEY BUILDING · 19 STANIFORD STREET, 1ST FLOOR · BOSTON, MA 02114
TEL: 617-626-6565 · www.mass.gov/dfml

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

v. **The amount by which the contribution rate set forth in subsection (a) of section 6 shall be adjusted to ensure that the trust fund shall maintain or achieve an annualized amount of not less than 140 per cent of the previous fiscal year's expenditure for benefits paid and for the administration of the department;**

Beginning on January 1, 2022, the Department is **reducing the contribution rate by .07%, from 0.75% to 0.68%.**

This 0.68% contribution rate will be split between the medical leave contribution rate and the family leave contribution rate as follows: 0.56% of wages will be attributable to the medical leave contribution and 0.12% of wages will be attributable to the family leave contribution.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
One Ashburton Place, Room 1109
Boston, Massachusetts 02108

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

Tel: (617) 573-1600
Fax: (617) 573-1891
www.mass.gov/eohhs

Administrative Bulletin 21-23

101 CMR 322.00: Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment

Effective September 23, 2021

Rate Updates for Certain Absorbent Products Subject to a Preferred Supplier Agreement

Under the authority of 101 CMR 322.00, the Executive Office of Health and Human Services (EOHHS) is issuing this bulletin to establish differential rates for certain products. Specifically, pursuant to 101 CMR 322.01(6)(b), EOHHS has the authority to establish differential rates via Administrative Bulletin for durable medical equipment or medical supplies (DME) subject to a preferred supplier agreement or agreements between a manufacturer and a governmental unit or units.

As EOHHS has a preferred supplier agreement with Geriatric Medical Supply, Inc., effective since January 1, 2018, EOHHS is hereby establishing the differential rates set forth in Table 1 for certain additional absorbent products provided to MassHealth members by MassHealth providers.

The rates set forth in Table 1 are based on the preferred supplier's wholesale pricing available to MassHealth providers, plus a uniform mark-up. MassHealth providers are not required to utilize the preferred supplier. However, MassHealth DME providers are required to furnish products to MassHealth members of equivalent or better quality than those offered by the preferred supplier, consistent with applicable quality standards established and updated by EOHHS.

Effective for dates of service beginning September 23, 2021, the rates set forth in Table 1 are the rates for products corresponding to the code/modifier combinations below, provided to MassHealth members by MassHealth providers, until such time as this bulletin is rescinded, modified, or superseded. In the event this bulletin is rescinded without replacement, any rates set forth for the covered products in the version of 101 CMR 322.00 then in effect will apply.

The issuance of this bulletin does not supersede or modify the rates established under Administrative Bulletin 18-15, effective April 15, 2018, and Administrative Bulletin 18-15 will remain in effect until rescinded, modified, or superseded.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table 1: Preferred Supplier Covered Products and Pricing

HCPCS Code/Modifier	Description	**Rate** (for MassHealth claims)
T4522-U6	Premium: Adult sized disposable incontinence product, brief/diaper, medium, each	$0.65
T4523-U6	Premium: Adult sized disposable incontinence product, brief/diaper, large each	$0.87
T4524-U6	Premium: Adult sized disposable incontinence product, brief/diaper, extra- large, each	$1.04

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

CHIA.
center
for health
information
and analysis

Administrative Bulletin 21-05

957 CMR 2.00: Payer Data Reporting
957 CMR 3.00: Assessment on Certain Health Care Providers & Surcharge Payers
957 CMR 8.00: All Payer Claims Database (APCD) and Case Mix and Charge Data Submission
957 CMR 9.00: Hospital Financial Data Reporting Requirements
957 CMR 10.00: Health Care Payers Premiums and Claims Data Reporting Requirements
957 CMR 11.00: Registered Provider Organizations Reporting Requirements

Effective October 1, 2021

Clarification of $50,000 Annual Limit for Fines

The Center for Health Information and Analysis ("CHIA") is issuing this Administrative Bulletin in accordance with 957 CMR 2.09(1) and 2.10, 957 CMR 3.07(1) and 3.08, 957 CMR 8.07(1) and (3)(a), 957 CMR 9.10(1) and 9.11, 957 CMR 10.06(1) and10.07(1), and 957 CMR 11.06(2) and 11.07, to clarify language establishing annual limits on fines assessed.

Each of the six regulations referenced above contains language establishing maximum annual fines of $50,000. This bulletin clarifies that the annual limit is established by use of the calendar year. For example, a fine assessed for a violation in 2021 cannot exceed $50,000, but the same violation can result in a fine of up to $50,000 in 2022.

501 BOYLSTON STREET
BOSTON, MA 02116

T 617.701.8100
F 617.727.7662
www.chiamass.gov

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

October 1, 2021

Energy and Environmental Affairs, Executive Office of	301 CMR 11.00	10/12/21 @ 10:00 A.M. - 12:00 P.M.; 10/13/21 @ 1:00 P.M. - 3:00 P.M. and 6:30 P.M. - 8:00 P.M. Written comments accepted until 10/20/21 @ 5:00 P.M.
Health and Human Services, Executive Office of	101 CMR 322.00	10/12/21 @ 10:00 A.M. Written testimony accepted until 10/12/21 @ 5:00 P.M.
	101 CMR 352.00	10/15/21 @ 10:00 A.M. Written testimony accepted until 10/15/21 @ 5:00 P.M.
Public Health, Department of	105 CMR 141.000	10/12/21 @ 12:00 P.M. Comments accepted until 10/15/21 @ 5:00 P.M.
	105 CMR 150.000	10/12/21 @ 2:30 P.M. Comments accepted until 10/15/21 @ 5:00 P.M.
	105 CMR 159.000	10/12/21 @ 9:30 A.M. Comments accepted until 10/15/21 @ 5:00 P.M.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
http://www.mass.gov/eea

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Massachusetts Environmental Policy Act (MEPA) Office within the Executive Office of Energy and Environmental Affairs (EEA), pursuant to M.G.L. c. 30A, will hold public hearings on proposed amendments to 301 CMR 11.00 *MEPA Regulations*.

The proposed amendments will implement new requirements under Sections 55-60 of Chapter 8 of the Acts of 2021: *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy*. The amendments also reflect updates to MEPA filing and circulation requirements.

Public hearings will be conducted via Zoom meeting at the dates and times below:

- October 12, 2021, 10am-12noon (register at link below)
https://us02web.zoom.us/meeting/register/tZUvcumtqT0oHdQV7EMDBwUtxkwHY3GGbkMw

- October 13, 2021, 1-3pm (register at link below)
https://us02web.zoom.us/meeting/register/tZwvceqgrzorE9wZ79M_MYJ-6bFk0vNJVHi4

- October 13, 2021, 6:30-8:00pm (register at link below)
https://us02web.zoom.us/meeting/register/tZIpcuyvpz4sHNes9u_GSD43I4K1hwFuj1Vn

Following public hearings, written comments will be accepted until **5:00pm on October 20, 2021** by email at MEPA-regs@mass.gov, or by mail to MEPA Office, Attn: Tori Kim, 100 Cambridge Street, Suite 900, Boston, MA 02114. A copy of the proposed regulations is available on the MEPA website at https://www.mass.gov/service-details/information-about-upcoming-regulatory-updates, or may be obtained by sending an email to MEPA-regs@mass.gov.

To request written language translation or oral interpretation at the public hearings, please contact MEPA-regs@mass.gov. For oral language interpretation, the request must be received at least three (3) business days prior to the public hearing date at which the interpretation is requested. To request other reasonable accommodations, please contact Melixza Esenyie, ADA and Diversity Manager at Melixza.Esenyie2@mass.gov or 617-626-1282.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Small Business Impact Statement *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
CMR No: 301 CMR 11.00		
Estimate of the Number of Small Businesses Impacted by the Regulation: 40-50 annually		
Select Yes or No and Briefly Explain		
Yes ☒	No ☐	Will small businesses have to create, file, or issue additional reports? Yes. Small businesses that participate in the MEPA process will have to file environmental impact reports (EIRs) if a project is likely to cause Damage to the Environment (as defined in statute and regulations) and is located near environmental justice (EJ) populations.
Yes ☐	No ☒	Will small businesses have to implement additional recordkeeping procedures?
Yes ☐	No ☒	Will small businesses have to provide additional administrative oversight?
Yes ☐	No ☒	Will small businesses have to hire additional employees in order to comply with the proposed regulation?
Yes ☒	No ☐	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Small businesses will likely have to hire consultants to prepare the newly required EIRs.
Yes ☐	No ☒	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No capital investments or product purchases will be necessary.
Yes ☐	No ☒	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?
Yes ☐	No ☒	Do any other regulations duplicate or conflict with the proposed regulation?
Yes ☐	No ☒	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?
Yes ☐	No ☒	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Yes ☐	No ☒	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? The changes are unlikely to affect the formation of new small businesses.
Yes ☐	No ☒	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? The changes are unlikely to affect the formation of new small businesses.
Yes ☐	No ☒	Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
Yes ☐	No ☒	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
Yes ☒	No ☐	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulations provide for procedural flexibility, including through limitations to EIR scoping and a "Single EIR" review process (rather than the typical Draft and Final EIR reviews, each with a separate public comment period), for smaller projects with lesser impacts.
Yes ☐	No ☒	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
Yes ☐	No ☒	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? These changes are required by statute.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Commonwealth of Massachusetts
Executive Office of Health and Human Services

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, a remote public hearing will be held on October 12, 2021, at 10:00 a.m. relative to the adoption of:

101 CMR 322.00: Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment

Summary of Proposed Regulation

101 CMR 322.00 governs the rates of payment to be used by all governmental units for durable medical equipment (DME) and oxygen and respiratory therapy equipment (OXY) services provided to publicly aided individuals by eligible DME and OXY providers and by MassHealth pharmacy providers with a DME or OXY specialty. In general, the proposed amendments rebase payment rates to 2021 Medicare fees and update components of the rate methodology; codify and clarify existing policy, and reduce ambiguity. The amendments update the definition of "usual and customary charge," add definitions for terms appearing throughout the regulation, expand authority to issue administrative bulletins under the regulation, provide clarity regarding application of the standard markup when a provider receives a timely payment discount; update and clarify the policy for reimbursing providers for rental of substitute equipment when member owned equipment is unusable and requires repair; and moves descriptions of pricing methodologies from the "General Definitions" section to the "General Rate Provisions" section.

The proposed amended regulation contains rates effective for dates of service on or after January 1, 2022. There is no fiscal impact on cities and towns.

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

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to ehs-regulations@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

be accepted through 5:00 p.m. on October 12, 2021. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

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

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

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

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

September 17, 2021

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Small Business Impact Statement *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
CMR No: Promulgation of 101 CMR 322.00		
Estimate of the Number of Small Businesses Impacted by the Regulation: 104 Durable Medical Equipment (DME) providers, 17 Oxygen and Respiratory (OXY) equipment providers and 737 pharmacy providers that offer DME or OXY equipment and supplies as a subspecialty service.		
Select Yes or No and Briefly Explain		
Yes ☐	No ☒	Will small businesses have to create, file, or issue additional reports? No. Small businesses will not have to create, file, or issue additional reports.
Yes ☐	No ☒	Will small businesses have to implement additional recordkeeping procedures? No. Small businesses will not have to implement additional recordkeeping procedures.
Yes ☐	No ☒	Will small businesses have to provide additional administrative oversight? No. Small businesses will not have to provide additional administrative oversight.
Yes ☐	No ☒	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. Small businesses will not have to hire additional employees in order to comply with the proposed regulation.
Yes ☐	No ☒	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. Small businesses are not required to hire other professionals to comply with the regulation.
Yes ☐	No ☒	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No. Small businesses are not required to purchase a product or make any other capital investments in order to comply with the regulation, although they may obtain products for a preferred supplier.
Yes ☐	No ☒	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) No. The regulation is required by statute under MGL Chapter 118E Sections 13C and 13D, and establishes the rates to be paid by governmental units to providers of non-institutional health care services, including DME and OXY services.
Yes ☐	No ☒	Do any other regulations duplicate or conflict with the proposed regulation? No. No other regulations duplicate or conflict with this regulation.
Yes ☒	No ☐	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes. The regulation continues to require providers to periodically comply with audits, inspections and other regulatory activities.
Yes ☐	No ☒	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. This regulation does not require small businesses to provide educational services to keep up to date with the regulatory requirements.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Yes ☐	No ☒	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? No. The regulation is unlikely to deter or encourage the formation of small businesses in Massachusetts, as this regulation governs payments for DME and OXY services provided to publicly aided individuals and is applied uniformly among providers.
Yes ☐	No ☒	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? No. The regulation is unlikely to deter or encourage the formation of small businesses in Massachusetts, as this regulation governs payments for DME and OXY services provided to publicly aided individuals and is applied uniformly among providers.
Yes ☐	No ☒	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The regulation does not distinguish between small and other businesses.
Yes ☐	No ☒	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. The regulation contains requirements to report cost data to EOHHS upon request to enable EOHHS to develop rates for health care services and is applied uniformly regardless of whether or not the provider is a small business.
Yes ☐	No ☒	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. This regulation requires providers to submit documentation requested by the Commonwealth for purposes of utilization and provider review to ensure compliance with requirements, including the timelines for reporting, and the regulation is applied uniformly regardless of whether or not the provider is a small business.
Yes ☐	No ☒	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No. The regulation establishes uniform conditions of payment for the provision of DME and OXY services to publicly aided individuals. These requirements are applied uniformly, regardless of the size of the provider's business, to maintain consistency in the care provided to publicly aided individuals.
Yes ☐	No ☒	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. The regulation does not have an adverse impact on small businesses and governs payments for DME and OXY services to publicly aided individuals and is applied uniformly regardless of whether or not the provider is a small business.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Commonwealth of Massachusetts
Executive Office of Health and Human Services

NOTICE OF PUBLIC HEARING

Pursuant to the authority of M.G.L. c. 118E and in accordance with M.G.L. c. 30A, a remote public hearing will be held on October 15, 2021, at 10:00 A.M. relative to the adoption of:

101 CMR 352.00: Rates of Payment for Certain Children's Behavioral Health Services

Summary of Proposed Regulation

These actions are being taken pursuant to the requirements of M.G.L. c. 118E, §§ 13C and 13D. 101 CMR 352.00 governs the rates of payment used by state governmental units, including MassHealth, for certain children's behavioral health (CBHI) services rendered by eligible providers.

The proposed amendments update the rates for certain CBHI services for dates of service on or after January 1, 2022. The proposed amendments update and increase the rates for Intensive Care Coordination (ICC), Family Support and Training (FS&T), Therapeutic Mentoring (TM), In-Home Behavioral (IHBS), and Mobile Crisis Intervention (MCI) services. These CBHI services are an array of home and community-based services for MassHealth members under 21 years of age with significant behavioral, emotional, and mental health needs.

The proposed rates were developed by updating certain staff salaries and other benchmarks in the model budgets using the FY2019 Uniform Financial Report (UFR) data. In addition, the proposed amendment implements an enhanced rate for MCI services provided in community settings, effective April 1, 2022. From January 1, 2022 through March 31, 2022, the proposed rates for MCI services will apply, regardless of the site of service. Effective April 1, 2022, EOHHS is establishing the enhanced rates for MCI services provided in community-based settings, in part, in furtherance of the opportunities provided under with the American Rescue Plan Act of 2021 enacted on March 11, 2021. The proposed rates for MCI services provided in other (non-community based) sites of services will continue for dates of service after April 1, 2022.

All other rates are proposed to remain at their current levels.

EOHHS is making these changes, subject to federal approval, to ensure that payments are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities, and to ensure that payment rates are consistent with efficiency, economy, and quality of care. It is estimated that MassHealth expenditure will

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

increase approximately $156,000 (40%) over base spending as a result of the proposed amendments. The actual change in annualized expenditures may vary depending on actual utilization of services. There is no fiscal impact on cities and towns.

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

You may also submit written testimony instead of, or in addition to, live testimony. To submit written testimony, please email your testimony to ehs-regulations@mass.gov as an attached Word or PDF document or as text within the body of the email with the name of the regulation in the subject line. All written testimony must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit testimony by email should mail written testimony to EOHHS, c/o D. Briggs, 100 Hancock Street, 6th Floor, Quincy, MA 02171. Written testimony will be accepted through 5:00 p.m. on October 15, 2021. EOHHS specifically invites comments as to how the amendments may affect beneficiary access to care.

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

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

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

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the MassHealth website at www.mass.gov/service-details/executive-office-of-health-and-human-services-public-hearings.

September 24, 2021

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Small Business Impact Statement *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
101 CMR 352.00: Rates of Payment for Certain Children's Behavioral Health Services		
Estimate of the Number of Small Businesses Impacted by the Regulation: There are 85 Children's Behavioral Health services agencies governed by the proposed regulation.		
Select Yes or No and Briefly Explain		
Yes ☐	No ☒	Will small businesses have to create, file, or issue additional reports? No. Small businesses will not have to create, file, or issue additional reports as a result of the proposed amendments to 101 CMR 352.00.
Yes ☐	No ☒	Will small businesses have to implement additional recordkeeping procedures? No. Small businesses will not have additional responsibilities to keep records as a result of amendments to 101 CMR 352.00.
Yes ☐	No ☒	Will small businesses have to provide additional administrative oversight? No. Small businesses are not required by 101 CMR 352.00 to additional administrative oversight.
Yes ☐	No ☒	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No. 101 CMR 352.00 not require small businesses to hire additional employees to remain in compliance.
Yes ☐	No ☒	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No. Small businesses are not required by 101 CMR 352.00 to hire other employees to remain in compliance.
Yes ☐	No ☒	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No. Small businesses are not required by 101 CMR 352.00 to hire other employees to remain in compliance.
Yes ☐	No ☒	Are performance standards more appropriate than design or operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) No. Performance standards are not more appropriate than design or operational standards to accomplish the regulatory objective of establishing rates for EOHHS health care services as the proposed regulation is required by statute under M.G.L. Chapter 118E, Section 13C.
Yes ☐	No ☒	Do any other regulations duplicate or conflict with the proposed regulation? No. There are no regulations duplicate or conflict with this regulation.
Yes ☐	No ☒	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No. The regulation does not require cooperation with additional audits, inspections or other regulatory enforcement activities.
Yes ☐	No ☒	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No. The regulation does not require small businesses to provide educational services to keep up to date with the proposed regulatory requirements.
Yes ☐	No ☒	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? No. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts.
Yes ☐	No ☒	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? No. The regulation is not likely to deter or encourage the formation of small businesses in Massachusetts.
Yes ☐	No ☒	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No. The regulation does not distinguish between small and other businesses.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Yes ☐	No ☒	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No. The regulation does not distinguish between small and other businesses.
Yes ☐	No ☒	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No. The regulation does not distinguish between small and other businesses.
Yes ☐	No ☒	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 to implement the proposed regulation.
Yes ☐	No ☒	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. The regulation is required does not have an adverse impact on small businesses.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MARGRET R. COOKE
Acting Commissioner

Tel: 617-624-6000
www.mass.gov/dph

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health will hold a public hearing and comment period on the recent amendments filed on September 8, 2021 on an emergency basis to 105 CMR 141.000: *Licensure of Hospice Programs.*

The public hearing will be held on Tuesday, October 12, 2021, at 12:00 p.m. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number:	**1-888-390-5007**
Participant Passcode:	**5219720**
To Testify Press:	*1

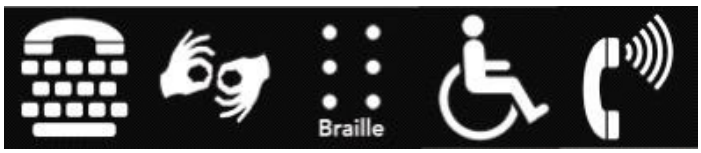
A copy of the proposed amendments to 105 CMR 141.000 may be viewed on the Department's website at http://mass.gov/dph/proposed-regulations or requested from the Office of the General Counsel by calling 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral comments. The Department encourages all interested parties to submit comments electronically to Reg.Testimony@mass.gov or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. All submissions must include the sender's full name and address.

When electronically submitting comments, type "Licensure of Hospice Programs – Vaccinations" in the subject line and attach a Word document with your comments or type your comments in the body of your email.

The Department will post all testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on Friday, October 15, 2021**. All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact Alex Gomez at least 5 days before the hearing at Tel # 617-624-5928, Fax # 617-624-5075, email Alex.Gomez@mass.gov, or TTY # 617-624-6001.



The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Small Business Impact Statement **Licensing of Hospice Programs** *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
CMR No: 105 CMR 141.000, *Licensure of Hospice Programs*		
Estimate of the Number of Small Businesses Impacted by the Regulation: There are 79 licensed hospice programs and 6 licensed hospice inpatient facilities. It is likely that some hospice programs identify as a small business, but the exact number is not known.		
Select Yes or No and Briefly Explain		
Yes X	No	Will small businesses have to create, file, or issue additional reports? Small businesses may be required to report COVID-19 vaccination of personnel to the Department.
Yes	No X	Will small businesses have to implement additional recordkeeping procedures? Small businesses will have to implement additional recordkeeping procedures as a result of proposed amendments to this regulation.
Yes ☐	No X	Will small businesses have to provide additional administrative oversight? Small businesses will not have to provide additional administrative oversight as a result of proposed amendments to this regulation.
Yes	No X	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Small businesses will not have to hire additional employees in order to comply with the proposed regulation.
Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Small businesses will not have to hire other professionals.
Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? Small businesses will not be required to make any other capital investments in order to comply with this regulation.
Yes ☐	No X	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) This regulation, which is required by statute, sets forth clear minimum standards to ensure consistency among programs and protect the health and safety of patients.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Yes	No X	Do any other regulations duplicate or conflict with the proposed regulation? There are no other regulations that duplicate or conflict with the proposed amendments to this regulation.
Yes X	No ☐	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? This regulation does require small businesses to cooperate with inspections and other regulatory enforcement activities in order for DPH to ensure the health and safety of patients.
Yes	No ☐	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? This regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
Yes ☐	No X	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? This regulation will not deter the formation of small businesses.
Yes ☐	No X	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? This regulation will not encourage the formation of small businesses.
Yes ☐	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The reporting requirements are the same for all regulated parties, and result from individual incidents involving regulated parties, rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The compliance standards for patient care and reporting requirements are the same for all regulated parties, and result from individual incidents involving regulated parties rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The compliance standards for patient care and reporting requirements are the same for all regulated parties, and result from individual incidents involving regulated parties rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? This regulation sets forth clear minimum standards to ensure consistency among programs, protect the health and safety of patients, and reflect the individualized needs of patients.
Yes ☐	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? There are no other alternative regulatory methods that would minimize the adverse impact on small businesses.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MARGRET R. COOKE
Acting Commissioner

Tel: 617-624-6000
www.mass.gov/dph

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health will hold a public hearing and comment period on the recent amendments filed on September 8, 2021 on an emergency basis to 105 CMR 150.000: *Standards for Long-term Care Facilities.*

The public hearing will be held on Tuesday, October 12, 2021, at 2:30 p.m. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: 1-888-390-5007
Participant Passcode: 5611748

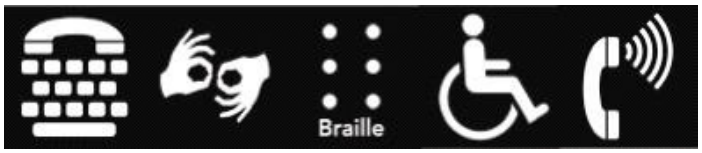
A copy of the emergency amendments to 105 CMR 150.000, which the Department of Public Health seeks to promulgate on a permanent basis, may be viewed on the Department's website at http://mass.gov/dph/proposed-regulations or requested from the Office of the General Counsel by calling 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral comments. The Department encourages all interested parties to submit comments electronically to Reg.Testimony@mass.gov or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. All submissions must include the sender's full name and address.

When electronically submitting comments, type "LTCF Standards – LTCF Vaccinations" in the subject line and attach a Word document with your comments or type your comments in the body of your email.

The Department will post all testimony that complies with the instructions in this notice on its website. **All comments must be submitted by 5:00 p.m. on Friday, October 15, 2021**. All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact Alex Gomez at least 5 days before the hearing at Tel # 617-624-5928, Fax # 617-624-5075, email Alex.Gomez@mass.gov, or TTY # 617-624-6001.



The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Small Business Impact Statement Licensing of Long-Term Care Facilities *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
CMR No: 105 CMR 150.000		
Estimate of the Number of Small Businesses Impacted by the Regulation: There are 378 nursing homes and 61 rest homes in Massachusetts. It is likely that some nursing homes and rest homes identify as a small business, but the exact number is not known.		
Select Yes or No and Briefly Explain		
Yes X	No	Will small businesses have to create, file, or issue additional reports? Small businesses may be required to report COVID-19 vaccination of personnel to the Department.
Yes	No X	Will small businesses have to implement additional recordkeeping procedures? Small businesses will not have to implement additional recordkeeping procedures as a result of proposed amendments to this regulation.
Yes ☐	No X	Will small businesses have to provide additional administrative oversight? Small businesses will not have to provide additional administrative oversight as a result of proposed amendments to this regulation.
Yes	No X	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Small businesses will not have to hire additional employees in order to comply with the proposed regulation.
Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Small businesses will not have to hire other professionals.
Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? Small businesses will not be required to make any other capital investments in order to comply with this regulation.
Yes ☐	No X	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) This regulation, which is required by statute, sets forth clear minimum standards to ensure consistency among programs and protect the health and safety of residents.
Yes	No X	Do any other regulations duplicate or conflict with the proposed regulation?

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		There are no other regulations that duplicate or conflict with the proposed amendments to this regulation.
Yes X	No ☐	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? This regulation does require small businesses to cooperate with inspections and other regulatory enforcement activities in order for DPH to ensure the health and safety of residents.
Yes	No ☒	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? This regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
Yes ☐	No X	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? This regulation will not deter the opening of additional nursing homes, as the current supply of nursing home beds is more than adequate to meet demand, and most facilities are operating with a bed vacancy rate of 10% or higher.
Yes ☐	No X	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? This regulation will not encourage the opening of additional nursing homes, as the current supply of nursing home beds is more than adequate to meet demand..
Yes ☐	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The reporting requirements are the same for all regulated parties, and result from individual incidents involving regulated parties, rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The compliance standards for resident care and reporting requirements are the same for all regulated parties, and result from individual incidents involving regulated parties rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The compliance standards for resident care and reporting requirements are the same for all regulated parties, and result from individual incidents involving regulated parties rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		This regulation sets forth clear minimum standards to ensure consistency among programs, protect the health and safety of residents, and reflect the individualized needs of residents.
Yes ☐	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? There are no other alternative regulatory methods that would minimize the adverse impact on small businesses.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MARGRET R. COOKE
Acting Commissioner

Tel: 617-624-6000
www.mass.gov/dph

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health will hold a public hearing and comment period on the recent regulation promulgation, filed on September 8, 2021, on an emergency basis, 105 CMR 159.000: *COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts.*

The public hearing will be held on Tuesday, October 12, 2021, at 9:30 a.m. The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial-in Telephone Number: **1-888-390-5007**
Participant Passcode: **3878398**
To Testify Press: *1

A copy of the proposed regulations, 105 CMR 159.000, may be viewed on the Department's website at http://mass.gov/dph/proposed-regulations or requested from the Office of the General Counsel by calling 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral comments. The Department encourages all interested parties to submit comments electronically to Reg.Testimony@mass.gov or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. All submissions must include the sender's full name and address.

When electronically submitting comments, type "Certain Staff Providing Home Care Services – Vaccinations" in the subject line and attach a Word document with your comments or type your comments in the body of your email.

The Department will post all testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on Friday, October 15, 2021**. All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact Alex Gomez at least 5 days before the hearing at Tel # 617-624-5928, Fax # 617-624-5075, email Alex.Gomez@mass.gov, or TTY # 617-624-6001.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Small Business Impact Statement *(As required by M.G.L. c. 30A §§ 2, 3 & 5)*		
CMR No: 105 CMR 159.000, *COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts*		
Estimate of the Number of Small Businesses Impacted by the Regulation: It is estimated that there are at least 470 home care providers impacted by this regulation that would qualify as small businesses in the Commonwealth.		
Select Yes or No and Briefly Explain		
Yes X	No	Will small businesses have to create, file, or issue additional reports? Small businesses may be required to report an attestation of and/or COVID-19 vaccination of personnel to the applicable EOHHS agency (i.e., EOEA or MassHeath).
Yes X	No	Will small businesses have to implement additional recordkeeping procedures? Small businesses will need to implement additional recordkeeping procedures as a result of the proposed regulation.
Yes ☐	No X	Will small businesses have to provide additional administrative oversight? Small businesses will not have to provide additional administrative oversight as a result of proposed amendments to this regulation.
Yes	No X	Will small businesses have to hire additional employees in order to comply with the proposed regulation? Small businesses will not have to hire additional employees in order to comply with the proposed regulation.
Yes	No X	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? Small businesses will not have to hire other professionals.
Yes	No X	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? Small businesses will not be required to make any other capital investments in order to comply with this regulation.
Yes ☐	No X	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) This regulation requires all in-home care workers providing direct care under a state-based program be vaccinated against COVID-19. Performance nor design standards would substitute for this regulatory requirement.
Yes	No	Do any other regulations duplicate or conflict with the proposed regulation?

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

	X	There are no other regulations that duplicate or conflict with the proposed amendments to this regulation.
Yes X	No ☐	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? This regulation does require small businesses to cooperate with audits and other activities in order for EOEA and/or MassHealth to ensure the health and safety of clients through COVID-19 vaccination of personnel providing direct care.
Yes	No ☒	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? This regulation does not require small businesses to provide educational services to keep up to date with regulatory requirements.
Yes ☐	No X	Is the regulation likely to *deter* the formation of small businesses in Massachusetts? This regulation will not deter the formation of small businesses.
Yes ☐	No X	Is the regulation likely to *encourage* the formation of small businesses in Massachusetts? This regulation will not encourage the formation of small businesses.
Yes ☐	No X	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The reporting requirements are the same for all parties addressed in the regulation, rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The compliance standards for patient care and reporting requirements are the same for all parties addressed in the regulation, rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The compliance standards for patient care and reporting requirements are the same for all addressed in the regulation, rather than volume of service delivered or number of staff employed.
Yes ☐	No X	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? This regulation sets forth clear minimum standards to ensure consistency among programs, protect the health and safety of clients, and reflect the individualized needs of clients.
Yes ☐	No X	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		There are no other alternative regulatory methods that would minimize the adverse impact on small businesses.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

THE COMMONWEALTH OF MASSACHUSETTS

Secretary of the Commonwealth - William Francis Galvin

2020 CUMULATIVE TABLE TO THE MASSACHUSETTS REGISTER
1434 - 1453

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

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		Issue	Effective Date
101 CMR	**Executive Office of Health and Human Services**		
21.00	COVID-19 Testing for Staff at Agency Facilities		
	- *Compliance* (MA Reg. # 1429)	1434	10/5/20
22.00	Requirement to Disclose COVID-19 Test Results to EOHHS		
	- *Compliance* (MA Reg. # 1429)	1434	10/5/20
23.00	COVID-19 Vaccinations for Staff at Certain Agency Facilities		
	- *Emergency*	1451	8/13/21
204.00	Rates of Payment to Resident Care Facilities	1436	2/5/21
206.00	Standard Payments to Nursing Facilities	1434	1/8/21
	- *Emergency*	1437	2/2/21
	- *Compliance* (MA Reg. # 1437)	1443	2/2/21
307.00	Rates for Psychiatric Day Treatment Center Services	1446	6/25/21
316.00	Rates for Surgery and Anesthesia Services	1448	7/23/21
317.00	Rates for Medicine Services	1448	7/23/21
318.00	Rates for Radiology Services	1448	7/23/21
320.00	Clinical Laboratory Services - *Emergency*	1435	1/1/21
		1439	3/19/21
323.00	Rates for Hearing Services	1449	8/6/21
324.00	Nonpublic Ambulance Service Reimbursement Trust Fund		
	Assessment and Funding - *Emergency*	1451	8/20/21
327.00	Rates of Payment for Ambulance and Wheelchair Van Services		
	- *Emergency*	1451	8/20/21
330.00	Rates for Team Evaluation Services	1450	8/20/21
337.00	Rates for Chronic Maintenance Dialysis Treatments and Home		
	Dialysis Supplies	1449	8/6/21
346.00	Rates for Certain Substance-related and Addictive Disorders		
	Programs	1436	2/5/21
	- *Correction* (MA Reg. # 1436)	1437	2/5/21
		1447	7/9/21
	- *Correction* (MA Reg. # 1447)	1451	7/9/21
347.00	Rates for Freestanding Ambulatory Surgery Center Services	1453	10/1/21
350.00	Home Health Services - *Emergency*	1437	1/29/21
	- *Compliance* (MA Reg. # 1437)	1442	1/29/21
351.00	Rates of Payment for Certain Adult Foster Care Services	1438	3/5/21
353.00	Payment for Primary Care Clinician Plan Services and Primary		
	Care ACO Participating Primary Care Provider Services	1443	5/14/21
359.00	Rates for Home and Community Based Services	1437	1/29/21
	- *Compliance* (MA Reg. # 1437)	1442	1/29/21
413.00	Payments for Youth Intermediate-term Stabilization Services	1443	5/14/21
414.00	Rates for Family Stabilization Services	1446	6/25/21
415.00	Rates for Community-based Day Support Services	1446	6/25/21
419.00	Rates for Supported Employment Services	1447	7/9/21
421.00	Rates for Adult Housing and Community Support Services	1446	6/25/21
427.00	Rates for Certain Youth and Young Adult Support Services	1447	7/9/21
	- *Correction* (MA Reg. # 1447)	1451	7/9/21
428.00	Rates for Certain Independent Living Communities and Services	1447	7/9/21
429.00	Rates for Certain Sexual and Domestic Violence Services	1447	7/9/21
	- *Correction* (MA Reg. # 1447)	1451	7/9/21

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		Issue	Effective Date
430.00	Rates for Program of Assertive Community Treatment Services.	1447	7/9/21
	- *Correction* (MA Reg. # 1447).	1451	7/9/21
431.00	Rates for Certain Respite Services.	1446	6/25/21
432.00	Rates for Certain Lead Agency Services.	1444	5/28/21
433.00	Rates for Certain Health and Human Services Programs - *Emergency*.	1450	7/27/21
	. . . . .	1453	10/1/21
445.00	COVID-19 Payment Rates for Certain Day Programs - *Emergency*. . .	1435	1/8/21
	- *Emergency Refile* (MA Reg. # 1435).	1441	1/8/21
	. . . . .	1446	6/25/21
446.00	COVID-19 Payment Rates for Certain Community Health Care Providers - *Emergency*.	1435	12/31/20
	- *Correction* (MA Reg. # 1435).	1437	12/31/20
	. . . . .	1439	3/19/21
	- *Emergency*.	1448	6/30/21
	- *Correction* (MA Reg. # 1448).	1450	6/30/21
	. . . . .	1452	9/17/21
447.00	Rates for Certain Home- and Community-based Services Related to Section 9817 of the American Rescue Plan Act - *Emergency*.	1449	7/19/21
	. . . . .	1453	10/1/21
448.00	Workforce Investment Rates for Certain Health and Human Services Programs - *Emergency*.	1451	8/13/21
103 CMR	**Department of Correction**		
481.00	Inmate Mail.	1440	4/2/21
104 CMR	**Department of Public Health**		
27.00	Licensing and Operational Standards for Mental Health Facilities - *Emergency*.	1440	3/18/21
	- *Compliance* (MA Reg. # 1440).	1446	3/18/21
33.00	Designation and Appointment of Qualified Mental Health Professionals - *Emergency*.	1440	3/18/21
	- *Compliance* (MA Reg. # 1440).	1446	3/18/21
105 CMR	**Department of Public Health**		
140.000	Licensure of Clinics.	1443	5/14/21
141.000	Licensure of Hospice Programs - *Emergency*.	1453	9/8/21
150.000	Standards for Long-term Care Facilities.	1440	4/2/21
	- *Emergency*.	1451	8/12/21
	- *Emergency*.	1453	9/8/21
159.000	COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts - *Emergency*.	1453	9/8/21
316.000	Use of Face Masks or Coverings in Response to the COVID-19 Pandemic - *Emergency*.	1446	6/10/21
	- *Compliance* (MA Reg. # 1446).	1453	6/10/21
700.000	Implementation of M.G.L. c. 94C.	1436	2/5/21

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		Issue	Effective Date
106 CMR	**Department of Transitional Assistance**		
360.000	Supplemental Nutrition Assistance Program: General Provisions		
	- *Correction* (MA Reg. # 1329)	1453	12/30/16
704.000	Transitional Cash Assistance Program: Financial Eligibility	1439	4/1/21
118 CMR	**Disabled Persons Protection Commission**		
1.00	Scope and Authority	1448	7/23/21
2.00	Definitions	1448	7/23/21
3.00	Reporters	1448	7/23/21
4.00	Screening of Reports and Referrals to Other Agencies	1448	7/23/21
5.00	Investigations	1448	7/23/21
6.00	Formal Commissioners' Investigations	1448	7/23/21
7.00	Protective Services	1448	7/23/21
8.00	Petition for Protective Order	1448	7/23/21
9.00	Records	1448	7/23/21
10.00	Annual Reports	1448	7/23/21
11.00	Interagency Agreements	1448	7/23/21
12.00	Nondiscrimination	1448	7/23/21
13.00	Advisory Council	1448	7/23/21
14.00	Filing Objections and Administrative Review	1448	7/23/21
15.00	Department and Employer Registry-related Hiring and Retention Procedures	1448	7/23/21
130 CMR	**Division of Medical Assistance**		
409.000	Durable Medical Equipment Services	1449	8/6/21
450.000	Administrative and Billing Regulations		
	- *Correction* (MA Reg. # 1374)	1439	10/1/18
		1446	7/1/21
501.000	Health Care Reform: MassHealth: General Policies	1443	5/14/21
	- *Correction* (MA Reg. # 1443)	1445	5/14/21
506.000	MassHealth: Financial Requirements	1446	7/1/21
515.000	MassHealth: General Policies	1443	5/14/21
	- *Correction* (MA Reg. # 1443)	1445	5/14/21
520.000	MassHealth: Financial Eligibility	1446	7/1/21
205 CMR	**Massachusetts Gaming Commission**		
133.00	Voluntary Self-exclusion	1434	1/8/21
134.00	Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations		
	- *Compliance* (MA Reg. # 1433)	1437	12/4/20
146.00	Gaming Equipment	1434	1/8/21
		1444	5/28/21
153.00	Community Mitigation Fund	1434	1/8/21

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		Issue	Effective Date
209 CMR	**Division of Banks and Loan Agencies**		
18.00	Conduct of the Business of Debt Collectors, Student Loan Servicers, and Third Party Loan Servicers - *Emergency*	1448	7/1/21
		1452	9/17/21
48.00	Licensee Record Keeping - *Emergency*	1448	7/1/21
		1452	9/17/21
225 CMR	**Department of Energy Resources**		
14.00	Renewable Energy Portfolio Standard - Class I.	1447	7/9/21
	- *Correction* (MA Reg. # 1447)	1448	7/9/21
15.00	Renewable Energy Portfolio Standard - Class II.	1447	7/9/21
244 CMR	**Board of Registration in Nursing**		
3.00	Registered Nurse and Licensed Practical Nurse.	1445	6/11/21
4.00	Advanced Practice Registered Nursing - *Emergency*	1446	6/10/21
		1451	9/3/21
5.00	Continuing Education.	1445	6/11/21
7.00	Investigations, Complaints and Board Actions.	1445	6/11/21
8.00	Licensure Requirements.	1445	6/11/21
9.00	Standards of Conduct.	1445	6/11/21
10.00	Definitions and Severability.	1445	6/11/21
248 CMR	**Board of State Examiners of Plumbers and Gas Fitters**		
3.00	General Provisions Governing the Conduct of Plumbing and Gas Fitting Work Performed in the Commonwealth.	1442	4/30/21
4.00	Massachusetts Fuel Gas Code.	1442	4/30/21
5.00	Amendments to NFPA 54.	1442	4/30/21
10.00	Uniform State Plumbing Code.	1442	4/30/21
11.00	Education and Experience Standards and Requirements for Licensure.	1442	4/30/21
	- *Correction* (MA Reg. # 1442)	1447	4/30/21
272 CMR	**Board of Certification of Community Health Workers**		
4.00	Certification as a Community Health Worker - *Emergency*	1449	7/14/21
310 CMR	**Department of Environmental Protection**		
7.00	Air Pollution Control - *Emergency*	1434	12/21/20
	- *Correction* (MA Reg. # 1434)	1438	12/21/20
	- *Compliance* (MA Reg. # 1434.	1439	12/21/20
22.00	Drinking Water - *Correction* (MA Reg. # 1427)	1437	10/2/20
60.00	Air Pollution Control for Mobile Sources - *Emergency*	1434	12/21/20
	- *Compliance* (MA Reg. # 1434)	1439	12/21/20
73.00	Amalgam Wastewater and Recycling for Dental Facilities.	1453	10/1/21
80.00	Underground Storage Tank Systems.	1453	10/1/21

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		Issue	Effective Date
321 CMR	**Division of Fisheries & Wildlife**		
3.00	Hunting.	1445	6/11/21
322 CMR	**Division of Marine Fisheries**		
4.00	Fishing and Shellfish Equipment.	1445	6/11/21
		1447	7/9/21
6.00	Regulation of Catches.	1438	3/5/21
		1440	4/2/21
		1442	4/30/21
		1445	6/11/21
7.00	Permits.	1438	3/5/21
		1445	6/11/21
12.00	Protected Species.	1438	3/5/21
		1447	7/9/21
400 CMR	**Executive Office of Housing and Economic Development**		
5.00	COVID-19 Emergency Regulations.	1438	3/5/21
6.00	Notices to Quit Attestation Form		
	- *Emergency*.	1435	12/31/20
	- *Compliance* (MA Reg. # 1435).	1438	12/31/20
	- *Emergency*.	1447	6/24/21
	- *Compliance* (MA Reg. # 1447).	1451	7/9/21
430 CMR	**Department of Unemployment Assistance**		
24.00	COVID-19 Emergency Regulations - Employer Relief - *Emergency*.	1442	4/15/21
	- *Emergency*.	1445	5/24/21
	- *Emergency*.	1447	6/14/21
453 CMR	**Department of Labor and Workforce Development**		
6.00	The Removal, Containment or Encapsulation of Asbestos.	1440	4/2/21
454 CMR	**Department of Labor Standards**		
22.00	Deleading and Lead-safe Renovation - *Correction* (MA Reg. # 1330).	1440	1/13/17
25.00	Occupational Safety and Health for Public Sector Workers.	1448	7/23/21
28.00	The Removal, Containment, Maintenance, or Encapsulation of Asbestos.	1440	4/2/21
29.00	Civil Administrative Penalties.	1448	7/23/21
31.00	COVID-19 Workplace Safety Regulations - *Emergency*.	1445	5/27/21
	- *Compliance* (MA Reg. # 1445).	1451	5/27/21
458 CMR	**Department of Family and Medical Leave**		
2.00	Family and Medical Leave - *Emergency*.	1434	12/21/20
	- *Compliance* (MA Reg. # 1434).	1439	12/21/20
3.00	COVID-19 Emergency Regulations - *Emergency*.	1434	12/21/20

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		Issue	Effective Date
540 CMR	**Registry of Motor Vehicles**		
2.00	Motor Vehicle Regulations.	1453	10/1/21
25.00	Certification, Installation, Use and Maintenance of Ignition Interlock Devices.	1447	7/9/21
550 CMR	**Municipal Police Training Committee**		
6.00	Use of Force by Law Enforcement Officers.	1453	10/1/21
555 CMR	**Peace Officer Standards and Training Commission**		
6.00	Use of Force by Law Enforcement Officers.	1453	10/1/21
603 CMR	**Department of Elementary and Secondary Education**		
1.00	Charter Schools.	1451	9/3/21
2.00	Accountability and Assistance for School Districts and Schools.	1447	7/9/21
4.00	Vocational Technical Education.	1447	7/9/21
7.00	Educator Licensure and Preparation Program Approval.	1447	7/9/21
27.00	Student Learning Time - *Emergency*.	1434	12/16/20
	- *Compliance* (MA Reg. # 1434).	1439	12/16/20
	- *Emergency*.	1440	3/8/21
	- *Compliance* (MA Reg. # 1440).	1445	3/8/21
606 CMR	**Department of Early Education and Care**		
7.00	Standards for the Licensure or Approval of Family Child Care; Small Group and School Age and Large Group and School Age Child Care Programs - *Emergency*.	1452	9/1/21
15.00	Early Education and Out of School Time Capital Fund Program - *Compliance* (MA Reg. # 1430).	1436	10/23/20
610 CMR	**Board of Higher Education**		
14.00	Coordination with Local Law Enforcement to Prevent and Respond to Sexual Misconduct.	1450	8/20/21
651 CMR	**Executive Office of Elder Affairs**		
12.00	Certification Procedures and Standards for Assisted Living Residences - *Emergency*.	1453	9/8/21
700 CMR	**Department of Transportation**		
13.00	Approval of Access to Massachusetts Department of Transportation Highways and Other Property.	1447	7/9/21
701 CMR	**Executive Office of Transportation and Construction**		
3.00	Privacy and Confidentiality.	1437	2/19/21

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		Issue	Effective Date
760 CMR	**Department of Housing and Community Development**		
57.00	RAFT COVID-19 Emergency Regulations - *Emergency*	1434	12/16/20
	- *Compliance* (MA Reg. # 1434)	1438	12/16/20
801 CMR	**Executive Office for Administration and Finance**		
4.00	Rates - *Emergency*	1442	4/13/21
	- *Compliance* (MA Reg. # 1442)	1448	4/13/21
	- *Correction* (MA Reg. # 1448)	1449	4/13/21
803 CMR	**Department of Criminal Justice Information Services**		
2.00	Criminal Offender Record Information (CORI) - *Emergency Refile*	1434	6/29/20
	- *Emergency Refile* (MA Reg. # 1434)	1440	6/29/20
		1445	6/11/21
5.00	Criminal Offender Record Information (CORI) - Housing	1445	6/11/21
7.00	Criminal Justice Information System (CJIS)	1445	6/11/21
8.00	Obtaining Criminal Offender Record Information (CORI) for Research Purposes	1445	6/11/21
11.00	Consumer Reporting Agency (CRA)	1445	6/11/21
805 CMR	**Group Insurance Division**		
1.00	General Provisions	1450	8/20/21
5.00	Miscellaneous	1450	8/20/21
8.00	Municipal Health Coverage	1450	8/20/21
9.00	Eligibility and Participation	1450	8/20/21
830 CMR	**Department of Revenue**		
62A.00	Income Tax - *Compliance* (MA Reg. # 1433)	1438	12/8/20
62C.00	State Tax Administration - *Emergency*	1444	5/6/21
	- *Compliance* (MA Reg. # 1444)	1449	5/6/21
64G.00	Room Occupancy Excise - *Emergency*	1444	5/6/21
	- *Compliance* (MA Reg. # 1444)	1449	5/6/21
935 CMR	**Cannabis Control Commission**		
500.000	Adult Use of Marijuana	1434	1/8/21
	- *Correction* (MA Reg. # 1434)	1436	1/8/21
	- *Correction* (MA Reg. # 1434)	1441	1/8/21
501.000	Medical Use of Marijuana	1434	1/8/21
	- *Correction* (MA Reg. # 1434)	1436	1/8/21
	- *Correction* (MA Reg. # 1434)	1441	1/8/21
502.000	Colocated Adult-use and Medical-use Marijuana Operations	1434	1/8/21
940 CMR	**Office of the Attorney General**		
36.00	Regulations Implementing the Act to Prevent Cruelty to Farm Animals	1453	10/1/21

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

		Issue	Effective Date
946 CMR	**Massachusetts Development Finance Agency**		
4.00	Devens Regional Enterprise Zone: General Provisions.	1441	4/16/21
950 CMR	**Office of the Secretary of the Commonwealth**		
32.00	Public Records Access.	1445	6/11/21
956 CMR	**Commonwealth Health Insurance Connector Authority**		
5.00	Minimum Creditable Coverage - *Correction* (MA Reg. # 1407).	1453	1/1/20
961 CMR	**State Lottery Commission**		
2.00	Rules and Regulations - *Emergency*.	1443	4/21/21
	- *Emergency*.	1446	6/11/21
	- *Compliance* (MA Reg. # 1443).	1447	4/21/21
	. . . . .	1451	9/3/21
974 CMR	**Devens Enterprise Commission**		
1.00	Administration.	1446	6/25/21
3.00	Site Plan Approval.	1446	6/25/21
4.00	Industrial Performance Standards.	1446	6/25/21
8.00	Public Health.	1446	6/25/21

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

THE COMMONWEALTH OF MASSACHUSETTS

Office of the Secretary of the Commonwealth

NOTICE OF EXPIRATION OF EMERGENCY REGULATION

CHAPTER NUMBER: **430 CMR 24.00**

CHAPTER TITLE: **COVID-19 Emergency Regulations-Employer Relief**

AGENCY: **Department of Unemployment Assistance**

THIS REGULATION WAS ORIGINALLY ADOPTED AS AN EMERGENCY:

EFFECTIVE: **06/14/2021**

Published in Massachusetts Register Number: **1447** *Date:* **07/09/2021**

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

09/14/2021

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 1,249

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **105 CMR 141.000**

CHAPTER TITLE: **Licensure of Hospice Programs**

AGENCY: **Department of Public Health**

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

This regulation sets the licensing requirements for hospice programs. This amendment requires hospice inpatient facilities to ensure that all personnel are vaccinated against COVID-19 and hospice programs to ensure that personnel of residential services who provide direct care are vaccinated against COVID-19, to strengthen infection control for hospice programs and protect vulnerable individuals.

REGULATORY AUTHORITY: **M.G.L. c. 111, §§ 3 and 57D**

AGENCY CONTACT: **Rebecca Kaye** PHONE: **781-675-0473**

ADDRESS: **250 Washington Street, Boston, MA 02108**

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

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

Ensuring that hospice program personnel are vaccinated against COVID-19 is critical to efforts to protect vulnerable individuals. DPH has determined immediate amendment is necessary for the preservation of public health, safety or general welfare, and that observance of the requirements of notice and a public hearing would be contrary to the public interest.

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.*

Notice to Massachusetts Municipal Association 9/7/21
Notice to Department of Housing and Community Development 9/7/21

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: _____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **little to no fiscal effect**

For the first five years: **little to no fiscal effect**

No fiscal effect: **little to 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:*
hospice, hospice programs, COVID-19, vaccines, vaccination

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

Amend 105 CMR 141.000

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 8 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **09/08/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
673-676	**673-676.2**

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/08/2021 CLERK MG

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

141.131: continued

(9) There is a reasonable basis for the Department to conclude that there is a discrepancy between representations by a program as to the services to be afforded clients and the services actually rendered or to be rendered.
(10) False or fraudulent statements from the Department.

(B) Whenever the Commissioner denies an application for initial licensure or determines that a license should be revoked or refused renewal, the Commissioner shall provide written notice thereof to the applicant or licensee.

(C) Within 21 days after receipt of notice that an application for initial licensure has been denied or a determination that a licensee should be revoked or refused renewal, the applicant or licensee may appeal such action by filing a Notice of Claim for an Adjudicatory Proceeding pursuant to 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure*.

(D) The hearing officer shall determine whether the Commissioner has proved by a preponderance of the evidence that the license should be denied, revoked or refused renewal based on relevant facts as they existed at or prior to the time the Commissioner provided written notice of his action.

(E) The decision of a hearing officer in any adjudicatory proceeding conducted under 105 CMR 141.131 shall be reviewed by the Commissioner and the Commissioner's decision upon this review shall constitute final agency action.

141.140: Closing of a Program

(A) Approval. If a program intends to cease operation for a period greater than seven consecutive days, written approval for a specified period shall be obtained from the Commissioner. The holder of a license shall submit to the Department a Notice of Intent to close the program at least 60 days in advance of the proposed closure. Such notice shall be subject to the Commissioner's approval and shall include a plan for appropriate notice to, and relocation of, the facility's patients. If circumstances are such that it is not possible to obtain approval from the Commissioner prior to closing, such approval shall be obtained within 72 hours of closing. Failure to obtain approval and closure of the program for more than seven days shall constitute abandonment of license.

(B) Patient Transfer. When a hospice ceases to operate through license denial, refusal to renew, suspension, revocation or closure pursuant to 105 CMR 141.140(A), the licensee will be responsible for the transfer of patients to a suitable program.
(1) At least 21 days prior to ceasing operation, staff at the hospice program will orally or in writing notify each patient/family that the program will cease operation. Staff will also notify each patient/family of the referral plan to another appropriate program for continuation of services.
(2) Staff at the hospice to be closed will be responsible for developing a written referral plan to be placed in the patient record for each ongoing case. Staff will also refer the patient to a program that will be responsible for continuing service.
(3) Clinical records shall be transferred to the receiving agency provided that a signed authorization to release such records shall be obtained from each patient/family prior to the transfer.

141.141: Temporary Interruption of Service

If a hospice finds that any of the services required under 105 CMR 141.000 cannot be provided to patients for a temporary period of time, the hospice shall report such a temporary interruption of service to the Department as soon as the interruption of service is known to the hospice.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

141.200: Governing Body

(A) The hospice shall have a governing body that assures full legal authority and responsibility for determining, implementing and monitoring policies governing the hospice's total operation.

(B) The governing body shall designate an administrator who shall be responsible on a day-to-day basis for the management and operation of the hospice program.

(C) The governing body shall be responsible for:
(1) managing the fiscal affairs and operation of the hospice program;
(2) ensuring quality care and services;
(3) ensuring compliance of the hospice with all applicable federal, state and local laws, rules and regulations;
(4) providing for coordinated, interdisciplinary hospice services available 24 hours a day, seven days a week;
(5) ensuring adequate staff and resources to provide continuity of care based on the needs of the persons served;
(6) adopting, amending and implementing by-laws;
(7) adopting the hospice budgets and controlling assets and funds; and
(8) establishing committees as appropriate.

141.201: Administration

(A) Administrator.
(1) Each hospice shall designate a hospice administrator who is responsible to the governing body, either directly or through the governing body's chief executive officer, for the administration and management of the hospice.
(2) The hospice administrator shall be a person who has a minimum of two years of relevant experience in the health care, human services or related fields, which shall include at least one year of supervisory/administrative experience.
(3) The duties of the administrator shall include but not be limited to:
(a) Directing the hospice and ensuring implementation of policies and procedures regarding all activities and services provided in the hospice, whether provided through staff employed directly by the hospice, by volunteers or through contract arrangement;
(b) Designating, in writing, an alternate to act in his or her absence;
(c) Implementing administrative and personnel policies;
(d) Implementing an effective budgetary and accounting system;
(e) Implementing a quality assurance mechanism to assess the overall hospice program;
(f) Keeping the governing body informed of the hospice's operations;
(g) Appointing qualified hospice staff members when and where appropriate and ensuring adequate staff education and evaluations;
(h) Developing and proposing an annual budget for adoption by the governing body and managing the financial aspects of the hospice;
(i) Ensuring that action is taken to correct problems identified either through patient/family record reviews, fiscal audits, or as a result of patient/family recommendations;
(j) Ensuring a public education program through contact with community organization to inform consumers about hospice care;
(k) Ensuring that patient care services are appropriately coordinated; and
(l) Ensuring incident reports are submitted to the Department as required under 105 CMR 141.201(F).

(B) Clinical Services Coordinator.
(1) The hospice shall designate an individual to be responsible for coordinating the clinical services provided by the individuals providing care to hospice patients. Clinical services include at least nursing, medical, social work and counseling.
(2) The for clinical services coordinator shall be a health care professional possessing academic training and experience in direct patient care and shall be qualified to coordinate the clinical services provided by the hospice.
(3) A staff person serving in another position within the hospice may also be the clinical services coordinator if he or she meets the requirements for both positions and can adequately carry out the duties of both positions.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

141.201: continued

(C) Personnel Policies. Each hospice shall establish and maintain current written personnel policies and personnel practices and procedures that encourage good patient/family care. These policies and procedures shall be reviewed and updated annually and shall cover at least the following:

(1) Position descriptions for each category of employee, volunteer, or contracted personnel which clearly identify qualifications, duties, responsibilities and accountability of the individual assuming the position. Work assignments shall be consistent with job descriptions, qualifications and education.

(2) Orientation to hospice care for all personnel, including employees of contracting agencies and volunteers.

(3) Organized staff support programs to help staff cope with their job responsibilities.

(4) Employee health policies that include, as a minimum, adequate provisions for preventing the transmission of communicable diseases.

(5) Regular evaluation of staff performance.

(D) Requirement for Personnel in Hospice Programs to Be Vaccinated against Coronavirus Disease 2019 (COVID-19) Caused by the Virus SARS-CoV-2.

(1) Definitions.

(a) For purposes of 105 CMR 141.201(D), personnel means:

1. an individual or individuals who either work at or come to the hospice inpatient facility and who are employed by or affiliated with the facility, whether directly, by contract with another entity, or as an independent contractor, paid or unpaid including, but not limited to, employees, members of the medical staff, contract employees or staff, students, and volunteers, whether or not such individual(s) provide direct patient care; or

2. an individual or individuals who provides direct patient care and who is employed by or affiliated with a hospice program that provides residential hospice services, whether directly, by contract with another entity, or as an independent contractor, paid or unpaid, including, but not limited to, employees, members of the medical staff, contract employees or staff, students, and volunteers.

(b) For purposes of 105 CMR 141.201(D), COVID-19 vaccination means the full required regimen of vaccine doses of a vaccine approved or authorized for use by the Food and Drug Administration (FDA) or the World Health Organization (WHO) to provide acquired immunity against COVID-19. COVID-19 vaccination is the full required regimen as determined by the FDA, Centers for Disease Control or Prevention (CDC) or WHO.

(2) Each hospice program shall ensure all personnel have received COVID-19 vaccination, unless an individual is subject to an exemption in accordance with 105 CMR 141.201(D)(5). Consistent with any guidelines and schedule established by the Commissioner, each hospice program shall ensure that all personnel maintain full COVID-19 vaccination status in accordance with CDC's Advisory Council on Immunization Practices recommendations as those recommendations may be updated (*e.g.*, personnel shall obtain all recommended boosters).

(3) Each hospice program shall provide all personnel with information about the risks and benefits of COVID-19 vaccination.

(4) Each hospice program shall notify all personnel of the COVID-19 vaccination requirements of 105 CMR 141.201(D) and shall, at no cost to any personnel, provide or arrange for vaccination of all personnel who cannot provide proof of current immunization against COVID-19, unless an individual declines vaccination in accordance with 105 CMR 141.201(D)(5).

(5) Exceptions.

(a) A hospice program shall exempt personnel from the COVID-19 vaccination requirement in 105 CMR 141.201(D) if:

1. the vaccine is medically contraindicated, which means administration of COVID-19 vaccine to that individual would likely be detrimental to the individual's health; provided, that the individual provides supporting documentation; or

2. the individual objects to vaccination on the basis of a sincerely held religious belief; and

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

141.201: continued

3. the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the hospice program.

(b) An individual who declines vaccination due to medical contraindication or a sincerely held religious belief shall sign a statement certifying he or she received information about the risks and benefits of COVID-19 vaccination.

(6) Documentation.

(a) A hospice program shall require and maintain for each individual proof of current COVID-19 vaccination pursuant to 105 CMR 141.201(D), or the individual's declination statement pursuant to 105 CMR 141.201(D)(5).

(b) Each hospice program shall maintain a central system to track the vaccination status of all personnel.

(7) Reporting and Data Collection. Each hospice program shall make available to the Department upon request documentation demonstrating the hospice program's compliance with the personnel vaccination requirements of 105 CMR 141.201(D), in accordance with reporting and data collection guidelines of the Commissioner.

(E) Administrative Records.

(1) Each hospice shall maintain current, complete and accurate administrative records. The hospice shall make all administrative records available promptly to any agent of the Department seeking to determine compliance with 105 CMR 141.000.

(2) Administrative records shall include:

(a) updated articles of organization and by-laws;

(b) minutes of the meetings of the governing body;

(c) an organizational chart; and

(d) personnel records for each employee, including evidence of any required license or registration number, documentation of any specialty certification, documentation of initial training and ongoing annual training on dementia care consistent with the requirements of 105 CMR 150.024 and 150.025 for employees providing direct care to nursing home residents, education and job experience. A hospice agency is not required to train an employee, consistent with the requirements of 105 CMR 150.024: *Staff Qualifications and Training* and 105 CMR 150.025: *Content of Training*, if the employee has completed the required training at a different location, provided the initial training and any ongoing training is documented in the personnel record.

(F) Incident Reporting.

(1) All incidents seriously affecting the health or safety of patients resulting from acts or omissions of hospice program employees, including those working for the hospice through a contract arrangement with another organization, and volunteers shall be recorded and reported accurately to the Department within seven days of the occurrence. Such reports shall be made in a format prescribed by the Department.

(2) A hospice inpatient facility shall also report immediately any of the following which occurs on premises covered by its license:

(a) death that is unanticipated, not related to the natural course of the patient's illness or underlying condition, or that is the result of an error or other incident as specified in guidelines of the Department;

(b) full or partial evacuation of the facility for any reason;

(c) fire;

(d) suicide;

(e) serious criminal acts;

(f) pending or actual strike action by its employees, and contingency plans for operation of the program or facility; or

(g) any other serious incident or accident as specified in guidelines of the Department.

(3) A hospice program shall make available to the Department all information that may be relevant to the Department's investigation of any incident or complaint, regardless of how reported to the Department.

(4) A hospice program shall make all reasonable efforts to facilitate the Department's attempts to interview any and all potential witnesses who may have information relevant to the Department's investigation of any incident or complaint, regardless of how reported to the Department.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

141.201: continued

(G) Patient Abuse, Mistreatment, Neglect or Misappropriation of Property. In accordance with 105 CMR 155.000: *Patient and Resident Abuse Prevention, Reporting, Investigation, Penalties and Registry*, hospice administrators and workers shall immediately report to the Department any suspected instance(s) of hospice patient abuse, mistreatment, neglect or misappropriation of hospice patient property.

(H) Grievance Procedure.
(1) The hospice patient has the right to voice grievances without discrimination or reprisal. Such grievances include those with respect to treatment that has been furnished as well as that which has not been furnished.
(2) The hospice program must promptly acknowledge and actively work to resolve all oral and written patient grievances.

141.202: Plan of Care/Assessments

(A) The hospice shall develop a comprehensive written plan of care by an interdisciplinary hospice care team and if applicable, the patient's attending physician or primary care provider, prior to provision of services. The initial plan of care shall be developed within three days of admission by at least three members of the interdisciplinary team as defined by 105 CMR 141.203, including a registered nurse and the medical director. The initial plan of care shall be reviewed and ratified by the full interdisciplinary team at their next scheduled meeting.

(B) The patient/family shall be permitted and encouraged to actively participate in the care planning process and the provision of care. Such participation shall be documented in the patient/ family record.

(C) The plan of care shall include, but not be limited to:
(1) pertinent diagnosis and prognosis;
(2) identification of the physical, psychological, social, economic and spiritual status of the patient/family;
(3) need for inpatient care (respite or general), nutritional needs, medication needs, need for management of discomfort and symptom control, and need for management of grief;
(4) plan to address identified needs including scope of services required;
(5) identification of anticipated frequency of services needed;
(6) designation of the primary care giver or alternate plan to provide 24-hour care and support in the patient's home;
(7) identification of the person responsible for coordinating care;
(8) plans instructing the patient/family or designated caregiver in patient care;
(9) plans for support and care at the time of death; and
(10) plans for providing bereavement care to family.

(D) The comprehensive plan of care shall reflect the changing care needs of the patient/family, and be reviewed and revised as necessary, but at least twice a month by the interdisciplinary care team. These reviews shall be documented in the patient/family record.

141.203: Interdisciplinary Team

(A) The hospice shall establish an interdisciplinary care team(s) that includes, but is not limited to:
(1) medical director
(2) registered nurse
(3) coordinator of volunteers
(4) social worker
(5) spiritual or other counselor
(6) bereavement coordinator
A team member may serve more than one role on the team.

(B) The interdisciplinary team's responsibilities shall include, but not be limited to:
(1) establishing a plan of care for each patient/family

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 1,250

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **105 CMR 150.000**

CHAPTER TITLE: **Standards for Long-term Care Facilities**

AGENCY: **Department of Public Health**

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

This regulation sets the standards for governing long-term care facilities. This amendment requires that all long-term care facilities, including nursing homes and rest homes, ensure that all personnel are fully vaccinated against COVID-19 to strengthen infection control in long-term care facilities and protect vulnerable residents.

REGULATORY AUTHORITY: **M.G.L. c. 111, §§ 3, 71 and 72**

AGENCY CONTACT: **Rebecca Kaye** PHONE: **781-675-0473**

ADDRESS: **250 Washington Street, Boston, MA 02108**

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

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

Ensuring that personnel at long-term care facilities are vaccinated against COVID-19 is critical in efforts to protect vulnerable residents. DPH has determined that immediate amendment is necessary for the preservation of the public health, safety or general welfare, and that the observance of the requirements of notice and a public hearing would be contrary to public interest.

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.*

Notice to Massachusetts Municipal Association 9/7/21
Notice to Department of Housing and Community Development 9/7/21

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: _____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **little to no fiscal effect**

For the first five years: **little to no fiscal effect**

No fiscal effect: **little to 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:*
long-term care facilities, nursing homes, rest homes, vaccine, vaccination

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

Amend 105 CMR 150.00

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 8 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **09/08/2021**

CODE OF MASSACHUSETTS REGULATIONS

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

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/08/2021 CLERK MG

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

150.002: continued

(4) Personnel shall be currently licensed or registered where applicable laws require licensure and registration.

(5) Completed and signed application forms and employee records shall be maintained. They shall be accurate, current and available on the premises. Such records shall include the following:

(a) Pertinent information regarding identification (including any other name previously used).

(b) Social Security number, Massachusetts license or registration number (if applicable) and year of original licensure or registration.

(c) Names and addresses of educational institutions attended, dates of graduation, degrees or certificates conferred and name at the time of graduation.

(d) All professional experience, on-the-job training and previous employment in chronological order with name and location of employer, dates of employment, and reasons for terminating employment.

(6) Employee records shall contain evidence of adequate health supervision.

(a) A pre-employment physical examination, including a chest X-ray or an intradermal skin test for tuberculosis, and periodic physical examinations at least every two years shall be performed and recorded.

(b) Accurate records of illnesses and incidents involving personnel while on duty shall be kept.

(7) No individual shall be employed, or employee permitted to work, if infected with a contagious disease in a communicable form that might endanger the health of residents or other employees.

(8) Requirement for Personnel to Be Vaccinated against Influenza Virus.

(a) Definitions.

1. For purposes of 105 CMR 250.002(D)(8), personnel means an individual or individuals who either work at or come to the licensed facility site and who are employed by or affiliated with the facility, whether directly, by contract with another entity, or as an independent contractor, paid or unpaid including, but not limited to, employees, members of the medical staff, contract employees or staff, students, and volunteers, whether or not such individual(s) provide direct care.

2. For purposes of 105 CMR 150.002(D)(8), the requirement for influenza vaccine or vaccination means immunization by either influenza vaccine, inactivated or live; attenuated influenza vaccine including seasonal influenza vaccine pursuant to 105 CMR 150.002(D)(8)(b); and/or other influenza vaccine pursuant to 105 CMR 150.002(D)(8)(c).

(b) Each facility shall ensure all personnel are vaccinated annually with seasonal influenza vaccine unless an individual declines vaccination in accordance with 105 CMR 150.002(D)(8)(f). When feasible, and consistent with any guidelines of the Commissioner, each facility shall ensure that all personnel are vaccinated with seasonal influenza annually.

(c) Each facility also shall ensure all personnel are vaccinated against other pandemic or novel influenza virus(es) as specified in guidelines of the Commissioner, unless an individual declines vaccination in accordance with 105 CMR 150.002(D)(8)(1). Such guidelines may specify:

1. The categories of personnel shall be vaccinated and the order of priority of vaccination of personnel, with priority for personnel with responsibility for direct care;

2. The influenza vaccine(s) to be administered;

3. The dates by which personnel must be vaccinated; and

4. Any required reporting and data collection relating to the personnel vaccination requirement of 105 CMR 150.002(D)(8)(c).

(d) Each facility shall provide all personnel with information about the risks and benefits of influenza vaccine.

(e) Each facility shall notify all personnel of the influenza vaccination requirements of 105 CMR 150.002(D)(8) and shall, at no cost to any personnel, provide or arrange for vaccination of all personnel who cannot provide proof of current immunization against influenza unless an individual declines vaccination in accordance with 105 CMR 150.002(D)(8)(f).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

150.002: continued

(f) Exceptions.

1. A facility shall not require an individual to receive an influenza vaccine pursuant to 105 CMR 150.000(D)(8)(b) or (c) if:

a. the vaccine is medically contraindicated, which means administration of influenza vaccine to that individual would likely be detrimental to the individual's health; or

b. the individual objects to vaccination on the basis of a sincerely held religious belief; or

c. the individual declines the vaccine; and

d. the individual is able to perform his or her essential job functions with a reasonable accommodation that is not an undue burden on the facility.

2. An individual who declines vaccination for any reason shall sign a statement certifying he or she received information about the risks and benefits of influenza vaccine.

(g) Unavailability of Vaccine. A facility shall not be required to provide or arrange for influenza vaccination during such times the vaccine is unavailable for purchase, shipment, or administration by a third party or when complying with an order of the Commissioner restricting the use of the vaccine. A facility shall obtain and administer influenza vaccine in accordance with 105 CMR 150.002(D)(8) as soon as vaccine becomes available.

(h) Documentation.

1. A facility shall require and maintain for each individual proof of current vaccination against influenza virus pursuant to 105 CMR 150.008(D)(8)(b) and (c), or the individual's declination statement pursuant to 105 CMR 150.002(D)(8).

2. Each facility shall maintain a central system to track the vaccination status of all personnel.

3. If a facility is unable to provide or arrange for influenza vaccination for any individual, it shall document the reasons such vaccination could not be provided or arranged for.

(i) Reporting and Data Collection. Each facility shall report information to the Department documenting the facility's compliance with the personnel vaccination requirements of 105 CMR 150.002(D)(8), in accordance with reporting and data collection guidelines of the Commissioner.

(9) A facility may not hire any individual, whom the facility knows or should have reason to know, who cannot perform the duties of his or her job or whose employment could pose a threat to the health, safety or welfare of the residents.

(10) The Department shall be notified as specified in the guidelines of the department of the resignation or dismissal of the administrator, the director of nurses and the name and qualifications of the new employee. In the case of dismissal, notice to the Department shall state the reasons.

(11) Requirement for Personnel to Be Vaccinated against Coronavirus Disease 2019 (COVID-19) Caused by the Virus SARS-CoV-2.

(a) Definitions.

1. For purposes of 105 CMR 150.002(D)(11), personnel means an individual or individuals who either work at or come to the licensed facility site and who are employed by or affiliated with the facility, whether directly, by contract with another entity, or as an independent contractor, paid or unpaid including, but not limited to, employees, members of the medical staff, contract employees or staff, students, and volunteers, whether or not such individual(s) provide direct care.

2. For purposes of 105 CMR 150.002(D)(11), COVID-19 vaccination means the full required regimen of vaccine doses of a vaccine approved or authorized for use by the Food and Drug Administration (FDA) or the World Health Organization (WHO) to provide acquired immunity against COVID-19. COVID-19 vaccination is the full required regimen as determined by the FDA, Centers for Disease Control and Prevention (CDC) or WHO.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

150.002: continued

(b) Each facility shall ensure all personnel have received COVID-19 vaccination, unless an individual is subject to an exemption in accordance with 105 CMR 150.002(D)(11)(e). Consistent with any guidelines and schedule established by the Commissioner, each facility shall ensure that all personnel maintain full COVID-19 vaccination status in accordance with CDC's Advisory Council on Immunization Practices recommendations as those recommendations may be updated (*e.g.* personnel shall obtain all recommended boosters).

(c) Each facility shall provide all personnel with information about the risks and benefits of COVID-19 vaccination.

(d) Each facility shall notify all personnel of the COVID-19 vaccination requirements of 105 CMR 150.002(D)(11) and shall, at no cost to any personnel, provide or arrange for vaccination of all personnel who cannot provide proof of current vaccination against COVID-19 unless an individual is subject to an exemption in accordance with 105 CMR 150.002(D)(11)(e).

(e) Exceptions.

1. A facility shall exempt personnel from the COVID-19 vaccination requirement in 105 CMR 150.000(D)(11) if:

a. the vaccine is medically contraindicated, which means administration of COVID-19 vaccine to that individual would likely be detrimental to the individual's health; provided, that the individual provides supporting documentation; or

b. the individual objects to vaccination on the basis of a sincerely held religious belief; and

c. the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the facility.

2. An individual who declines vaccination due to medical contraindication or a sincerely held religious belief shall sign a statement certifying he or she received information about the risks and benefits of COVID-19 vaccination.

(f) Documentation.

1. A facility shall require and maintain for each individual proof of current COVID-19 vaccination pursuant to 105 CMR 150.008(D)(11), or the individual's declination statement pursuant to 105 CMR 150.002(D)(11)(e).

2. Each facility shall maintain a central system to track the COVID-19 vaccination status of all personnel.

(g) Reporting and Data Collection. Each facility shall report information to the Department documenting the facility's compliance with the personnel vaccination requirements of 105 CMR 150.002(D)(11), in accordance with reporting and data collection guidelines of the Commissioner.

(E) The administrator shall establish procedures for notifying the resident or the resident's legal representative in the event of significant change in a resident's charges, billings, benefit status and other related administrative matters.

(1) The administrator shall establish provisions for the safekeeping of personal effects, funds and other property brought to the facility by residents except, when necessary for the protection of valuables and to avoid unreasonable responsibility, the administrator may require such valuables be excluded or removed from the premises.

(2) If the facility assumes the responsibility for safekeeping of residents' possessions and valuables, an accurate, written record of all valuables and possessions shall be maintained. A receipt for all items placed in safekeeping shall be provided to the resident or resident's guardian.

(3) If the facility assumes the responsibility for managing a resident's funds, such funds shall be placed in an insured interest bearing account with the clear written understanding the facility has only a fiduciary interest in the funds of this account. The account may be either individual or collective at the election of the facility and shall be deposited at the prevailing market rate of interest for deposits in Massachusetts and shall conform to the requirements associated with the particular account.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

150.002: continued

(a) Interest earned by any such funds so deposited shall be credited to each resident.
(b) For individual accounts, the interest earned must be prorated to each resident on an actual interest earned basis.
(c) The interest earned on any collective account must be prorated to each resident on the basis of his or her end of quarter or nearest end of the month balance.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 1,251

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **105 CMR 159.000**

CHAPTER TITLE: **COVID-19 Vaccinations for Certain Staff Providing Home Care Services in Massachusetts**

AGENCY: **Department of Public Health**

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

This regulation requires that home care agencies that contract with state agencies and provide direct care to clients in a home-based setting, ensure that home care agency workers have received the COVID-19 vaccination no later than October 31, 2021. It also requires that certain non-agency based home care workers receive the COVID-19 vaccination no later than October 31, 2021. The purpose of this regulation is to strengthen infection control among home care workers to protect vulnerable individuals.

REGULATORY AUTHORITY: **M.G.L. c. 111, §§ 3 and 6**

AGENCY CONTACT: **Rebecca Kaye** PHONE: **781-675-0473**

ADDRESS: **250 Washington Street, Boston, MA 02108**

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

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

Ensuring that home care workers are vaccinated against COVID-19 is critical in efforts to protect vulnerable individuals. DPH has determined immediate promulgation is necessary for the preservation of public health, safety or general welfare, and that observance of the requirements of notice and a public hearing would be contrary to the public interest.

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.*

Notice to Massachusetts Municipal Association 9/7/21
Notice to Department of Housing and Community Development 9/7/21

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: _____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **little to no fiscal effect**

For the first five years: **little to no fiscal effect**

No fiscal effect: **little to 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:*
home care workers, COVID-19, vaccines, vaccination

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:*

Promulgate 105 CMR 159.000

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 8 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **09/08/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
This is an Emergency Regulation.	**There are no replacement pages.**

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/08/2021 CLERK MG

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

105 CMR 159.000: COVID-19 VACCINATIONS FOR CERTAIN STAFF PROVIDING HOME CARE SERVICES IN MASSACHUSETTS

Section

159.001: Definitions
159.010: COVID-19 Vaccination for Certain Agency Staff
159.020: COVID-19 Vaccination for Non-agency Based Home Care Workers
159.030: Severability

159.001: Definitions

The following terms as used in 105 CMR 159.000 shall have the following meanings, unless the context or subject matter clearly requires a different interpretation:

Accountable Care Organization (ACO). An entity that enters into a population-based payment model contract with the MassHealth Agency as an accountable care organization, wherein the entity is held financially accountable for the cost and quality of care for an attributed or enrolled member population.

Accountable Care Partnership Plan. A type of ACO with which the MassHealth agency contracts under its ACO program to provide, arrange for, and coordinate care and certain other medical services to members on a capitated basis and is approved by the Massachusetts Division of Insurance as a health-maintenance organization (HMO) and is organized primarily for the purpose of providing health care services.

Continuous Skilled Nursing Provider. A provider of Continuous Skilled Nursing services pursuant to 130 CMR 403.00: *Home Health Agency*.

COVID-19. Coronavirus Disease 2019, the disease caused by the SARS-CoV-2 virus.

COVID-19 Vaccination. The full required regimen of vaccine doses of a vaccine approved or authorized for use by the Food and Drug Administration (FDA) or the World Health Organization (WHO). COVID-19 vaccination is the full required regimen as determined by the FDA, Centers for Disease Control or Prevention (CDC), or WHO.

Group Adult Foster Care Provider. An agency enrolled as a MassHealth provider of Group Adult Foster Care services.

Home and Community-Based Services Waiver Provider. A provider of home and community-based waiver services pursuant to 130 CMR 630.00: *Home- and Community-based Services Waiver Services* and that provides one or more of the following services as defined therein: home health aide, homemaker, occupational therapy, personal care, physical therapy, respite services, skilled nursing services, speech/language therapy, supportive home care aide.

Home Care Agency. MassHealth enrolled agencies that provide direct care to clients in a home-based setting. For the purposes of 105 CMR 159.000, MassHealth enrolled agencies consist of the following provider types either enrolled directly through MassHealth or through a contract with a MassHealth Managed Care Entity: Home Health providers, Continuous Skilled Nursing providers, Group Adult Foster Care providers, and Home and Community-Based Services Waiver providers. Home Care Agency also includes agencies that contract with an Aging Service Access Point, as defined under M.G.L. c. 19A, § 4(b) to provide Home Care Services pursuant to 651 CMR 3.00: *Home Care Program* and M.G.L. c. 19A, § 4, or that contract with a Senior Care Organization to provide personal care, home health aide, supportive home care aide, and homemaker services as defined in 651 CMR 3.00.

Home Care Agency Worker. An individual employed or contracted by a Home Care Agency, as defined herein, providing direct care services to clients in a home-based setting. For purposes of Home and Community-based Services Waiver providers, a Home Care Agency Worker is a worker that provides one or more of the following services in a home health setting: home health aide, homemaker, occupational therapy, personal care, physical therapy, respite services, skilled nursing services, speech/language therapy, supportive home care aide.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

159.001: continued

Home Health Provider. A provider of Home Health services pursuant to 130 CMR 403.00: *Home Health Agency*.

Integrated Care Organization (ICO) (also known as a One Care plan). An organization with a comprehensive network of medical, behavioral health care, and long-term services and supports providers that integrates all components of care, either directly or through subcontracts, and has contracted with the Executive Office of Health and Human Services (EOHHS) and the Centers for Medicare and Medicaid Services (CMS) and been designated as an ICO to provide services to dual eligible individuals under M.G.L. c. 118E.

Independent Nurse. A nurse providing Independent Nursing Services pursuant to 130 CMR 414.000: *Independent Nurse*.

Managed Care Organization (MCO). Any entity with which the MassHealth agency contracts under its MCO program to provide, arrange for, and coordinate care and certain other medical services to members on a capitated basis, and is approved by the Massachusetts Division of Insurance as a health maintenance organization (HMO), and is organized primarily for the purpose of providing health care services.

MassHealth Agency. The Executive Office of Health and Human Services acting pursuant to Title XIX of the Social Security Act (42 U.S.C. 1396a *et seq*.), Title XXI of the Social Security Act (42 U.S.C. 1397aa *et seq*.), M.G.L. c. 118E, and other applicable laws and waivers to provide and pay for medical services to eligible members.

MassHealth Managed Care Entity. For the purposes of this regulation, a Managed Care Organization, an Accountable Care Partnership Plan, an Integrated Care Organization, or a Senior Care Organization.

Non-agency Based Home Care Worker. An Independent Nurse, a Personal Care Attendant, and any home care worker not employed or contracted by a Home Care Agency who provides direct care services to clients in a home-based setting pursuant to 651 CMR 3.00: *Home Care Program*.

Personal Care Attendant (PCA). An individual providing personal care services under the MassHealth PCA program pursuant to 130 CMR 422.000: *Personal Care Attendant Services*.

Senior Care Organization (SCO). A managed care organization that participates in MassHealth under a contract with the MassHealth agency to provide coordinated care and medical services through a comprehensive network to eligible members 65 years of age or older.

159.010: COVID-19 Vaccination for Certain Agency Staff

(A) Each Home Care Agency shall ensure all Home Care Agency Workers have received COVID-19 vaccination no later than October 31, 2021, unless an individual is subject to an exemption in accordance with 105 CMR 159.010(D). Consistent with any guidelines and schedule established by MassHealth or the Executive Office of Elder Affairs, as applicable, each Home Care Agency shall ensure that all Home Care Agency Workers maintain COVID-19 vaccination in accordance with CDC's Advisory Council on Immunization Practices recommendations as those recommendations may be updated (*e.g*. Home Care Agency Workers shall obtain all recommended boosters).

(B) Each Home Care Agency shall provide all Home Care Agency Workers with information about the risks and benefits of COVID-19 vaccination.

(C) Each Home Care Agency shall notify all Home Care Agency Workers of the COVID-19 vaccination requirements of 105 CMR 159.010 and shall provide information to all Home Care Agency Workers who cannot provide proof of current immunization against COVID-19 on how they can obtain a free vaccination unless an individual is subject to an exemption in accordance with 105 CMR 159.010(D).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

159.010: continued

(D) Exceptions.

(1) A Home Care Agency shall exempt Home Care Agency Workers from the COVID-19 vaccination requirement in 105 CMR 159.010(A) if:

(a) the vaccine is medically contraindicated, which means administration of COVID-19 vaccine to that individual would likely be detrimental to the individual's health; provided, that the individual provides supporting documentation; or

(b) the individual objects to vaccination on the basis of a sincerely held religious belief; and

(c) the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the Home Care Agency.

(2) An individual who declines vaccination due to medical contraindication or a sincerely held religious belief shall sign a statement certifying he or she received information about the risks and benefits of COVID-19 vaccination.

(E) Documentation.

(1) A Home Care Agency shall require and maintain for each Home Care Agency Worker proof of current COVID-19 vaccination pursuant to 105 CMR 159.010(A) or the individual's declination statement pursuant to 105 CMR 159.010(D) as applicable.

(2) Each Home Care Agency shall maintain an attestation that all Home Care Agency Workers have received current COVID-19 vaccination in accordance with 105 CMR 159.010(A) or (D) as applicable.

(F) Reporting and Data Collection. Each Home Care Agency shall make available upon request documentation demonstrating the Home Care Agency's compliance with the Home Care Agency Worker vaccination requirements of 105 CMR 159.010(E), in accordance with reporting and data collection guidelines of MassHealth or the Executive Office of Elder Affairs, as applicable.

159.020: COVID-19 Vaccination for Non-agency Based Home Care Workers

(A) Consistent with any guidelines and schedule established by MassHealth or the Executive Office of Elder Affairs, as applicable, each Non-Agency Based Home Care Worker shall document no later than October 31, 2021 that they have received COVID-19 vaccination, unless such a Non-agency Based Home Care Worker is subject to an exemption in accordance with 105 CMR 159.020(B). Each Non-agency Based Home Care Worker shall maintain COVID-19 vaccination in accordance with CDC's Advisory Council on Immunization Practices recommendations as those recommendations may be updated (*e.g.* Non-agency Based Home Care Workers shall obtain all recommended boosters).

(B) Exceptions.

(1) An employer or the contracting entity, as applicable, shall exempt Non-Agency Based Home Care Workers from the COVID-19 vaccination requirement in 105 CMR 159.020(A) if:

(a) the vaccine is medically contraindicated, which means administration of COVID-19 vaccine to that individual would likely be detrimental to the individual's health; provided, that the individual provides supporting documentation; or

(b) the individual objects to vaccination on the basis of a sincerely held religious belief; and

(c) the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the employer or contracting entity, as applicable.

(2) An individual who declines vaccination due to medical contraindication or a sincerely held religious belief shall sign a statement certifying he or she received information about the risks and benefits of COVID-19 vaccination.

(C) Documentation.

(1) A Non-agency Based Home Care Worker shall maintain individual proof of current COVID-19 vaccination pursuant to 105 CMR 159.020(A), or the individual's declination statement pursuant to 105 CMR 159.020(B).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

159.020: continued

(2) Each Non-agency Based Home Care Worker shall make available upon request documentation demonstrating that he or she has received current COVID-19 vaccination in accordance with 105 CMR 159.020(A) or the individual's declination statement pursuant to 105 CMR 159.020(B) and guidelines of MassHealth or the Executive Office of Elder Affairs, as applicable.

159.030: Severability

The provisions of 105 CMR 159.000 are severable. If any provision in 105 CMR 159.000 is declared unconstitutional or invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be so affected.

REGULATORY AUTHORITY

105 CMR 159.000: M.G.L. c. 111, §§ 3 and 6.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(105 CMR 160.000 THROUGH 163.000: RESERVED)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(PAGES 931 THROUGH 948 ARE RESERVED FOR FUTURE USE.)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 139

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **651 CMR 12.00**

CHAPTER TITLE: **Certification Procedures and Standards for Assisted Living Residences**

AGENCY: **Executive Office of Elder Affairs**

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

The Assisted Living Regulations establish the standards by which Assisted Living Residences (ALRs) become certified and are overseen and monitored by EOEA.

REGULATORY AUTHORITY: **M.G.L. c. 19D; M.G.L. c. 19A, § 6**

AGENCY CONTACT: **Matthew Casey; matthew.casey@mass.gov** PHONE: **617-222-7452**

ADDRESS: **One Ashburton Place, 5th Floor, Boston, MA 02108**

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

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

In response to ongoing public health emergency related to the COVID-19 pandemic, the regulation modifications included in the emergency regulations will benefit the health, safety, and welfare of ALR residents and personnel by establishing COVID-19 vaccination requirements for ALR personnel.

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: _____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

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

For the first five years: **None**

No fiscal effect: **None**

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

Date amended small business impact statement was filed: _____

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

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:*

651 CMR 12.00: The emergency regulation amends the existing regulation by establishing a COVID-19 vaccination requirement for Assisted Living Residence personnel and modifying the exemption provisions for other required vaccinations.

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 8 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **09/08/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
This is an emergency regulation. There are no replacement pages.	

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/08/2021 CLERK MG

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

12.06: continued

(5) Special Care Residence Staffing.

(a) A Special Care Residence shall have sufficient staff qualified by training and experience awake and on duty at all times to meet the 24-hour per day scheduled and reasonably foreseeable unscheduled needs of all Residents of a Special Care Residence based upon the Resident assessments and service plans. A Special Care Residence's staffing shall be sufficient to respond promptly and effectively to individual Resident emergencies.

(b) For the purposes of 651 CMR 12.05(5)(b), it shall never be considered sufficient to have fewer than two staff members in a Special Care Residence.

(c) Exemption.

1. At his or her sole discretion, the Secretary may grant an exemption from the requirement set forth in 651 CMR 12.06(5)(b) and allow one staff member and one Floater to be on duty during an overnight shift if it is determined that:

a. the physical design of the Special Care Residence is conducive to the provision of sufficient care to all Residents;

b. staff members possess the means to conduct immediate communication with each another;

c. the waiver request is not based on a fluctuation in Residence occupancy; and

d. the safety and welfare of Residents are not compromised.

2. The Applicant/Sponsor shall request such an exemption in writing and shall enclose supporting documentation. The Secretary may grant such an exemption at his or her sole discretion, and may, at any time, revoke such an exemption. Such decisions made by the Secretary are final.

(6) Emergency Situations. The Residence shall have a plan to secure staffing necessary to respond to emergency, safety and disaster situations affecting Residents.

(7) Special Care Residence Manager. A Special Care Residence must designate an individual who will be responsible for all Special Care operations. The Manager of a Special Care Residence shall be at least 21 years of age, must have a minimum of two years' experience working with elders or disabled individuals, knowledge of aging and disability issues, demonstrated experience in administration, and demonstrated supervisory and management skills. The Manager must also have a Bachelor's degree or equivalent experience in human services management, housing management or nursing home management. The Manager must be of good moral character, and must never have been convicted of a felony.

(8) Health Screening Requirements.

(a) No person shall be permitted to work in a Residence if infected with a contagious disease in a communicable form that could endanger the health of residents or other employees. The Residence shall maintain accurate records of illnesses and associated incidents involving staff as part of its Communicable Disease Control Plan pursuant to 651 CMR 12.04(12), and submit an incident report pursuant to 651 CMR 12.04(11)(d) as is appropriate.

(b) All persons working in a Residence shall complete a pre-employment physical examination, including an assessment for tuberculosis, and shall submit evidence that they have completed a periodic physical examination at least every two years.

(c) Subject to the provisions of 651 CMR 12.06(8)(e), each Residence shall ensure that all persons working in the Residence are vaccinated annually with seasonal influenza vaccine, inactivated or live, or an attenuated influenza vaccine, including a seasonal influenza vaccine. Each Residence shall provide all staff with information about the risks and benefits of influenza vaccine.

(d) Subject to the provisions of 651 CMR 12.06(8)(e), each Residence shall ensure all personnel are vaccinated against other novel pandemic or novel influenza virus(es) in accordance with guidelines issued by the Commissioner of Department of Public Health.

(e) A Residence shall not require an employee to receive an influenza vaccine if:

1. the vaccine is medically contraindicated, which means administration of an influenza vaccine to that individual would likely be detrimental to the individual's health;

2. vaccination is against the individual's religious beliefs; or

3. the individual declines the vaccine. An individual who declines vaccination for any reason shall sign a statement certifying he or she received information about the risks and benefits of influenza vaccine and such statement shall be maintained by the Residence.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

12.06: continued

(f) A Residence shall require and maintain for each employee proof of current vaccination pursuant to 651 CMR 12.06(8)(c) and (d), or the individual's declination statement pursuant to 651 CMR 12.06(8)(e). Such information shall be made available for review by EOEA during a Compliance Review pursuant to 651 CMR 12.09.

(9) Vaccination Requirements.

(a) For purposes of 651 CMR 12.06(9), "personnel" means an individual or individuals who either work at or come to the Residence and who are employed by or affiliated with the Residence, whether directly, by contract with another entity, or as an independent contractor, paid or unpaid including, but not limited to, employees, members of the medical staff, contract employees or staff, students, and volunteers, whether or not such individual(s) provide direct care.

(b) Subject to the provisions of 651 CMR 12.06(9)(d), each Residence shall ensure that all personnel are vaccinated annually with seasonal influenza vaccine, inactivated or live, or an attenuated influenza vaccine, including a seasonal influenza vaccine. Each Residence shall provide all personnel with information about the risks and benefits of influenza vaccine.

(c) Subject to the provisions of 651 CMR 12.06(9)(d), each Residence shall ensure all personnel are vaccinated against other novel pandemic or novel influenza virus(es) in accordance with guidelines issued by the Commissioner of Department of Public Health.

(d) Exceptions.

1. A Residence shall not require personnel to receive a vaccine pursuant to 651 CMR 12.06(9)(b) or (c) if:

a. the vaccine is medically contraindicated, which means administration of an influenza vaccine to that individual would likely be detrimental to the individual's health;

b. the individual objects to vaccination on the basis of a sincerely held religious belief; or

c. the individual declines the vaccine; and

d. the individual is able to perform his or her essential job functions with a reasonable accommodation that is not an undue burden on the Residence.

2. Personnel that decline vaccination for any reason shall sign a declination statement certifying that they received information about the risks and benefits of the vaccine and such statement shall be maintained by the Residence.

(e) A Residence shall require, and maintain for all personnel, proof of current vaccination pursuant to 651 CMR 12.06(9)(b) and (c), or the personnel's declination statement as required by 651 CMR 12.06(9)(d). Such information shall be made available by the Residence for review by EOEA during a Compliance Review pursuant to 651 CMR 12.09.

(f) Coronavirus Disease 2019 (COVID-19) Vaccine Requirement.

1. For purposes of 651 CMR 12.06(9)(f), "COVID-19 vaccination" means the full required regimen of vaccine doses of a vaccine approved or authorized for use by the Food and Drug Administration (FDA) or the World Health Organization (WHO) to provide acquired immunity against COVID-19. COVID-19 vaccination is the full required regimen as determined by the FDA, Centers for Disease Control and Prevention (CDC), or WHO.

2. Each Residence shall ensure all personnel have received COVID-19 vaccination, unless an individual is subject to an exception pursuant to 651 CMR 12.06(9)(f)5. Consistent with any guidelines, schedule, and reporting requirements established by the Secretary, each Residence shall ensure that all personnel maintain full COVID-19 vaccination pursuant to the CDC's Advisory Council on Immunization Practices recommendations as those recommendations may be updated (*e.g.*, personnel shall obtain all recommended boosters).

3. Each Residence shall provide all personnel with information about the risks and benefits of COVID-19 vaccination.

4. Each Residence shall notify all personnel of the COVID-19 vaccination requirements of 651 CMR 12.06(9)(f) and provide guidance to personnel regarding how to receive COVID-19 vaccination.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

12.06: continued

5. Exceptions.
a. A Residence shall exempt personnel from the COVID-19 vaccination requirement in 651 CMR 12.06(9)(f)2. if:
i. the vaccine is medically contraindicated, which means administration of COVID-19 vaccine to that individual would likely be detrimental to the individual's health, provided that the individual provides supporting documentation; or
ii. the individual objects to vaccination on the basis of a sincerely held religious belief; and
iii. the individual is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the Residence.
b. Personnel that decline vaccination due to medical contraindication or a sincerely held religious belief shall sign a declination statement certifying that they received information about the risks and benefits of COVID-19 vaccination.
6. A Residence shall require, and maintain for all personnel, proof of current COVID-19 vaccination as required by 651CMR 12.06(9)(f)2., or the personnel's declination statement pursuant to the provisions of 651CMR 12.06(9)(f)5.b. Such information shall be made available by the Residence for review by EOEA during a Compliance Review pursuant to 651 CMR 12.09.

12.07: Training Requirements

The purposes of the requirements of 651 CMR 12.07 are to ensure employees of Assisted Living Residences have a clear understanding of their jobs and the way in which their work intersects with and supports the work of other employees, of the policies and procedures of the Residence, of the rights of the Residents, and of the particular and distinctive service needs and health concerns of the Residents. All curricula for training should reflect current standards of practice and care, be designed to enhance the professionalism of the employees, and to enable employees to provide good service. Training requirements may be satisfied by such means as practical demonstration, lectures, lectures with accompanying role playing, video with facilitated discussion, and other generally accepted techniques. No more than two of the seven hours required for orientation may be conducted by un-facilitated media presentations by such means as video or audio. Instructors and facilitators shall be appropriately qualified by training or demonstrated experience. The Residence shall maintain documentation in the employee's personnel file regarding the completion of training or eligibility for any exemption.

(1) General Orientation. Prior to active employment, all staff and contracted providers who will have direct contact with Residents and all food service personnel must receive a seven-hour orientation which includes the following topics:
(a) Philosophy of independent living in an Assisted Living Residence;
(b) Resident Bill of Rights;
(c) Elder Abuse, Neglect and Financial Exploitation;
(d) Residence policies and procedures related to disaster and emergency preparedness;
(e) Communicable diseases including, but not limited to, AIDS/HIV and Hepatitis B;
(f) Infection control in the Residence and the principles of universal precautions based on DPH guidelines;
(g) Communication Skills;
(h) Review of the aging process;
(i) Dementia/Cognitive Impairment, including a basic overview of the disease process, communication skills and behavioral interventions;
(j) Resident Health and related problems;
(k) General overview of the employee's specific job requirements;
(l) The Residence's policy on emergency response to acute health issues, and first aid; and
(m) Sanitation and Food Safety.

(2) Additional General Orientation Requirements.
(a) At least one hour of general orientation training shall be devoted to the topic of elder abuse, neglect, and financial exploitation.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

12.07: continued

(b) At least two hours of general orientation training shall be devoted to the topic of dementia and cognitive impairments. All curricula for training related to dementia shall reflect current standards of practice and care.

(c) In addition to the requirements relative to the general orientation set forth in 651 CMR 12.07(1)(a) through (m), all personnel providing Personal Care Services shall receive at least one additional hour of orientation devoted to the topic of Self-administered Medication Management provided by a nurse.

(d) Both the Residence Manager and Service Coordinator shall receive an additional two-hour training devoted to dementia care topics.

(e) A Residence may include the use of techniques such as the shadowing of more experienced employees during the first five days of an employee's tenure.

(3) Orientation for Staff Working within Special Care Residences. In addition to completing requirements for general orientation as set forth under 651 CMR 12.07(1)(a) through (m), all new employees who work within a Special Care Residence and have direct contact with Residents must receive seven hours of additional training on topics related to the specialized care needs of the Resident population (*e.g.*, communication skills, creating a therapeutic environment, interpreting manifestations of distress, decisional capacity, sexuality, family issues, and caregiver support).

(4) Ongoing In-service Education and Training.

(a) A minimum of ten hours per year of ongoing education and training is required for all employees, with at least two hours on the specialized needs of Residents with Alzheimer's disease and related dementia.

(b) Employees working in a Special Care Residence must receive an additional four hours of training per year related to the Residents' specialized needs. Such training shall include the development of communications skills for Residents with dementia.

(c) In addition to the general ten-hour continuing education requirement for all employees, Residence Managers shall complete an additional five hours of training which shall be intended to complement the individual's background and experience. Credits for completing annual continuing education requirements for Residence managers may be transferable to other Residences.

(d) No more than 50% of the ongoing training requirement may be conducted by unfacilitated media presentations by such means as video or audio.

(e) Upon submitting proof in a manner and form prescribed by EOEA, training received within the past 18 months at another Assisted Living Residence, a similar facility or agency may be used to satisfy the requirements of 651 CMR 12.07. Satisfaction of the requirements of the general orientation shall not be used to fulfill the requirements of 651 CMR 12.04(4).

(f) Specialized Training Requirements.

1. All staff providing assistance with Personal Care Services shall be trained in the Residence's policy on emergency response to acute health issues and first aid, and must also complete at least one hour of ongoing education and training per year on the topic of Self-administered Medication Management; and

2. All employees and providers shall receive ongoing in-service education and training, provided by a professional with relevant experience, that is designed to ensure orientation training is reinforced, from among the following topics:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 370

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **101 CMR 347.00**

CHAPTER TITLE: **Rates for Freestanding Ambulatory Surgery Center Services**

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

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

101 CMR 347.00 governs the facility component rates of payment used by MassHealth and other state governmental units for surgical services provided by eligible freestanding ambulatory surgery centers to publicly aided individuals and industrial accident patients.

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

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

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

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

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

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

Executive Order 145 notifications: 5/5/21
Executive Order 562 approval: 9/7/21

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: **6/22/21**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **estimated total annual increase of $299,000**

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 347.00 is being amended and its title is being updated.

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 17 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
3, 4	**3, 4**
4.5 - 4.8	**4.5 - 4.8**
910.1 - 910.2.108	**910.1 - 910.2.26**

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 09/17/2021 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
101 CMR 331.00:	PRESCRIBED DRUGS	809
Section 331.01:	General Provisions	809
Section 331.02:	General Definitions	809
Section 331.03:	Reporting Requirements	811
Section 331.04:	Payment for Prescription Drugs	811
Section 331.05:	Payment for Over-the-counter Drugs	812
Section 331.06:	Dispensing Fees	812
Section 331.07:	Special Provisions	812.1
Section 331.08:	Severability	812.1
(101 CMR 332.00 AND 333.00: RESERVED)		813
101 CMR 334.00:	PROSTHESES, PROSTHETIC DEVICES AND ORTHOTIC DEVICES	820.1
Section 334.01:	General Provisions	820.1
Section 334.02:	General Definitions	820.1
Section 334.03:	Rate Provisions	820.5
Section 334.04:	Reporting Requirements	820.31
Section 334.05:	Severability of Provisions	820.31
(101 CMR 335.00 AND 336.00: RESERVED)		820.29
101 CMR 337.00:	RATES FOR CHRONIC MAINTENANCE DIALYSIS TREATMENTS AND HOME DIALYSIS SUPPLIES	820.31
Section 337.01:	General Provisions	820.31
Section 337.02:	Definitions	820.31
Section 337.03:	Rate(s) Determination	820.32
Section 337.04:	Rates for Home Dialysis Supplies	820.33
Section 337.05:	Rates for Laboratory Services	820.33
Section 337.06:	Rates for Prescribed Drugs	820.33
Section 337.07:	Reporting Requirements	820.33
Section 337.08:	Bad Debt Settlement	820.33
Section 337.09:	Severability	820.33
(101 CMR 338.00: RESERVED)		820.35
101 CMR 339.00:	RESTORATIVE SERVICES	820.37
Section 339.01:	General Provisions	820.37
Section 339.02:	General Definitions	820.37
Section 339.03:	General Rate Provisions	820.39
Section 339.04:	Allowable Fees	820.39
Section 339.05:	Filing and Reporting Requirements	820.45
Section 339.06:	Severability	820.45
(101 CMR 340.00 THROUGH 342.00: RESERVED)		820.47
101 CMR 343.00:	HOSPICE SERVICES	821
Section 343.01:	General Provisions	821
Section 343.02:	Definitions	821
Section 343.03:	Filing and Reporting Requirements	823
Section 343.04:	General Rate Provisions	823
Section 343.05:	Severability of Provisions	825
(101 CMR 344.00: RESERVED)		827

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
101 CMR 345.00:	RATES FOR TEMPORARY NURSING SERVICES	851
Section 345.01:	General Purpose	851
Section 345.02:	Definitions	851
Section 345.03:	Rate Provisions	852
Section 345.04:	General Rate Provisions	854
Section 345.05:	Reporting Requirements	854
Section 345.06:	Transfer of Ownership	855
Section 345.07:	Severability	855
101 CMR 346.00:	RATES FOR CERTAIN SUBSTANCE RELATED AND ADDICTIVE DISORDERS PROGRAMS	901
Section 346.01:	General Provisions	901
Section 346.02:	Definitions	901
Section 346.03:	Filing and Reporting Requirements	907
Section 346.04:	Rate Provisions	907
Section 346.05:	Severability	910
101 CMR 347.00:	RATES FOR FREESTANDING AMBULATORY SURGERY CENTER SERVICES	910.1
Section 347.01:	General Provisions	910.1
Section 347.02:	Definitions	910.2
Section 347.03:	General Rate Provisions and Payment	910.2.1
Section 347.04:	Filing and Reporting Requirements	910.2.24
Section 347.05:	Severability	910.2.25
101 CMR 348.00:	DAY HABILITATION PROGRAM SERVICES	910.3
Section 348.01:	General Provisions	910.3
Section 348.02:	General Definitions	910.3
Section 348.03:	General Rate Provisions	910.4
Section 348.04:	Filing and Reporting Requirements	910.5
Section 348.05:	Severability	910.5
101 CMR 349.00:	RATES FOR EARLY INTERVENTION PROGRAM SERVICES	910.9
Section 349.01:	General Provisions	910.9
Section 349.02:	Definitions	910.9
Section 349.03:	Filing and Reporting Requirements	910.11
Section 349.04:	Rate Provisions	910.12
Section 349.05:	Severability	910.13
101 CMR 350.00:	RATES FOR HOME HEALTH SERVICES	910.15
Section 350.01:	General Provisions	910.15
Section 350.02:	General Definitions	910.15
Section 350.03:	General Rate Provisions	910.17
Section 350.04:	Rates of Payment for Home Health Services in the Home	950.17
Section 350.05:	Administrative Adjustment	950.19
Section 350.06:	Filing and Reporting Requirements	950.19
Section 350.07:	Severability	910.20
101 CMR 351.00:	RATES OF PAYMENT FOR CERTAIN ADULT FOSTER CARE SERVICES	910.23
Section 351.01:	General Provisions	910.23
Section 351.02:	Definitions	910.23
Section 351.03:	Rate Provisions	910.24
Section 351.04:	Filing and Reporting Requirements	910.24
Section 351.05:	Other Provisions	910.24

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
101 CMR 429.00:	RATES FOR CERTAIN SEXUAL AND DOMESTIC VIOLENCE SERVICES	1045
Section 429.01:	General Provisions	1045
Section 429.02:	Definitions	1045
Section 429.03:	Rate Provisions	1046
Section 429.04:	Filing and Reporting Requirements	1048
Section 429.05:	Severability	1049
101 CMR 430.00:	RATES FOR PROGRAM OF ASSERTIVE COMMUNITY TREATMENT SERVICES	1050.1
Section 430.01:	General Provisions	1050.1
Section 430.02:	Definitions	1050.1
Section 430.03:	Rate Provisions	1050.2
Section 430.04:	Filing and Reporting Requirements	1050.2
Section 430.05:	Severability	1050.3
101 CMR 431.00:	RATES FOR CERTAIN RESPITE SERVICES	1050.5
Section 431.01:	General Provisions	1050.5
Section 431.02:	Definitions	1050.5
Section 431.03:	Rate Provisions	1050.5
Section 431.04:	Filing and Reporting Requirements	1050.6
Section 431.05:	Severability	1050.6.1
101 CMR 432.00:	RATES FOR CERTAIN LEAD AGENCY SERVICES	1050.7
Section 432.01:	General Provisions	1050.7
Section 432.02:	Definitions	1050.7
Section 432.03:	Rate Provisions	1050.8
Section 432.04:	Filing and Reporting Requirements	1050.9
Section 432.05:	Severability	1050.9
101 CMR 433.00:	RATES FOR CERTAIN HEALTH AND HUMAN SERVICES PROGRAMS	1050.11
Section 433.01:	General Provisions	1050.11
Section 433.02:	Definitions	1050.12
Section 433.03:	Rate Provisions	1050.12
Section 433.04:	Filing and Reporting Requirements	1050.12.9
Section 433.05:	Severability	1050.12.9
(101 CMR 434.00 THROUGH 443.00: RESERVED)		1050.12.10
101 CMR 444.00:	RATES FOR CERTAIN SUBSTANCE USE DISORDER SERVICES	1050.13
Section 444.01:	General Provisions	1050.13
Section 444.02:	Definitions	1050.13
Section 444.03:	Reporting Requirements	1050.14
Section 444.04:	Rate Provisions	1050.14
Section 444.05:	Severability	1050.15
101 CMR 445.00:	COVID-19 PAYMENT RATES FOR CERTAIN DAY PROGRAMS	1050.17
Section 445.01:	General Provisions	1050.17
Section 445.02:	Definitions	1050.17
Section 445.03:	Rate Provisions	1050.18
Section 445.04:	Filing and Reporting Requirements	1050.18.4
Section 445.05:	Severability	1050.18.5

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
101 CMR 446.00:	COVID-19 PAYMENT RATES FOR CERTAIN COMMUNITY HEALTH CARE PROVIDERS	1050.19
Section 446.01:	General Provisions	1050.19
Section 446.02:	Definitions	1050.19
Section 446.03:	General Rate Provisions and Payment	1050.21
Section 446.04:	Special Contracts	1050.24.5
Section 446.05:	Reporting Requirements	1050.24.5
Section 446.06:	Severability	1050.24.5
101 CMR 447.00:	RATES FOR CERTAIN HOME- AND COMMUNITY-BASED SERVICES RELATED TO SECTION 9817 OF THE AMERICAN RESCUE PLAN ACT	1050.25
Section 447.01:	General Provisions	1050.25
Section 447.02:	Definitions	1050.26
Section 447.03:	Rate Provisions	1050.26
Section 447.04:	Filing and Reporting Requirements	1050.112
Section 447.05:	Severability	1050.113
(101 CMR 448.000 THROUGH 511.00: RESERVED)		1050.115
101 CMR 512.00:	NURSING FACILITY USER FEES	1051
Section 512.01:	General Provisions	1051
Section 512.02:	Definitions	1051
Section 512.03:	Facility Groups	1052
Section 512.04:	Calculation of User Fee	1053
Section 512.05:	Payment of User Fee	1053
Section 512.06:	Reporting Requirements	1054
Section 512.07:	Other Provisions	1054
(101 CMR 513.00 THROUGH 612.00: RESERVED)		1055
101 CMR 613.00:	HEALTH SAFETY NET ELIGIBLE SERVICES	1101
Section 613.01	General Provisions	1101
Section 613.02:	Definitions	1101
Section 613.03:	Eligible Services Requirements	1107
Section 613.04:	Eligible Services to Low Income Patients	1113
Section 613.05:	Medical Hardship	1118
Section 613.06:	Allowable Bad Debt	1120
Section 613.07:	Reporting Requirements	1123
Section 613.08:	Other Requirements	1125
101 CMR 614.00:	HEALTH SAFETY NET PAYMENTS AND FUNDING	1129
Section 614.01:	General Provisions	1129
Section 614.02:	Definitions	1129
Section 614.03:	Sources and Uses of Funds	1133
Section 614.04:	Acute Hospital and Non-acute Hospital Assessment Liability to the Health Safety Net Trust Fund	1134
Section 614.05:	Surcharge on Acute Hospital Payments	1135
Section 614.06:	Payments to Acute Hospitals	1140
Section 614.07:	Payments to Community Health Centers	1144
Section 614.08:	Reporting Requirements	1146
Section 614.09:	Special Provisions	1147

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
(101 CMR 615.00 THROUGH 700.00: RESERVED)		1149
101 CMR 701.00:	COMMUNITY HOSPITAL REINVESTMENT TRUST FUND PAYMENTS AND FUNDING	1161
Section 701.01:	General Provisions	1161
Section 701.02:	General Definitions	1161
Section 701.03:	Sources and Uses of Fund	1162
Section 701.04:	General Payment Provisions	1162
Section 701.05:	Filing and Reporting Requirements	1163
Section 701.06:	Noncompliance	1164
Section 701.07:	Severability	1164
(101 CMR 702.00 THROUGH 800.00: RESERVED)		1165
101 CMR 801.00:	DRUG MANUFACTURER NEGOTIATIONS AND ACCOUNTABILITY	1201
Section 801.01:	General Provisions	1201
Section 801.02:	Definitions	1201
Section 801.03:	Direct Negotiations	1202
Section 801.04:	Determination of Target Value	1203
Section 801.05:	Referral to the Health Policy Commission	1205
Section 801.06:	Confidentiality	1206
Section 801.07:	Interaction with Other Regulations	1206
Section 801.08:	Severability	1206

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

101 CMR 347.00: RATES FOR FREESTANDING AMBULATORY SURGERY CENTER SERVICES

Section

347.01: General Provisions
347.02: Definitions
347.03: General Rate Provisions and Payment
347.04: Filing and Reporting Requirements
347.05: Severability

347.01: General Provisions

(1) Scope and Purpose. 101 CMR 347.00 governs the rates of payment to eligible freestanding ambulatory surgery centers (FASCs) to be used by all governmental units for services provided to publicly aided individuals. Rates for services provided to individuals covered by M.G.L. c. 152 (the Worker's Compensation Act), are not set forth in 101 CMR 347.00, but are at 114.3 CMR 40.00: *Rates for Services under M.G.L. c. 152, Workers' Compensation Act.*

(2) Applicable Dates of Service. Rates contained in 101 CMR 347.00 apply for dates of service provided on or after October 1, 2021, unless otherwise indicated.

(3) Coverage. 101 CMR 347.00 and the rates of payment contained in 101 CMR 347.00 are full compensation for facility services furnished in connection with surgical procedures that can be performed safely on an ambulatory basis in an FASC, are within the scope of covered services, and meet the purchasing governmental unit's conditions of payment for such facility services. Payment from any other sources will be used to offset the amount of the purchasing governmental unit's obligation for such services rendered to publicly aided individuals. 101 CMR 347.00 does not cover professional services that are billed by a physician, dentist, or podiatrist separately from the surgery center and who receives no other compensation for the professional services rendered. Covered freestanding ambulatory surgery center services do not include services performed in a hospital-based facility or medical, dental, or podiatric surgical procedures that are customarily performed in an office setting.

(4) Disclaimer of Authorization of Services. 101 CMR 347.00 is not authorization for or approval of the procedures for which rates are determined pursuant to 101 CMR 347.00. Governmental units that purchase care are responsible for the definition, authorization, coverage policies, and approval of the care and services extended to publicly aided individuals.

(5) Coding Updates and Corrections. EOHHS may publish service code updates and corrections in the form of an administrative bulletin. Updates may reference coding systems including, but not limited to, the American Medical Association's Current Procedural Terminology (CPT). The publication of such updates and corrections will list

(a) codes for which the code numbers change, with the corresponding cross references between new codes and the codes being replaced. Rates for such new codes are set at the rate of the code that is being replaced;

(b) deleted codes for which there are no corresponding new codes;

(c) codes for entirely new services that require pricing. EOHHS will list these codes and apply individual consideration (I.C.) reimbursement for these codes until appropriate rates can be developed, unless 101 CMR 347.01(5)(d) is applied; and

(d) for entirely new codes that require new pricing and that have Medicare rates, EOHHS may list these codes and price them according to the rate methodology used in setting FASC facility component rates.

(6) Administrative Bulletins. EOHHS may issue administrative bulletins to add, delete, or otherwise update codes or modifiers, to clarify its policy on and understanding of substantive provisions of 101 CMR 347.00, and otherwise as specified in 101 CMR 347.00.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.02: Definitions

The terms used in 101 CMR 347.00 have the meanings set forth in 101 CMR 347.02, unless the context requires otherwise. The five-digit codes included in 101 CMR 347.00 utilize the Healthcare Common Procedural Coding System (HCPCS) for Level I and Level II coding. Level 1 CPT-4 codes are obtained from the Physicians' 2021 *Current Procedural Terminology*, copyright 2020 by the American Medical Association, unless otherwise specified. Level II codes are obtained from the 2021 HCPCS maintained jointly by the Centers for Medicare and Medicaid Services (CMS), the Blue Cross and Blue Shield Association, and the Health Insurance Association of America. HCPCS is a listing of descriptive terms and identifying codes and two-digit modifiers for reporting medical services and procedures performed by physicians and other healthcare professionals, as well as associated non-physician services. 101 CMR 347.00 includes only HCPCS numeric and alpha-numeric identifying codes and modifiers for reporting medical services and procedures that were selected by EOHHS. Any use of CPT outside the fee schedule should refer to the Physicians' 2021 *Current Procedural Terminology*, copyright 2020. For code descriptions, *see* the FASC service code spreadsheet at www.mass.gov/regulations/101-CMR-34700-rates-for-freestanding-ambulatory-surgery-center-services.

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

Eligible Provider. A licensed FASC that meets the conditions of participation adopted by a governmental unit, and to the extent specified by such governmental unit.

Facility Component. Rate of payment for an FASC's facility costs. The facility component does not include payment for a physician's, dentist's, or podiatrist's services in performing a surgical procedure.

Freestanding Ambulatory Surgery Center (FASC). A distinct entity that operates exclusively for the purpose of providing surgical services that do not require the availability of hospital facilities, is licensed by the Massachusetts Department of Public Health (or, if out-of-state, the applicable licensing authority of that state), and meets the conditions for payment by the governmental unit for facility services.

Governmental Unit. The Commonwealth of Massachusetts or any of its departments, agencies, boards, commissions, or political subdivisions.

Individual Consideration (I.C.). Freestanding ambulatory surgery center services that are authorized but not listed in 101 CMR 347.00, FASC services performed in unusual circumstances, and services whose fees are designated by the letters "I.C." are individually considered items. The governmental unit or purchaser analyzes the eligible provider's operative report, which must contain a diagnosis, a pertinent medical history, a description of the services rendered, and the length of time spent with the patient. In making the determination of whether the service is appropriately classified as an individually considered item, and in determining appropriate payment for services designated as I.C., the governmental unit considers standards and criteria including the following, subject to any documentation requirements of the governmental unit:

(a) policies, procedures, and practices of other third-party purchasers of care, both governmental and private;
(b) the severity and complexity of the patient's disorder or disability;
(c) prevailing provider ethics and accepted practice; and
(d) time, degree of skill, and cost including equipment cost required to perform the procedure(s).

Modifiers. Listed services may be modified under certain circumstances. When applicable, the modifying circumstances must be identified by the addition of the appropriate two-digit number or letters to the service code.

Publicly Aided Individual. A person who receives health care and services for which a governmental unit is in whole or in part liable under a statutory program of public assistance.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.02: continued

Separate Procedure. Some of the listed procedures are commonly carried out as an integral part of a total service and as such, do not warrant a separate identification. When, however, such a procedure is performed independently of, and is not immediately related to, other services, it may be listed as a separate procedure in the service description. Thus, when a procedure that is ordinarily a component of a larger procedure is performed alone for a specific purpose, it may be considered to be a separate procedure.

347.03: General Rate Provisions and Payment

(1) Rate Determination. Rates of payment for authorized FASC services to which 101 CMR 347.00 applies are the lowest of

(a) the eligible provider's usual fee to the general public;
(b) the eligible provider's actual charge submitted; and
(c) the schedule of allowable rates set forth in 101 CMR 347.03(6).

(2) Maximum Allowable Rates. Rates of payment are for the facility component only. The maximum allowable payment rate for each FASC service is listed next to the HCPCS code in the fee schedule set forth in 101 CMR 347.03(6). Service codes listed in 101 CMR 347.03(6) with $0 rates are packaged services for which no separate payment is made.

(3) Individual Consideration and Nonlisted Services. Rates of payment to eligible providers for FASC services that are authorized but not listed in 101 CMR 347.00, services performed in unusual circumstances, and services whose fees are designated by the letters "I.C." are determined on an individual consideration basis.

(4) Terminated Procedures. The purchasing governmental unit determines payment on an individual consideration (I.C.) basis for any procedure that has been terminated after the procedure has been initiated.

(5) Modifiers.

(a) -50: Bilateral Procedure. Unless otherwise identified in the listings, bilateral procedures that are performed at the same session should be identified by adding the modifier 50 to the appropriate five-digit code. (Only one claim line is billed for both procedures. If a reimbursable surgical procedure provided in a single operative session is performed bilaterally, the full maximum fee is 150% of the payment group contained in 101 CMR 347.00 for the operative procedure.)

(b) -51: Multiple Procedures. When multiple procedures, other than E/M services, physical medicine and rehabilitation services or provision of supplies (*e.g.,* vaccines), are performed at the same session by the same individual the primary procedure or services may be reported as listed. The additional procedure(s) or service(s) may be identified by appending modifier 51 to the additional procedure or service code(s). Note: This modifier should not be appended to designated "add-on" codes. (The addition of the modifier -51 to the second and subsequent service codes allows 50% of the allowable fee contained in 101 CMR 347.00 to be paid to the eligible provider.)

(c) -73: Discontinued Outpatient Hospital/Ambulatory Surgery Center (ASC) Procedure Prior to the Administration of Anesthesia. Due to extenuating circumstances or those that threaten the well-being of the patient, the physician may cancel a surgical or diagnostic procedure subsequent to the patient's surgical preparation (including sedation when provided, and being taken to the room where the procedure is to be performed), but prior to the administration of anesthesia (local, regional block(s), or general). Under these circumstances, the intended service that is prepared for but cancelled can be reported by its usual service code and the addition of the modifier -73. Note: The elective cancellation of a service prior to the administration of anesthesia and/or surgical preparation of the patient should not be reported.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

(d) -74: Discontinued Outpatient Hospital/Ambulatory Surgery Center (ASC) Procedure after Administration of Anesthesia. Due to extenuating circumstances or those that threaten the well-being of the patient, the physician may terminate a surgical or diagnostic procedure after the administration of anesthesia (local, regional block(s), general) or after the procedure was started (*e.g.*, incision made, intubation started, scope inserted). Under these circumstances, the procedure started but terminated can be reported by its usual service code and the addition of the modifier -74. Note: The elective cancellation of a service prior to the administration of anesthesia and/or surgical preparation of the patient should not be reported.

(e) Modifiers for Provider Preventable Conditions. Modifiers for reporting "provider preventable conditions" that are National Coverage Determinations, in accordance with 42 CFR 447.26, are listed in 101 CMR 347.03(5)(e).

Modifier	Description
PA	Surgical or other invasive procedure on wrong body part
PB	Surgical or other invasive procedure on wrong patient
PC	Wrong surgery or other invasive procedure on patient

(6) Fee Schedule: Surgical Services. For code descriptions, *see* the FASC service code spreadsheet at:
www.mass.gov/regulations/101-CMR-34700-rates-for-freestanding-ambulatory-surgery-center-services.

Code	Fee
10004	$0.00
10005	$63.81
10006	$0.00
10007	$197.56
10008	$0.00
10009	$262.00
10010	$0.00
10011	$262.00
10012	$0.00
10021	$50.31
10030	$262.00
10035	$0.00
10036	$0.00
10040	$0.00
10060	$64.12
10061	$98.17
10080	$140.50
10081	$177.31
10120	$90.81
10121	$489.93
10140	$93.56
10160	$70.86
10180	$845.19
11000	$29.15
11001	$0.00
11010	$262.00
11011	$262.00

Code	Fee
11012	$845.19
11042	$137.23
11043	$213.47
11044	$489.93
11045	$0.00
11046	$0.00
11047	$0.00
11055	$0.00
11056	$0.00
11057	$49.39
11102	$64.42
11103	$0.00
11104	$75.05
11105	$0.00
11106	$98.78
11107	$0.00
11200	$0.00
11201	$0.00
11300	$0.00
11301	$0.00
11302	$0.00
11303	$0.00
11305	$0.00
11306	$0.00
11307	$75.05
11308	$0.00
11310	$73.63

Code	Fee
11311	$75.05
11312	$94.49
11313	$104.61
11400	$78.53
11401	$89.57
11402	$97.86
11403	$106.14
11404	$489.93
11406	$489.93
11420	$75.46
11421	$88.66
11422	$98.17
11423	$106.45
11424	$489.93
11426	$845.19
11440	$86.20
11441	$96.93
11442	$104.92
11443	$116.26
11444	$489.93
11446	$845.19
11450	$845.19
11451	$845.19
11462	$845.19
11463	$845.19
11470	$845.19
11471	$845.19

Code	Fee
11600	$115.65
11601	$128.84
11602	$137.23
11603	$149.09
11604	$262.00
11606	$489.93
11620	$115.96
11621	$129.15
11622	$140.19
11623	$153.99
11624	$489.93
11626	$845.19
11640	$119.33
11641	$133.14
11642	$145.72
11643	$159.52
11644	$489.93
11646	$845.19
11719	$0.00
11720	$0.00

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
11721	$0.00
11730	$0.00
11732	$0.00
11740	$0.00
11750	$84.36
11755	$65.34
11760	$213.47
11762	$158.90
11765	$0.00
11770	$845.19
11771	$845.19
11772	$845.19
11900	$0.00
11901	$0.00
11920	$105.53
11921	$116.88
11922	$0.00
11950	$39.58
11951	$50.92
11952	$65.65
11954	$72.70
11960	$1,278.72
11970	$2,382.86
11971	$845.19
11976	$64.12
11980	$0.00
11981	$0.00
11982	$0.00
11983	$0.00
12001	$0.00
12002	$0.00
12004	$0.00
12005	$137.23
12006	$137.23
12007	$75.05
12011	$0.00
12013	$0.00
12014	$0.00
12015	$75.05
12016	$137.23
12017	$137.23
12018	$75.05
12020	$213.47

Code	Fee
12021	$137.23
12031	$137.23
12032	$137.23
12034	$137.23
12035	$137.23
12036	$213.47
12037	$696.96
12041	$137.23
12042	$137.23
12044	$213.47
12045	$213.47
12046	$137.23
12047	$696.96
12051	$137.23
12052	$137.23
12053	$137.23
12054	$137.23
12055	$137.23
12056	$137.23
12057	$137.23
13100	$213.47
13101	$213.47
13102	$0.00
13120	$213.47
13121	$213.47
13122	$0.00
13131	$137.23
13132	$213.47
13133	$0.00
13151	$213.47
13152	$213.47
13153	$0.00
13160	$696.96
14000	$696.96
14001	$696.96
14020	$696.96
14021	$696.96
14040	$696.96
14041	$696.96
14060	$696.96
14061	$696.96
14301	$1,278.72
14302	$0.00

Code	Fee
14350	$696.96
15002	$696.96
15003	$0.00
15004	$213.47
15005	$0.00
15040	$696.96
15050	$213.47
15100	$696.96
15101	$0.00
15110	$696.96
15111	$0.00
15115	$696.96
15116	$0.00
15120	$1,278.72
15121	$0.00
15130	$696.96
15131	$0.00
15135	$1,278.72
15136	$0.00
15150	$696.96
15151	$0.00
15152	$0.00
15155	$1,278.72
15156	$0.00
15157	$0.00
15200	$696.96
15201	$0.00
15220	$696.96
15221	$0.00
15240	$696.96
15241	$0.00
15260	$696.96
15261	$0.00
15271	$696.96
15272	$0.00
15273	$1,278.72
15274	$0.00
15275	$696.96
15276	$0.00
15277	$696.96
15278	$0.00
15570	$696.96
15572	$1,278.72

Code	Fee
15574	$696.96
15576	$696.96
15600	$1,278.72
15610	$696.96
15620	$696.96
15630	$696.96
15650	$696.96
15730	$1,278.72
15731	$1,278.72
15733	$1,278.72
15734	$1,278.72
15736	$696.96
15738	$1,278.72
15740	$696.96
15750	$1,278.72
15760	$696.96
15769	$1,278.72
15770	$1,278.72
15771	$1,278.72
15773	$696.96
15775	$137.23
15776	$137.23
15777	$0.00
15780	$481.00
15781	$262.00
15782	$321.79
15783	$137.23
15786	$0.00
15787	$0.00
15788	$0.00
15789	$213.47
15792	$0.00
15793	$0.00
15819	$696.96
15820	$696.96
15821	$696.96
15822	$696.96
15823	$696.96
15824	$696.96
15825	$1,278.72
15826	$1,278.72
15828	$1,278.72
15829	$1,278.72

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
15830	$1,864.28
15832	$845.19
15833	$845.19
15834	$845.19
15835	$845.19
15836	$845.19
15837	$845.19
15838	$845.19
15839	$845.19
15840	$1,278.72
15841	$1,278.72
15842	$696.96
15845	$1,278.72
15847	$0.00
15850	$213.47
15851	$60.74
15852	$0.00
15860	$0.00
15876	$1,278.72
15877	$1,278.72
15878	$696.96
15879	$1,278.72
15920	$845.19
15922	$1,278.72
15931	$845.19
15933	$845.19
15934	$1,278.72
15935	$1,278.72
15936	$696.96
15937	$696.96
15940	$845.19
15941	$845.19
15944	$1,278.72
15945	$696.96
15946	$696.96
15950	$489.93
15951	$845.19
15952	$696.96
15953	$1,278.72
15956	$696.96
15958	$1,278.72
16000	$0.00
16020	$0.00

Code	Fee
16025	$75.05
16030	$137.23
16035	$137.23
17000	$0.00
17003	$0.00
17004	$91.72
17106	$137.23
17107	$213.47
17108	$300.32
17110	$0.00
17111	$0.00
17250	$0.00
17260	$0.00
17261	$0.00
17262	$0.00
17263	$0.00
17264	$112.28
17266	$123.62
17270	$75.05
17271	$75.05
17272	$0.00
17273	$110.74
17274	$124.85
17276	$137.23
17280	$0.00
17281	$96.02
17282	$107.98
17283	$122.09
17284	$134.67
17286	$160.44
17311	$213.47
17312	$0.00
17313	$213.47
17314	$0.00
17315	$0.00
17340	$0.00
17360	$0.00
17380	$213.47
19000	$66.26
19001	$0.00
19020	$489.93
19030	$0.00
19081	$489.93

Code	Fee
19082	$0.00
19083	$489.93
19084	$0.00
19085	$489.93
19086	$0.00
19100	$489.93
19101	$950.67
19105	$950.67
19110	$950.67
19112	$950.67
19120	$950.67
19125	$950.67
19126	$0.00
19281	$0.00
19282	$0.00
19283	$0.00
19284	$0.00
19285	$0.00
19286	$0.00
19287	$0.00
19288	$0.00
19294	$0.00
19296	$3,549.47
19297	$0.00
19298	$1,864.28
19300	$950.67
19301	$950.67
19302	$1,864.28
19303	$1,864.28
19316	$1,864.28
19318	$1,864.28
19325	$2,277.55
19328	$950.67
19330	$950.67
19340	$1,864.28
19342	$2,277.55
19350	$950.67
19355	$950.67
19357	$3,981.15
19370	$950.67
19371	$950.67
19380	$1,864.28
19396	$950.67

Code	Fee
20103	$262.00
20150	$1,093.32
20200	$489.93
20205	$845.19
20206	$489.93
20220	$489.93
20225	$489.93
20240	$845.19
20245	$845.19
20250	$1,093.32
20251	$2,382.86
20500	$56.44
20501	$0.00
20520	$118.10
20525	$845.19
20526	$35.28
20527	$38.34
20550	$22.08
20551	$23.32
20552	$25.77
20553	$30.06
20555	$1,093.32
20600	$21.17
20604	$36.51
20605	$22.08
20606	$39.58
20610	$26.38
20611	$44.48
20612	$29.76
20615	$137.73
20650	$1,093.32
20662	$606.05
20663	$1,093.32
20665	$156.16
20670	$489.93
20680	$845.19
20690	$3,192.86
20692	$6,917.51
20693	$2,382.86
20694	$606.05
20696	$10,090.37
20697	$606.05
20822	$606.05

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
20900	$2,382.86
20902	$2,382.86
20910	$213.47
20912	$1,278.72
20920	$696.96
20922	$696.96
20924	$2,382.86
20930	$0.00
20931	$0.00
20932	$0.00
20933	$0.00
20934	$0.00
20936	$0.00
20937	$0.00
20938	$0.00
20939	$0.00
20950	$262.00
20972	$2,382.86
20973	$2,382.86
20975	$0.00
20979	$0.00
20982	$2,382.86
20983	$3,226.69
20985	$0.00
21010	$896.80
21011	$210.13
21012	$489.93
21013	$271.79
21014	$845.19
21015	$845.19
21016	$845.19
21025	$1,909.57
21026	$1,909.57
21029	$896.80
21030	$266.88
21031	$230.68
21032	$229.46
21034	$1,909.57
21040	$896.80
21044	$1,909.57
21046	$1,909.57
21047	$1,909.57
21048	$1,909.57

Code	Fee
21050	$1,909.57
21060	$1,909.57
21070	$1,909.57
21073	$218.72
21076	$346.94
21077	$842.06
21079	$594.20
21080	$693.59
21081	$642.97
21082	$607.08
21083	$598.49
21084	$671.19
21085	$87.46
21086	$633.16
21087	$633.16
21088	$896.80
21100	$1,909.57
21110	$456.11
21116	$0.00
21120	$1,909.57
21121	$896.80
21122	$1,909.57
21123	$896.80
21125	$1,909.57
21127	$1,909.57
21137	$896.80
21138	$1,909.57
21139	$1,909.57
21150	$1,909.57
21181	$1,909.57
21198	$1,909.57
21199	$1,909.57
21206	$1,909.57
21208	$2,504.67
21209	$1,909.57
21210	$1,909.57
21215	$1,909.57
21230	$1,909.57
21235	$1,909.57
21240	$1,909.57
21242	$1,909.57
21243	$10,292.37
21244	$1,909.57

Code	Fee
21245	$1,909.57
21246	$1,909.57
21248	$1,909.57
21249	$1,909.57
21260	$1,909.57
21267	$1,909.57
21270	$1,909.57
21275	$1,909.57
21280	$896.80
21282	$896.80
21295	$456.11
21296	$896.80
21310	$92.62
21315	$456.11
21320	$896.80
21325	$896.80
21330	$1,909.57
21335	$896.80
21336	$1,093.32
21337	$896.80
21338	$2,787.92
21339	$1,909.57
21340	$896.80
21345	$456.11
21355	$896.80
21356	$1,909.57
21360	$1,909.57
21390	$1,909.57
21400	$189.71
21401	$456.11
21406	$1,909.57
21407	$1,909.57
21421	$896.80
21440	$433.76
21445	$1,909.57
21450	$189.71
21451	$456.11
21452	$1,909.57
21453	$1,909.57
21454	$1,909.57
21461	$2,680.59
21462	$2,625.26
21465	$1,909.57

Code	Fee
21480	$92.62
21485	$456.11
21490	$896.80
21497	$456.11
21501	$845.19
21502	$1,093.32
21550	$489.93
21552	$845.19
21554	$845.19
21555	$489.93
21556	$845.19
21557	$845.19
21558	$845.19
21600	$2,382.86
21610	$1,093.32
21685	$1,909.57
21700	$2,382.86
21720	$1,093.32
21725	$262.00
21820	$92.62
21920	$151.23
21925	$489.93
21930	$489.93
21931	$489.93
21932	$845.19
21933	$845.19
21935	$845.19
21936	$845.19
22102	$2,382.86
22103	$0.00
22310	$92.62
22315	$1,093.32
22505	$606.05
22510	$1,093.32
22511	$1,093.32
22512	$0.00
22513	$2,382.86
22514	$2,382.86
22515	$0.00
22551	$7,156.77
22552	$0.00
22554	$7,162.97
22585	$0.00

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
22612	$7,316.44
22614	$0.00
22840	$0.00
22842	$0.00
22845	$0.00
22853	$0.00
22854	$0.00
22856	$10,035.74
22858	$0.00
22859	$0.00
22867	$10,408.62
22868	$0.00
22869	$8,393.60
22870	$0.00
22900	$845.19
22901	$845.19
22902	$489.93
22903	$845.19
22904	$845.19
22905	$845.19
23000	$845.19
23020	$1,093.32
23030	$845.19
23031	$845.19
23035	$606.05
23040	$1,093.32
23044	$1,093.32
23065	$115.65
23066	$845.19
23071	$489.93
23073	$845.19
23075	$489.93
23076	$845.19
23077	$845.19
23078	$845.19
23100	$1,093.32
23101	$1,093.32
23105	$2,382.86
23106	$1,093.32
23107	$2,382.86
23120	$1,093.32
23125	$1,093.32
23130	$1,093.32

Code	Fee
23140	$1,093.32
23145	$1,093.32
23146	$2,382.86
23150	$1,093.32
23155	$2,382.86
23156	$3,690.96
23170	$1,093.32
23172	$1,093.32
23174	$2,382.86
23180	$2,382.86
23182	$2,382.86
23184	$2,382.86
23190	$1,093.32
23195	$2,382.86
23330	$262.00
23333	$845.19
23334	$845.19
23350	$0.00
23395	$2,382.86
23397	$2,382.86
23400	$2,382.86
23405	$2,382.86
23406	$3,415.90
23410	$2,382.86
23412	$2,382.86
23415	$2,382.86
23420	$2,382.86
23430	$2,382.86
23440	$2,382.86
23450	$2,382.86
23455	$2,382.86
23460	$2,382.86
23462	$2,382.86
23465	$2,382.86
23466	$2,382.86
23480	$2,382.86
23485	$6,679.21
23490	$2,382.86
23491	$6,804.08
23500	$92.62
23505	$606.05
23515	$3,269.86
23520	$606.05

Code	Fee
23525	$92.62
23530	$2,382.86
23532	$2,382.86
23540	$92.62
23545	$92.62
23550	$2,382.86
23552	$3,248.86
23570	$92.62
23575	$606.05
23585	$2,382.86
23600	$92.62
23605	$606.05
23615	$7,046.20
23616	$9,920.13
23620	$92.62
23625	$606.05
23630	$3,150.64
23650	$92.62
23655	$606.05
23660	$2,382.86
23665	$606.05
23670	$2,382.86
23675	$606.05
23680	$7,116.26
23700	$606.05
23800	$2,382.86
23802	$4,868.06
23921	$696.96
23930	$845.19
23931	$489.93
23935	$1,093.32
24000	$1,093.32
24006	$1,093.32
24065	$153.38
24066	$845.19
24071	$845.19
24073	$845.19
24075	$489.93
24076	$845.19
24077	$845.19
24079	$845.19
24100	$1,093.32
24101	$1,093.32

Code	Fee
24102	$1,093.32
24105	$1,093.32
24110	$1,093.32
24115	$2,382.86
24116	$2,382.86
24120	$1,093.32
24125	$1,093.32
24126	$3,631.00
24130	$1,093.32
24134	$2,382.86
24136	$1,093.32
24138	$2,382.86
24140	$1,093.32
24145	$2,382.86
24147	$1,093.32
24149	$2,382.86
24152	$2,382.86
24155	$1,093.32
24160	$1,093.32
24164	$1,093.32
24200	$125.16
24201	$845.19
24220	$0.00
24300	$606.05
24301	$2,382.86
24305	$1,093.32
24310	$1,093.32
24320	$2,382.86
24330	$2,382.86
24331	$2,382.86
24332	$1,093.32
24340	$2,382.86
24341	$2,382.86
24342	$2,382.86
24343	$1,093.32
24344	$2,382.86
24345	$2,382.86
24346	$4,868.06
24357	$1,093.32
24358	$1,093.32
24359	$1,093.32
24360	$2,382.86
24361	$10,381.94

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
24362	$4,868.06
24363	$10,374.32
24365	$7,298.81
24366	$7,759.69
24370	$7,168.21
24371	$9,297.61
24400	$2,382.86
24410	$4,868.06
24420	$2,382.86
24430	$6,820.76
24435	$6,869.84
24470	$1,093.32
24495	$2,382.86
24498	$6,725.91
24500	$92.62
24505	$606.05
24515	$6,643.46
24516	$6,738.30
24530	$92.62
24535	$606.05
24538	$2,382.86
24545	$6,974.71
24546	$9,323.66
24565	$606.05
24566	$606.05
24575	$6,300.77
24576	$92.62
24577	$606.05
24579	$6,408.48
24582	$2,382.86
24586	$4,868.06
24587	$7,021.42
24600	$92.62
24605	$606.05
24615	$2,382.86
24620	$606.05
24635	$3,325.62
24640	$47.55
24650	$92.62
24655	$606.05
24665	$2,382.86
24666	$7,720.13
24670	$92.62

Code	Fee
24675	$606.05
24685	$3,130.81
24800	$2,382.86
24802	$4,868.06
24925	$1,093.32
25000	$606.05
25001	$1,093.32
25020	$606.05
25023	$1,093.32
25024	$1,093.32
25025	$606.05
25028	$1,093.32
25031	$606.05
25035	$2,382.86
25040	$1,093.32
25065	$155.22
25066	$845.19
25071	$489.93
25073	$845.19
25075	$489.93
25076	$489.93
25077	$845.19
25078	$845.19
25085	$1,093.32
25100	$1,093.32
25101	$1,093.32
25105	$1,093.32
25107	$1,093.32
25109	$1,093.32
25110	$606.05
25111	$606.05
25112	$606.05
25115	$606.05
25116	$1,093.32
25118	$606.05
25119	$1,093.32
25120	$1,093.32
25125	$606.05
25126	$1,093.32
25130	$1,093.32
25135	$2,382.86
25136	$3,156.93
25145	$1,093.32

Code	Fee
25150	$1,093.32
25151	$1,093.32
25210	$1,093.32
25215	$1,093.32
25230	$1,093.32
25240	$1,093.32
25246	$0.00
25248	$606.05
25250	$606.05
25251	$1,093.32
25259	$606.05
25260	$1,093.32
25263	$2,382.86
25265	$1,093.32
25270	$1,093.32
25272	$1,093.32
25274	$1,093.32
25275	$1,093.32
25280	$1,093.32
25290	$1,093.32
25295	$1,093.32
25300	$1,093.32
25301	$1,093.32
25310	$1,093.32
25312	$1,093.32
25315	$2,382.86
25316	$2,382.86
25320	$2,382.86
25332	$1,093.32
25335	$1,093.32
25337	$2,382.86
25350	$3,691.42
25355	$1,093.32
25360	$2,382.86
25365	$4,868.06
25370	$1,093.32
25375	$1,093.32
25390	$3,355.01
25391	$6,834.58
25392	$2,382.86
25393	$2,382.86
25394	$1,093.32
25400	$3,361.31

Code	Fee
25405	$3,323.75
25415	$3,439.00
25420	$2,382.86
25425	$2,382.86
25426	$1,093.32
25430	$1,093.32
25431	$2,382.86
25440	$2,382.86
25441	$7,937.47
25442	$10,861.53
25443	$3,322.34
25444	$8,002.77
25445	$3,357.34
25446	$10,925.06
25447	$1,093.32
25449	$2,382.86
25450	$1,093.32
25455	$1,093.32
25490	$2,382.86
25491	$4,868.06
25492	$1,093.32
25500	$92.62
25505	$606.05
25515	$3,198.47
25520	$606.05
25525	$2,382.86
25526	$3,167.44
25530	$92.62
25535	$92.62
25545	$3,137.34
25560	$92.62
25565	$606.05
25574	$3,374.37
25575	$3,280.82
25600	$92.62
25605	$606.05
25606	$1,093.32
25607	$3,431.54
25608	$3,416.84
25609	$3,430.83
25622	$92.62
25624	$606.05
25628	$2,382.86

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
25630	$92.62
25635	$606.05
25645	$1,093.32
25650	$92.62
25651	$1,093.32
25652	$2,382.86
25660	$92.62
25670	$2,382.86
25671	$1,093.32
25675	$92.62
25676	$2,382.86
25680	$92.62
25685	$2,382.86
25690	$606.05
25695	$2,382.86
25800	$3,465.13
25805	$3,445.53
25810	$6,760.23
25820	$3,239.06
25825	$3,220.40
25830	$3,157.87
25907	$1,093.32
25922	$606.05
25929	$696.96
25931	$1,093.32
26010	$75.05
26011	$489.93
26020	$1,093.32
26025	$1,093.32
26030	$1,093.32
26034	$606.05
26035	$1,093.32
26037	$1,093.32
26040	$606.05
26045	$1,093.32
26055	$606.05
26060	$606.05
26070	$606.05
26075	$1,093.32
26080	$606.05
26100	$1,093.32
26105	$1,093.32
26110	$606.05

Code	Fee
26111	$489.93
26113	$489.93
26115	$489.93
26116	$489.93
26117	$845.19
26118	$845.19
26121	$1,093.32
26123	$1,093.32
26125	$0.00
26130	$1,093.32
26135	$1,093.32
26140	$606.05
26145	$606.05
26160	$606.05
26170	$606.05
26180	$606.05
26185	$606.05
26200	$606.05
26205	$2,382.86
26210	$606.05
26215	$1,093.32
26230	$1,093.32
26235	$606.05
26236	$606.05
26250	$1,093.32
26260	$1,093.32
26262	$606.05
26320	$489.93
26340	$606.05
26341	$60.74
26350	$1,093.32
26352	$2,382.86
26356	$1,093.32
26357	$1,093.32
26358	$2,382.86
26370	$1,093.32
26372	$2,382.86
26373	$1,093.32
26390	$3,161.84
26392	$2,382.86
26410	$606.05
26412	$1,093.32
26415	$1,093.32

Code	Fee
26416	$1,093.32
26418	$606.05
26420	$1,093.32
26426	$1,093.32
26428	$1,093.32
26432	$606.05
26433	$1,093.32
26434	$1,093.32
26437	$1,093.32
26440	$606.05
26442	$1,093.32
26445	$1,093.32
26449	$1,093.32
26450	$1,093.32
26455	$606.05
26460	$606.05
26471	$1,093.32
26474	$606.05
26476	$1,093.32
26477	$1,093.32
26478	$1,093.32
26479	$1,093.32
26480	$1,093.32
26483	$1,093.32
26485	$1,093.32
26489	$1,093.32
26490	$1,093.32
26492	$1,093.32
26494	$1,093.32
26496	$1,093.32
26497	$1,093.32
26498	$1,093.32
26499	$1,093.32
26500	$2,382.86
26502	$1,093.32
26508	$1,093.32
26510	$1,093.32
26516	$1,093.32
26517	$1,093.32
26518	$2,382.86
26520	$1,093.32
26525	$606.05
26530	$2,382.86

Code	Fee
26531	$3,418.00
26535	$1,093.32
26536	$3,162.77
26540	$1,093.32
26541	$1,093.32
26542	$1,093.32
26545	$1,093.32
26546	$2,382.86
26548	$1,093.32
26550	$1,093.32
26555	$2,382.86
26560	$606.05
26561	$1,093.32
26562	$1,093.32
26565	$1,093.32
26567	$1,093.32
26568	$2,382.86
26580	$1,093.32
26587	$1,093.32
26590	$606.05
26591	$1,093.32
26593	$1,093.32
26596	$1,093.32
26600	$92.62
26605	$92.62
26607	$1,093.32
26608	$1,093.32
26615	$1,093.32
26641	$92.62
26645	$606.05
26650	$1,093.32
26665	$1,093.32
26670	$92.62
26675	$606.05
26676	$1,093.32
26685	$1,093.32
26686	$1,093.32
26700	$92.62
26705	$606.05
26706	$1,093.32
26715	$1,093.32
26720	$92.62
26725	$92.62

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
26727	$1,093.32
26735	$1,093.32
26740	$92.62
26742	$606.05
26746	$1,093.32
26750	$92.62
26755	$92.62
26756	$1,093.32
26765	$1,093.32
26770	$92.62
26775	$98.70
26776	$1,093.32
26785	$1,093.32
26820	$3,267.76
26841	$2,382.86
26842	$2,382.86
26843	$2,382.86
26844	$2,382.86
26850	$2,382.86
26852	$2,382.86
26860	$1,093.32
26861	$0.00
26862	$1,093.32
26863	$0.00
26910	$1,093.32
26951	$1,093.32
26952	$1,093.32
26990	$1,093.32
26991	$606.05
27000	$606.05
27001	$1,093.32
27003	$2,382.86
27033	$2,382.86
27035	$1,093.32
27040	$489.93
27041	$489.93
27043	$845.19
27045	$845.19
27047	$845.19
27048	$845.19
27049	$845.19
27050	$606.05
27052	$606.05

Code	Fee
27059	$845.19
27060	$2,382.86
27062	$1,093.32
27065	$2,382.86
27066	$1,093.32
27067	$2,382.86
27080	$1,093.32
27086	$489.93
27087	$1,093.32
27093	$0.00
27095	$0.00
27097	$1,093.32
27098	$1,093.32
27100	$2,382.86
27105	$1,093.32
27110	$2,382.86
27111	$1,093.32
27197	$92.62
27198	$92.62
27200	$92.62
27202	$1,093.32
27220	$92.62
27230	$92.62
27238	$606.05
27246	$92.62
27250	$92.62
27252	$606.05
27256	$92.62
27257	$606.05
27265	$92.62
27266	$606.05
27267	$1,093.32
27275	$606.05
27279	$11,034.95
27301	$845.19
27305	$1,093.32
27306	$1,093.32
27307	$1,093.32
27310	$1,093.32
27323	$489.93
27324	$845.19
27325	$677.27
27326	$677.27

Code	Fee
27327	$489.93
27328	$845.19
27329	$845.19
27330	$1,093.32
27331	$1,093.32
27332	$1,093.32
27333	$1,093.32
27334	$1,093.32
27335	$2,382.86
27337	$845.19
27339	$845.19
27340	$1,093.32
27345	$1,093.32
27347	$1,093.32
27350	$2,382.86
27355	$1,093.32
27356	$4,868.06
27357	$2,382.86
27358	$0.00
27360	$1,093.32
27364	$845.19
27369	$0.00
27372	$845.19
27380	$2,382.86
27381	$2,382.86
27385	$2,382.86
27386	$2,382.86
27390	$1,093.32
27391	$1,093.32
27392	$1,093.32
27393	$2,382.86
27394	$2,382.86
27395	$1,093.32
27396	$2,382.86
27397	$2,382.86
27400	$2,382.86
27403	$3,148.08
27405	$2,382.86
27407	$2,382.86
27409	$2,382.86
27415	$7,998.96
27416	$2,382.86
27418	$2,382.86

Code	Fee
27420	$2,382.86
27422	$2,382.86
27424	$2,382.86
27425	$1,093.32
27427	$3,086.25
27428	$6,559.57
27429	$8,596.64
27430	$2,382.86
27435	$1,093.32
27437	$2,382.86
27438	$6,686.36
27440	$7,190.13
27441	$4,868.06
27442	$7,203.95
27443	$7,026.66
27446	$7,149.15
27447	$7,318.35
27475	$2,382.86
27479	$2,382.86
27496	$1,093.32
27497	$1,093.32
27498	$606.05
27499	$2,382.86
27500	$92.62
27501	$92.62
27502	$606.05
27503	$606.05
27508	$92.62
27509	$2,382.86
27510	$606.05
27516	$92.62
27517	$606.05
27520	$92.62
27524	$2,382.86
27530	$92.62
27532	$1,093.32
27538	$92.62
27550	$92.62
27552	$606.05
27560	$92.62
27562	$92.62
27566	$2,382.86
27570	$606.05

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
27594	$1,093.32
27600	$1,093.32
27601	$1,093.32
27602	$1,093.32
27603	$845.19
27604	$1,093.32
27605	$606.05
27606	$1,093.32
27607	$1,093.32
27610	$1,093.32
27612	$1,093.32
27613	$144.79
27614	$845.19
27615	$845.19
27616	$845.19
27618	$489.93
27619	$845.19
27620	$1,093.32
27625	$1,093.32
27626	$1,093.32
27630	$1,093.32
27632	$845.19
27634	$845.19
27635	$1,093.32
27637	$2,382.86
27638	$2,382.86
27640	$1,093.32
27641	$1,093.32
27647	$1,093.32
27648	$0.00
27650	$2,382.86
27652	$2,382.86
27654	$2,382.86
27656	$1,093.32
27658	$1,093.32
27659	$2,382.86
27664	$2,382.86
27665	$2,382.86
27675	$1,093.32
27676	$2,382.86
27680	$1,093.32
27681	$1,093.32
27685	$1,093.32

Code	Fee
27686	$1,093.32
27687	$1,093.32
27690	$2,382.86
27691	$2,382.86
27692	$0.00
27695	$2,382.86
27696	$2,382.86
27698	$2,382.86
27700	$2,382.86
27704	$1,093.32
27705	$3,432.00
27707	$1,093.32
27709	$4,868.06
27720	$3,270.55
27726	$3,331.68
27730	$1,093.32
27732	$1,093.32
27734	$1,093.32
27740	$1,093.32
27742	$1,093.32
27745	$3,319.55
27750	$92.62
27752	$606.05
27756	$3,481.46
27758	$6,878.91
27759	$6,791.69
27760	$92.62
27762	$606.05
27766	$2,382.86
27767	$92.62
27768	$606.05
27769	$2,382.86
27780	$92.62
27781	$606.05
27784	$2,382.86
27786	$92.62
27788	$92.62
27792	$3,149.24
27808	$92.62
27810	$606.05
27814	$3,199.16
27816	$92.62
27818	$606.05

Code	Fee
27822	$3,185.63
27823	$3,175.14
27824	$92.62
27825	$606.05
27826	$3,328.41
27827	$6,814.56
27828	$6,933.71
27829	$2,382.86
27830	$92.62
27831	$1,093.32
27832	$2,382.86
27840	$92.62
27842	$606.05
27846	$2,382.86
27848	$3,510.39
27860	$1,093.32
27870	$7,181.08
27871	$6,920.84
27884	$1,093.32
27889	$2,382.86
27892	$1,093.32
27893	$2,382.86
27894	$1,093.32
28001	$153.69
28002	$606.05
28003	$1,093.32
28005	$1,093.32
28008	$1,093.32
28010	$105.83
28011	$606.05
28020	$1,093.32
28022	$1,093.32
28024	$606.05
28035	$677.27
28039	$845.19
28041	$845.19
28043	$489.93
28045	$845.19
28046	$845.19
28047	$845.19
28050	$1,093.32
28052	$1,093.32
28054	$1,093.32

Code	Fee
28055	$677.27
28060	$1,093.32
28062	$1,093.32
28070	$2,382.86
28072	$1,093.32
28080	$606.05
28086	$1,093.32
28088	$1,093.32
28090	$606.05
28092	$606.05
28100	$1,093.32
28102	$2,382.86
28103	$2,382.86
28104	$1,093.32
28106	$2,382.86
28107	$2,382.86
28108	$606.05
28110	$1,093.32
28111	$1,093.32
28112	$1,093.32
28113	$1,093.32
28114	$1,093.32
28116	$1,093.32
28118	$1,093.32
28119	$1,093.32
28120	$1,093.32
28122	$1,093.32
28124	$256.45
28126	$1,093.32
28130	$3,556.11
28140	$1,093.32
28150	$1,093.32
28153	$1,093.32
28160	$1,093.32
28171	$1,093.32
28173	$1,093.32
28175	$606.05
28190	$154.91
28192	$489.93
28193	$489.93
28200	$1,093.32
28202	$2,382.86
28208	$1,093.32

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
28210	$2,382.86
28220	$242.34
28222	$1,093.32
28225	$1,093.32
28226	$1,093.32
28230	$238.97
28232	$223.01
28234	$606.05
28238	$2,382.86
28240	$1,093.32
28250	$1,093.32
28260	$1,093.32
28261	$606.05
28262	$3,768.88
28264	$606.05
28270	$1,093.32
28272	$215.35
28280	$1,093.32
28285	$1,093.32
28286	$1,093.32
28288	$1,093.32
28289	$1,093.32
28291	$3,655.50
28292	$1,093.32
28295	$1,093.32
28296	$1,093.32
28297	$3,417.77
28298	$2,382.86
28299	$2,382.86
28300	$3,187.03
28302	$2,382.86
28304	$2,382.86
28305	$3,431.54
28306	$2,382.86
28307	$2,382.86
28308	$1,093.32
28309	$2,382.86
28310	$2,382.86
28312	$1,093.32
28313	$1,093.32
28315	$1,093.32
28320	$7,546.16
28322	$3,250.26

Code	Fee
28340	$1,093.32
28341	$1,093.32
28344	$1,093.32
28345	$606.05
28400	$92.62
28405	$92.62
28406	$2,382.86
28415	$3,293.66
28420	$7,012.84
28430	$92.62
28435	$606.05
28436	$2,382.86
28445	$3,092.08
28446	$2,382.86
28450	$92.62
28455	$142.65
28456	$2,382.86
28465	$3,256.55
28470	$92.62
28475	$92.62
28476	$1,093.32
28485	$3,172.11
28490	$84.06
28495	$92.62
28496	$1,093.32
28505	$1,093.32
28510	$66.56
28515	$89.88
28525	$1,093.32
28530	$63.81
28531	$2,382.86
28540	$92.62
28545	$1,093.32
28546	$606.05
28555	$2,382.86
28570	$92.62
28575	$1,093.32
28576	$2,382.86
28585	$3,514.35
28600	$92.62
28605	$92.62
28606	$1,093.32
28615	$3,107.24

Code	Fee
28630	$75.77
28635	$606.05
28636	$1,093.32
28645	$1,093.32
28660	$58.59
28665	$98.70
28666	$1,093.32
28675	$1,093.32
28705	$9,842.00
28715	$7,512.80
28725	$6,900.83
28730	$7,424.63
28735	$7,498.98
28737	$7,128.65
28740	$3,522.99
28750	$3,458.36
28755	$2,382.86
28760	$2,382.86
28810	$1,093.32
28820	$1,093.32
28825	$1,093.32
28890	$166.57
29000	$98.70
29010	$98.70
29015	$98.70
29035	$98.70
29040	$98.70
29044	$57.44
29046	$98.70
29049	$52.76
29055	$98.70
29058	$59.20
29065	$51.23
29075	$46.94
29085	$50.92
29086	$46.33
29105	$42.33
29125	$0.00
29126	$0.00
29130	$0.00
29131	$0.00
29200	$15.95
29240	$0.00

Code	Fee
29260	$0.00
29280	$0.00
29305	$98.70
29325	$98.70
29345	$66.88
29355	$68.10
29358	$85.89
29365	$63.19
29405	$41.11
29425	$38.65
29435	$57.06
29440	$18.71
29445	$52.76
29450	$55.52
29505	$49.39
29515	$35.89
29520	$0.00
29530	$0.00
29540	$11.96
29550	$0.00
29580	$35.89
29581	$57.44
29584	$57.44
29700	$34.36
29705	$29.15
29710	$57.37
29720	$48.16
29730	$27.61
29740	$45.09
29750	$47.24
29800	$1,093.32
29804	$1,093.32
29805	$1,093.32
29806	$2,382.86
29807	$2,382.86
29819	$1,093.32
29820	$2,382.86
29821	$1,093.32
29822	$1,093.32
29823	$1,093.32
29824	$1,093.32
29825	$1,093.32
29826	$0.00

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
29827	$2,382.86
29828	$2,382.86
29830	$1,093.32
29834	$1,093.32
29835	$1,093.32
29836	$2,382.86
29837	$1,093.32
29838	$1,093.32
29840	$1,093.32
29843	$1,093.32
29844	$1,093.32
29845	$1,093.32
29846	$1,093.32
29847	$2,382.86
29848	$606.05
29850	$606.05
29851	$606.05
29855	$3,657.36
29856	$6,666.81
29860	$2,382.86
29861	$2,382.86
29862	$2,382.86
29863	$1,093.32
29866	$2,382.86
29867	$7,212.54
29870	$1,093.32
29871	$1,093.32
29873	$1,093.32
29874	$1,093.32
29875	$1,093.32
29876	$1,093.32
29877	$1,093.32
29879	$1,093.32
29880	$1,093.32
29881	$1,093.32
29882	$1,093.32
29883	$1,093.32
29884	$1,093.32
29885	$2,382.86
29886	$1,093.32
29887	$2,382.86
29888	$3,292.25
29889	$6,512.39

Code	Fee
29891	$1,093.32
29892	$2,382.86
29893	$1,093.32
29894	$1,093.32
29895	$1,093.32
29897	$1,093.32
29898	$1,093.32
29899	$3,089.51
29900	$1,093.32
29901	$1,093.32
29902	$606.05
29904	$1,093.32
29905	$2,382.86
29906	$1,093.32
29907	$6,682.54
29914	$2,382.86
29915	$2,382.86
29916	$2,382.86
30000	$87.46
30020	$170.26
30100	$91.11
30110	$150.31
30115	$896.80
30117	$896.80
30118	$896.80
30120	$896.80
30124	$456.11
30125	$1,909.57
30130	$896.80
30140	$896.80
30150	$1,909.57
30160	$1,909.57
30200	$70.25
30210	$90.81
30220	$456.11
30300	$0.00
30310	$896.80
30320	$456.11
30400	$1,909.57
30410	$1,909.57
30420	$1,909.57
30430	$1,909.57
30435	$1,909.57

Code	Fee
30450	$1,909.57
30460	$1,909.57
30462	$1,909.57
30465	$1,909.57
30468	$2,956.50
30520	$896.80
30540	$1,909.57
30545	$1,909.57
30560	$189.71
30580	$1,909.57
30600	$1,909.57
30620	$1,909.57
30630	$896.80
30801	$456.11
30802	$456.11
30901	$0.00
30903	$46.83
30905	$46.83
30906	$87.46
30915	$1,140.05
30920	$1,140.05
30930	$896.80
31000	$87.46
31002	$456.11
31020	$896.80
31030	$1,909.57
31032	$1,909.57
31040	$1,909.57
31050	$1,909.57
31051	$1,909.57
31070	$1,909.57
31075	$1,909.57
31080	$1,909.57
31081	$1,909.57
31084	$1,909.57
31085	$1,909.57
31086	$1,909.57
31087	$1,909.57
31090	$1,909.57
31200	$1,909.57
31201	$456.11
31205	$896.80
31231	$67.24

Code	Fee
31233	$162.31
31235	$519.94
31237	$519.94
31238	$519.94
31239	$1,052.05
31240	$519.94
31253	$1,611.51
31254	$1,611.51
31255	$1,611.51
31256	$1,052.05
31257	$1,611.51
31259	$1,611.51
31267	$1,611.51
31276	$1,611.51
31287	$1,611.51
31288	$1,611.51
31295	$1,548.22
31296	$1,556.51
31297	$1,544.24
31298	$1,611.51
31300	$896.80
31400	$1,909.57
31420	$1,909.57
31500	$87.46
31502	$87.46
31505	$54.60
31510	$1,052.05
31511	$67.24
31512	$1,052.05
31513	$162.31
31515	$162.31
31520	$162.31
31525	$519.94
31526	$519.94
31527	$1,052.05
31528	$1,052.05
31529	$1,052.05
31530	$519.94
31531	$1,052.05
31535	$1,052.05
31536	$1,052.05
31540	$1,052.05
31541	$1,052.05

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
31545	$1,052.05
31546	$1,611.51
31551	$1,909.57
31552	$1,909.57
31553	$1,909.57
31554	$1,909.57
31560	$1,611.51
31561	$1,611.51
31570	$1,052.05
31571	$1,052.05
31572	$1,052.05
31573	$155.52
31574	$519.94
31575	$67.24
31576	$519.94
31577	$162.31
31578	$1,052.05
31579	$101.85
31580	$1,909.57
31590	$1,909.57
31591	$1,909.57
31592	$1,909.57
31603	$456.11
31605	$87.46
31611	$896.80
31612	$896.80
31613	$896.80
31614	$1,909.57
31615	$189.71
31622	$519.94
31623	$519.94
31624	$519.94
31625	$519.94
31626	$1,611.51
31627	$0.00
31628	$1,052.05
31629	$1,052.05
31630	$1,052.05
31631	$1,611.51
31632	$0.00
31633	$0.00
31634	$1,611.51
31635	$519.94

Code	Fee
31636	$2,358.10
31637	$0.00
31638	$1,611.51
31640	$1,052.05
31641	$1,052.05
31643	$519.94
31645	$519.94
31646	$162.31
31647	$2,100.61
31648	$1,052.05
31649	$519.94
31651	$0.00
31652	$1,052.05
31653	$1,052.05
31654	$0.00
31717	$162.31
31720	$0.00
31730	$519.94
31750	$1,909.57
31755	$1,909.57
31820	$896.80
31825	$896.80
31830	$896.80
32400	$489.93
32408	$505.04
32550	$1,170.63
32552	$270.80
32553	$534.87
32554	$270.80
32555	$270.80
32556	$563.60
32557	$492.92
32960	$270.80
32994	$1,864.96
32998	$1,864.96
33016	$492.92
33206	$6,277.95
33207	$6,488.87
33208	$6,644.59
33210	$3,232.10
33211	$4,986.79
33212	$5,271.28
33213	$6,554.32

Code	Fee
33214	$6,431.30
33215	$1,140.05
33216	$4,649.14
33217	$5,672.53
33218	$1,281.61
33220	$1,807.87
33221	$9,968.88
33222	$696.96
33223	$696.96
33224	$6,662.33
33225	$0.00
33226	$1,140.05
33227	$5,152.61
33228	$6,489.66
33229	$10,036.97
33230	$16,958.41
33231	$22,646.02
33233	$4,550.09
33234	$1,281.61
33235	$1,658.81
33240	$16,781.20
33241	$1,281.61
33249	$22,696.48
33262	$16,578.41
33263	$16,812.47
33264	$22,729.28
33270	$22,493.38
33271	$5,320.96
33273	$1,281.61
33274	$9,459.41
33275	$1,140.05
33285	$5,657.66
33286	$262.00
33419	$0.00
33508	$0.00
33866	$0.00
34490	$1,140.05
34713	$0.00
34714	$0.00
34715	$0.00
34716	$0.00
35188	$1,973.54
35207	$1,140.05

Code	Fee
35572	$0.00
35875	$1,973.54
35876	$1,973.54
36000	$0.00
36002	$270.80
36005	$0.00
36010	$0.00
36011	$0.00
36012	$0.00
36013	$0.00
36014	$0.00
36015	$0.00
36100	$0.00
36140	$0.00
36160	$0.00
36200	$0.00
36215	$0.00
36216	$0.00
36217	$0.00
36218	$0.00
36221	$0.00
36222	$0.00
36223	$0.00
36224	$0.00
36225	$0.00
36226	$0.00
36227	$0.00
36228	$0.00
36245	$0.00
36246	$0.00
36247	$0.00
36248	$0.00
36251	$0.00
36252	$0.00
36253	$0.00
36254	$0.00
36260	$1,973.54
36261	$2,234.00
36262	$1,281.61
36400	$0.00
36405	$0.00
36406	$0.00
36410	$0.00

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
36416	$0.00
36420	$0.00
36425	$0.00
36430	$29.76
36440	$166.66
36450	$166.66
36455	$166.66
36465	$696.96
36466	$696.96
36468	$0.00
36470	$68.10
36471	$116.88
36473	$1,112.01
36474	$0.00
36475	$1,140.05
36476	$0.00
36478	$1,140.05
36479	$0.00
36481	$0.00
36482	$1,529.52
36483	$0.00
36500	$0.00
36510	$0.00
36511	$568.49
36512	$568.49
36513	$166.66
36514	$568.49
36516	$1,639.96
36522	$1,639.96
36555	$492.92
36556	$492.92
36557	$1,973.54
36558	$1,140.05
36560	$1,140.05
36561	$1,140.05
36563	$1,973.54
36565	$1,140.05
36566	$1,973.54
36568	$270.80
36569	$492.92
36570	$1,140.05
36571	$1,140.05
36572	$270.80

Code	Fee
36573	$492.92
36575	$270.80
36576	$492.92
36578	$1,140.05
36580	$492.92
36581	$1,140.05
36582	$1,140.05
36583	$3,558.93
36584	$492.92
36585	$1,140.05
36589	$270.80
36590	$270.80
36591	$0.00
36592	$0.00
36593	$26.69
36595	$1,140.05
36596	$492.92
36597	$492.92
36598	$78.91
36600	$0.00
36620	$0.00
36625	$0.00
36640	$1,140.05
36680	$0.00
36800	$1,973.54
36810	$1,140.05
36815	$1,973.54
36818	$1,973.54
36819	$1,973.54
36820	$1,973.54
36821	$1,140.05
36825	$1,973.54
36830	$1,973.54
36831	$1,973.54
36832	$1,973.54
36833	$1,973.54
36835	$1,699.70
36860	$270.80
36861	$1,973.54
36901	$487.44
36902	$1,820.48
36903	$5,371.24
36904	$2,443.95

Code	Fee
36905	$3,555.50
36906	$8,654.90
36907	$0.00
36908	$0.00
36909	$0.00
37184	$5,465.23
37185	$0.00
37186	$0.00
37187	$2,637.52
37188	$1,140.05
37197	$1,140.05
37200	$1,973.54
37211	$1,973.54
37212	$1,140.05
37220	$1,820.48
37221	$5,252.88
37222	$0.00
37223	$0.00
37224	$2,651.96
37225	$5,674.09
37226	$5,478.11
37227	$9,300.44
37228	$4,819.83
37229	$8,743.73
37230	$8,586.45
37231	$9,052.07
37232	$0.00
37233	$0.00
37234	$0.00
37235	$0.00
37236	$5,053.41
37237	$0.00
37238	$5,265.06
37239	$0.00
37241	$3,555.50
37242	$5,182.21
37243	$3,555.50
37246	$1,820.48
37247	$0.00
37248	$1,820.48
37249	$0.00
37252	$0.00
37253	$0.00

Code	Fee
37500	$1,973.54
37607	$1,140.05
37609	$489.93
37650	$1,140.05
37700	$1,140.05
37718	$1,140.05
37722	$1,140.05
37735	$1,140.05
37760	$1,140.05
37761	$492.92
37765	$210.75
37766	$232.22
37780	$492.92
37785	$1,140.05
37790	$1,170.42
38200	$0.00
38204	$0.00
38206	$568.49
38220	$103.99
38221	$95.10
38222	$845.19
38230	$568.49
38232	$1,639.96
38241	$568.49
38242	$568.49
38243	$568.49
38300	$845.19
38305	$845.19
38308	$950.67
38500	$950.67
38505	$489.93
38510	$950.67
38520	$950.67
38525	$950.67
38530	$950.67
38542	$1,864.96
38550	$950.67
38555	$1,864.28
38570	$1,864.96
38571	$3,050.29
38572	$3,050.29
38573	$3,050.29
38700	$1,864.28

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
38740	$1,864.96
38745	$1,864.96
38760	$1,864.28
38790	$0.00
38792	$0.00
38794	$0.00
38900	$0.00
40490	$68.10
40500	$896.80
40510	$896.80
40520	$896.80
40525	$896.80
40527	$1,909.57
40530	$896.80
40650	$189.71
40652	$189.71
40654	$456.11
40700	$1,909.57
40701	$1,909.57
40702	$1,909.57
40720	$896.80
40761	$1,909.57
40800	$141.41
40801	$189.71
40804	$0.00
40805	$167.19
40806	$76.08
40808	$103.68
40810	$137.73
40812	$170.56
40814	$896.80
40816	$896.80
40818	$189.71
40819	$456.11
40820	$182.52
40830	$87.46
40831	$189.71
40840	$1,909.57
40842	$1,909.57
40843	$1,909.57
40844	$1,909.57
40845	$1,909.57
41000	$93.25

Code	Fee
41005	$87.46
41006	$456.11
41007	$456.11
41008	$896.80
41009	$189.71
41010	$456.11
41015	$189.71
41016	$1,909.57
41017	$896.80
41018	$456.11
41019	$1,909.57
41100	$104.30
41105	$104.30
41108	$98.17
41110	$138.65
41112	$896.80
41113	$896.80
41114	$896.80
41115	$159.83
41116	$896.80
41120	$1,909.57
41250	$0.00
41251	$87.46
41252	$87.46
41510	$896.80
41512	$1,909.57
41520	$896.80
41530	$709.84
41800	$0.00
41805	$214.43
41806	$257.37
41820	$896.80
41821	$456.11
41822	$215.96
41823	$310.75
41825	$142.65
41826	$193.26
41827	$1,909.57
41828	$192.34
41830	$276.70
41850	$456.11
41870	$456.11
41872	$284.67

Code	Fee
41874	$235.90
42000	$87.46
42100	$82.82
42104	$131.60
42106	$160.74
42107	$1,909.57
42120	$1,909.57
42140	$896.80
42145	$1,909.57
42160	$141.72
42180	$189.71
42182	$1,909.57
42200	$1,909.57
42205	$896.80
42210	$1,909.57
42215	$1,909.57
42220	$1,909.57
42225	$1,909.57
42226	$1,909.57
42227	$1,909.57
42235	$1,909.57
42260	$1,909.57
42280	$103.07
42281	$1,909.57
42300	$456.11
42305	$896.80
42310	$189.71
42320	$189.71
42330	$124.85
42335	$235.59
42340	$896.80
42400	$63.81
42405	$456.11
42408	$896.80
42409	$896.80
42410	$1,909.57
42415	$1,909.57
42420	$1,909.57
42425	$1,909.57
42440	$1,909.57
42450	$1,909.57
42500	$1,909.57
42505	$1,909.57

Code	Fee
42507	$1,909.57
42509	$1,909.57
42510	$896.80
42550	$0.00
42600	$896.80
42650	$42.02
42660	$64.12
42665	$896.80
42700	$87.46
42720	$896.80
42725	$1,909.57
42800	$87.74
42804	$896.80
42806	$896.80
42808	$896.80
42809	$0.00
42810	$896.80
42815	$1,909.57
42820	$1,909.57
42821	$896.80
42825	$1,909.57
42826	$896.80
42830	$896.80
42831	$896.80
42835	$896.80
42836	$896.80
42860	$896.80
42870	$1,909.57
42890	$1,909.57
42892	$1,909.57
42900	$456.11
42950	$1,909.57
42955	$456.11
42960	$189.71
42962	$896.80
42970	$87.46
42972	$896.80
43030	$1,909.57
43130	$1,909.57
43180	$1,909.57
43191	$563.60
43192	$563.60
43193	$563.60

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
43194	$563.60
43195	$1,110.22
43196	$1,110.22
43197	$115.04
43198	$122.71
43200	$337.55
43201	$563.60
43202	$563.60
43204	$563.60
43205	$563.60
43206	$563.60
43210	$3,050.29
43211	$563.60
43212	$2,655.89
43213	$563.60
43214	$563.60
43215	$563.60
43216	$563.60
43217	$563.60
43220	$563.60
43226	$563.60
43227	$563.60
43229	$1,110.22
43231	$563.60
43232	$563.60
43233	$563.60
43235	$337.55
43236	$337.55
43237	$563.60
43238	$563.60
43239	$337.55
43240	$1,672.41
43241	$563.60
43242	$563.60
43243	$563.60
43244	$563.60
43245	$563.60
43246	$563.60
43247	$337.55
43248	$337.55
43249	$563.60
43250	$563.60
43251	$563.60

Code	Fee
43252	$1,110.22
43253	$563.60
43254	$563.60
43255	$563.60
43257	$1,110.22
43259	$563.60
43260	$1,110.22
43261	$1,110.22
43262	$1,110.22
43263	$1,110.22
43264	$1,110.22
43265	$1,666.48
43266	$2,690.49
43270	$563.60
43273	$0.00
43274	$1,666.48
43275	$1,110.22
43276	$1,666.48
43277	$1,110.22
43278	$1,110.22
43284	$4,353.58
43285	$1,864.96
43450	$337.55
43453	$563.60
43653	$1,864.96
43752	$156.16
43753	$0.00
43754	$0.00
43755	$59.42
43756	$337.55
43757	$337.55
43761	$100.89
43762	$100.89
43763	$100.89
43870	$1,110.22
43886	$1,278.72
43887	$696.96
43888	$1,278.72
44100	$337.55
44312	$1,278.72
44340	$1,278.72
44360	$563.60
44361	$563.60

Code	Fee
44363	$563.60
44364	$563.60
44365	$563.60
44366	$563.60
44369	$563.60
44370	$2,693.26
44372	$563.60
44373	$563.60
44376	$563.60
44377	$563.60
44378	$563.60
44379	$1,666.48
44380	$337.55
44381	$563.60
44382	$337.55
44384	$1,110.22
44385	$328.08
44386	$328.08
44388	$328.08
44389	$431.31
44390	$328.08
44391	$431.31
44392	$431.31
44394	$431.31
44401	$431.31
44402	$2,502.03
44403	$431.31
44404	$431.31
44405	$431.31
44406	$431.31
44407	$431.31
44408	$328.08
44500	$337.55
44701	$0.00
45000	$431.31
45005	$431.31
45020	$935.17
45100	$935.17
45108	$935.17
45150	$431.31
45160	$935.17
45171	$935.17
45172	$935.17

Code	Fee
45190	$935.17
45300	$80.06
45303	$431.31
45305	$431.31
45307	$935.17
45308	$935.17
45309	$431.31
45315	$431.31
45317	$431.31
45320	$935.17
45321	$935.17
45327	$2,156.79
45330	$123.62
45331	$328.08
45332	$431.31
45333	$328.08
45334	$431.31
45335	$328.08
45337	$328.08
45338	$431.31
45340	$431.31
45341	$328.08
45342	$431.31
45346	$431.31
45347	$2,760.15
45349	$935.17
45350	$431.31
45378	$328.08
45379	$431.31
45380	$431.31
45381	$431.31
45382	$431.31
45384	$431.31
45385	$431.31
45386	$431.31
45388	$431.31
45389	$2,662.75
45390	$935.17
45391	$431.31
45392	$431.31
45393	$431.31
45398	$431.31
45500	$935.17

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
45505	$935.17
45520	$0.00
45541	$935.17
45560	$935.17
45900	$328.08
45905	$431.31
45910	$431.31
45915	$431.31
45990	$935.17
46020	$935.17
46030	$431.31
46040	$431.31
46045	$935.17
46050	$328.08
46060	$935.17
46070	$935.17
46080	$935.17
46083	$100.89
46200	$935.17
46220	$431.31
46221	$158.29
46230	$935.17
46250	$935.17
46255	$935.17
46257	$935.17
46258	$935.17
46260	$935.17
46261	$935.17
46262	$935.17
46270	$935.17
46275	$935.17
46280	$935.17
46285	$935.17
46288	$935.17
46320	$114.42
46500	$200.32
46505	$431.31
46600	$0.00
46601	$0.00
46604	$431.31
46606	$181.60
46607	$431.31
46608	$328.08

Code	Fee
46610	$935.17
46611	$328.08
46612	$935.17
46614	$93.87
46615	$935.17
46700	$935.17
46706	$935.17
46707	$935.17
46750	$935.17
46753	$935.17
46754	$935.17
46760	$935.17
46761	$935.17
46900	$137.23
46910	$158.90
46916	$75.05
46917	$935.17
46922	$935.17
46924	$935.17
46930	$131.60
46940	$134.36
46942	$134.05
46945	$935.17
46946	$935.17
46947	$935.17
46948	$935.17
47000	$489.93
47001	$0.00
47382	$1,864.96
47383	$2,637.15
47531	$0.00
47532	$0.00
47533	$1,170.63
47534	$1,170.63
47535	$1,170.63
47536	$1,170.63
47537	$337.55
47538	$2,829.97
47539	$1,864.96
47540	$2,651.40
47541	$1,170.63
47542	$0.00
47543	$0.00

Code	Fee
47544	$0.00
47552	$1,170.63
47553	$1,170.63
47554	$1,864.96
47555	$1,170.63
47556	$2,764.23
47562	$1,864.96
47563	$1,864.96
47564	$1,864.96
48102	$489.93
49082	$337.55
49083	$337.55
49084	$337.55
49180	$489.93
49250	$1,170.63
49320	$1,864.96
49321	$1,864.96
49322	$1,864.96
49324	$1,864.96
49325	$1,864.96
49326	$0.00
49327	$0.00
49400	$0.00
49402	$1,170.63
49406	$489.93
49407	$489.93
49411	$308.30
49418	$1,170.63
49419	$1,973.54
49421	$1,170.63
49422	$1,140.05
49423	$563.60
49424	$0.00
49426	$1,170.63
49427	$0.00
49429	$1,140.05
49435	$0.00
49436	$563.60
49440	$563.60
49441	$563.60
49442	$431.31
49446	$563.60
49450	$337.55

Code	Fee
49451	$337.55
49452	$337.55
49460	$337.55
49465	$100.09
49495	$1,170.63
49496	$1,170.63
49500	$1,170.63
49501	$1,170.63
49505	$1,170.63
49507	$1,170.63
49520	$1,170.63
49521	$1,170.63
49525	$1,170.63
49540	$1,864.96
49550	$1,170.63
49553	$1,170.63
49555	$1,170.63
49557	$1,170.63
49560	$1,170.63
49561	$1,170.63
49565	$1,864.96
49566	$1,864.96
49568	$0.00
49570	$1,170.63
49572	$1,170.63
49580	$1,170.63
49582	$1,170.63
49585	$1,170.63
49587	$1,170.63
49590	$1,170.63
49600	$1,170.63
49650	$1,864.96
49651	$1,864.96
49652	$1,864.96
49653	$1,864.96
49654	$3,050.29
49655	$3,050.29
49656	$3,050.29
49657	$3,050.29
50080	$3,396.30
50081	$3,396.30
50200	$489.93
50382	$671.25

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
50384	$671.25
50385	$671.25
50386	$543.58
50387	$671.25
50389	$239.03
50390	$262.00
50391	$41.72
50396	$239.03
50430	$0.00
50431	$0.00
50432	$671.25
50433	$1,170.42
50434	$899.31
50435	$671.25
50436	$671.25
50437	$1,170.42
50551	$1,679.83
50553	$1,679.83
50555	$3,396.30
50557	$3,396.30
50561	$1,679.83
50562	$3,396.30
50570	$1,170.42
50572	$239.03
50574	$671.25
50575	$1,679.83
50576	$1,679.83
50580	$1,679.83
50590	$1,170.42
50592	$1,864.96
50593	$4,179.17
50606	$0.00
50684	$0.00
50686	$59.42
50688	$671.25
50690	$0.00
50693	$1,170.42
50694	$1,170.42
50695	$1,170.42
50705	$0.00
50706	$0.00
50727	$1,170.42
50947	$1,864.96

Code	Fee
50948	$3,050.29
50951	$1,170.42
50953	$1,170.42
50955	$1,679.83
50957	$1,679.83
50961	$1,679.83
50970	$1,170.42
50972	$1,170.42
50974	$1,679.83
50976	$1,679.83
50980	$1,679.83
51020	$1,170.42
51030	$1,170.42
51040	$671.25
51045	$671.25
51050	$1,679.83
51065	$1,170.42
51080	$845.19
51100	$33.13
51101	$89.57
51102	$671.25
51500	$1,864.96
51520	$1,170.42
51535	$1,170.42
51600	$0.00
51605	$0.00
51610	$0.00
51700	$44.48
51701	$0.00
51702	$0.00
51703	$59.42
51705	$52.15
51710	$239.03
51715	$1,552.24
51720	$43.56
51725	$100.89
51726	$100.89
51727	$207.99
51728	$213.50
51729	$214.43
51736	$0.00
51741	$0.00
51784	$24.85

Code	Fee
51785	$100.89
51792	$0.00
51797	$0.00
51798	$0.00
51880	$1,170.42
51992	$2,485.42
52000	$239.03
52001	$1,170.42
52005	$671.25
52007	$1,170.42
52010	$239.03
52204	$671.25
52214	$671.25
52224	$671.25
52234	$1,170.42
52235	$1,170.42
52240	$1,679.83
52250	$1,170.42
52260	$671.25
52265	$230.99
52270	$671.25
52275	$671.25
52276	$671.25
52277	$1,170.42
52281	$671.25
52282	$1,170.42
52283	$671.25
52285	$239.03
52287	$671.25
52290	$671.25
52300	$1,170.42
52301	$1,170.42
52305	$1,679.83
52310	$671.25
52315	$671.25
52317	$1,170.42
52318	$1,170.42
52320	$1,170.42
52325	$1,679.83
52327	$2,284.74
52330	$1,170.42
52332	$1,170.42
52334	$1,170.42

Code	Fee
52341	$1,170.42
52342	$1,170.42
52343	$671.25
52344	$1,170.42
52345	$1,170.42
52346	$1,679.83
52351	$1,170.42
52352	$1,170.42
52353	$1,679.83
52354	$1,679.83
52355	$1,679.83
52356	$1,679.83
52400	$1,170.42
52402	$1,170.42
52450	$1,170.42
52500	$1,170.42
52601	$1,679.83
52630	$1,679.83
52640	$1,170.42
52647	$1,679.83
52648	$1,679.83
52649	$1,679.83
52700	$1,170.42
53000	$671.25
53010	$1,679.83
53020	$671.25
53025	$671.25
53040	$671.25
53060	$69.63
53080	$239.03
53085	$671.25
53200	$671.25
53210	$1,170.42
53215	$1,679.83
53220	$1,170.42
53230	$1,679.83
53235	$1,679.83
53240	$1,170.42
53250	$1,170.42
53260	$671.25
53265	$671.25
53270	$671.25
53275	$671.25

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
53400	$1,679.83
53405	$1,679.83
53410	$1,679.83
53420	$1,679.83
53425	$1,679.83
53430	$1,679.83
53431	$1,679.83
53440	$5,564.69
53442	$1,679.83
53444	$11,645.96
53445	$12,696.73
53446	$1,679.83
53447	$12,310.92
53449	$1,679.83
53450	$1,170.42
53460	$1,170.42
53502	$1,170.42
53505	$1,679.83
53510	$1,679.83
53515	$1,679.83
53520	$1,679.83
53600	$33.44
53601	$0.00
53605	$671.25
53620	$74.24
53621	$76.08
53660	$37.43
53661	$0.00
53665	$671.25
53850	$1,170.42
53852	$1,116.92
53854	$671.25
53855	$590.83
53860	$671.25
54000	$1,170.42
54001	$671.25
54015	$489.93
54050	$0.00
54055	$67.80
54056	$0.00
54057	$696.96
54060	$696.96
54065	$696.96

Code	Fee
54100	$489.93
54105	$845.19
54110	$1,170.42
54111	$1,679.83
54112	$3,396.30
54115	$845.19
54120	$1,170.42
54150	$671.25
54160	$239.03
54161	$671.25
54162	$671.25
54163	$671.25
54164	$671.25
54200	$59.51
54205	$1,679.83
54220	$100.89
54230	$0.00
54231	$54.91
54235	$37.12
54240	$32.21
54250	$10.43
54300	$1,170.42
54304	$1,170.42
54308	$1,679.83
54312	$1,170.42
54316	$1,679.83
54318	$1,170.42
54322	$1,170.42
54324	$1,170.42
54326	$671.25
54328	$1,170.42
54340	$1,170.42
54344	$1,679.83
54348	$1,679.83
54352	$1,679.83
54360	$1,170.42
54380	$671.25
54385	$671.25
54400	$12,288.26
54401	$12,634.62
54405	$12,698.92
54406	$1,170.42
54408	$1,679.83

Code	Fee
54410	$12,519.91
54415	$1,170.42
54416	$12,440.25
54420	$671.25
54435	$1,170.42
54437	$1,170.42
54440	$1,170.42
54450	$100.89
54500	$845.19
54505	$1,170.42
54512	$1,170.42
54520	$1,170.42
54522	$1,170.42
54530	$1,170.63
54550	$1,170.63
54560	$671.25
54600	$1,170.42
54620	$1,170.42
54640	$1,170.63
54660	$2,330.79
54670	$671.25
54680	$1,170.42
54690	$1,864.96
54692	$1,864.96
54700	$671.25
54800	$489.93
54830	$671.25
54840	$671.25
54860	$671.25
54861	$1,170.42
54865	$1,170.42
54900	$671.25
54901	$1,170.42
55000	$54.60
55040	$1,170.63
55041	$1,170.63
55060	$1,170.42
55100	$489.93
55110	$1,170.42
55120	$671.25
55150	$1,170.42
55175	$1,170.42
55180	$1,679.83

Code	Fee
55200	$1,170.42
55250	$671.25
55300	$0.00
55400	$1,170.42
55500	$1,170.42
55520	$1,170.42
55530	$1,170.42
55535	$1,170.63
55540	$1,170.63
55550	$1,864.96
55600	$671.25
55680	$1,170.42
55700	$671.25
55705	$671.25
55706	$1,170.42
55720	$671.25
55725	$1,170.42
55860	$1,679.83
55870	$65.95
55873	$5,265.42
55874	$1,679.83
55875	$1,679.83
55876	$69.02
55880	$1,753.87
55920	$1,543.91
56405	$59.51
56420	$71.32
56440	$1,050.01
56441	$1,050.01
56442	$1,050.01
56501	$88.04
56515	$696.96
56605	$40.49
56606	$0.00
56620	$1,050.01
56625	$1,050.01
56700	$1,050.01
56740	$1,050.01
56800	$1,050.01
56805	$1,050.01
56810	$1,050.01
56820	$51.84
56821	$67.49

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
57000	$1,050.01
57010	$1,050.01
57020	$1,543.91
57022	$845.19
57023	$845.19
57061	$77.92
57065	$1,050.01
57100	$42.33
57105	$1,050.01
57120	$1,543.91
57130	$1,050.01
57135	$1,050.01
57150	$0.00
57155	$1,543.91
57156	$116.27
57160	$28.83
57170	$30.06
57180	$71.32
57200	$1,050.01
57210	$1,050.01
57220	$1,543.91
57230	$1,050.01
57240	$1,543.91
57250	$1,543.91
57260	$1,543.91
57265	$1,543.91
57267	$0.00
57268	$1,543.91
57287	$1,050.01
57288	$2,084.00
57289	$2,320.78
57291	$1,543.91
57295	$1,050.01
57300	$1,050.01
57310	$2,320.78
57320	$1,543.91
57400	$1,050.01
57410	$1,050.01
57415	$1,050.01
57420	$53.69
57421	$70.86
57426	$2,320.78
57452	$52.45

Code	Fee
57454	$61.66
57455	$65.65
57456	$62.58
57460	$169.02
57461	$180.38
57500	$83.44
57505	$71.17
57510	$65.34
57511	$84.06
57513	$1,050.01
57520	$1,050.01
57522	$1,050.01
57530	$1,543.91
57550	$1,543.91
57556	$1,543.91
57558	$1,050.01
57700	$1,050.01
57720	$1,050.01
57800	$34.36
58100	$42.95
58110	$0.00
58120	$1,050.01
58145	$1,050.01
58260	$1,543.91
58262	$1,543.91
58301	$44.48
58321	$37.12
58322	$39.26
58323	$5.22
58340	$0.00
58345	$1,050.01
58346	$1,543.91
58350	$1,543.91
58353	$1,543.91
58356	$1,368.77
58541	$1,864.96
58542	$3,050.29
58543	$3,050.29
58544	$3,050.29
58545	$1,864.96
58546	$3,050.29
58550	$1,864.96
58552	$3,050.29

Code	Fee
58553	$3,050.29
58554	$3,050.29
58555	$1,050.01
58558	$1,050.01
58559	$1,543.91
58560	$1,543.91
58561	$1,543.91
58562	$1,050.01
58563	$1,543.91
58565	$1,543.91
58570	$3,050.29
58571	$3,050.29
58572	$3,050.29
58573	$3,050.29
58600	$1,050.01
58615	$1,050.01
58660	$1,864.96
58661	$1,864.96
58662	$1,864.96
58670	$1,864.96
58671	$1,864.96
58672	$1,864.96
58673	$1,864.96
58674	$3,050.29
58800	$1,050.01
58805	$1,050.01
58820	$1,050.01
58900	$1,050.01
58970	$274.22
58974	$274.22
58976	$116.27
59000	$55.83
59001	$116.27
59012	$116.27
59015	$52.45
59020	$28.22
59025	$15.95
59070	$116.27
59072	$162.54
59074	$116.27
59076	$116.27
59100	$1,543.91
59150	$1,864.96

Code	Fee
59151	$1,864.96
59160	$1,050.01
59200	$47.86
59300	$95.10
59320	$1,050.01
59412	$1,050.01
59414	$1,050.01
59812	$1,050.01
59820	$1,050.01
59821	$1,050.01
59840	$1,050.01
59841	$1,050.01
59866	$116.27
59870	$1,050.01
59871	$1,050.01
60000	$456.11
60100	$45.70
60200	$1,864.96
60210	$1,864.96
60212	$1,864.96
60220	$1,864.96
60225	$1,864.96
60240	$1,864.96
60280	$1,864.96
60281	$1,864.96
60300	$66.88
60500	$1,909.57
61000	$268.46
61001	$268.46
61020	$348.77
61026	$268.46
61050	$112.43
61055	$112.43
61070	$268.46
61215	$1,844.70
61330	$896.80
61770	$1,844.70
61781	$0.00
61782	$0.00
61783	$0.00
61790	$677.27
61791	$677.27
61880	$1,569.06

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
61885	$14,711.53
61886	$20,027.75
61888	$3,806.91
62160	$0.00
62194	$677.27
62225	$1,844.70
62230	$1,844.70
62252	$29.76
62263	$348.77
62264	$348.77
62267	$262.00
62268	$348.77
62269	$489.93
62270	$268.46
62272	$268.46
62273	$268.46
62280	$348.77
62281	$348.77
62282	$348.77
62284	$0.00
62287	$677.27
62290	$0.00
62291	$0.00
62292	$677.27
62294	$348.77
62302	$0.00
62303	$0.00
62304	$0.00
62305	$0.00
62320	$268.46
62321	$268.46
62322	$268.46
62323	$268.46
62324	$348.77
62325	$348.77
62326	$348.77
62327	$348.77
62328	$268.46
62329	$268.46
62350	$2,463.29
62355	$677.27
62360	$11,751.22
62361	$12,105.69

Code	Fee
62362	$11,617.56
62365	$1,844.70
62367	$11.65
62368	$16.26
62369	$60.44
62370	$56.44
62380	$2,382.86
63001	$2,382.86
63003	$2,382.86
63005	$2,382.86
63020	$2,382.86
63030	$2,382.86
63042	$2,382.86
63044	$0.00
63045	$2,382.86
63046	$2,382.86
63047	$2,382.86
63055	$2,382.86
63056	$2,382.86
63600	$677.27
63610	$1,000.93
63650	$3,837.63
63655	$13,552.09
63661	$677.27
63662	$1,569.06
63663	$3,751.47
63664	$12,344.99
63685	$19,948.00
63688	$1,569.06
63744	$1,844.70
63746	$677.27
64400	$65.03
64405	$28.22
64408	$34.66
64415	$348.77
64416	$348.77
64417	$348.77
64418	$36.81
64420	$268.46
64421	$348.77
64425	$63.81
64430	$348.77
64435	$37.73

Code	Fee
64445	$76.08
64446	$348.77
64447	$41.11
64448	$348.77
64449	$348.77
64450	$41.11
64451	$268.46
64454	$134.36
64455	$17.48
64461	$268.46
64462	$0.00
64463	$268.46
64479	$348.77
64480	$0.00
64483	$348.77
64484	$0.00
64486	$0.00
64487	$0.00
64488	$0.00
64489	$0.00
64490	$348.77
64491	$0.00
64492	$0.00
64493	$348.77
64494	$0.00
64495	$0.00
64505	$60.74
64510	$348.77
64517	$348.77
64520	$348.77
64530	$348.77
64553	$4,388.55
64555	$3,983.23
64561	$3,981.22
64566	$88.96
64568	$20,355.26
64569	$4,645.52
64570	$1,844.70
64575	$13,321.61
64580	$14,483.39
64581	$4,117.58
64585	$1,569.06
64590	$14,699.02

Code	Fee
64595	$1,569.06
64600	$348.77
64605	$677.27
64610	$677.27
64611	$64.12
64612	$65.65
64615	$57.98
64616	$55.52
64617	$75.46
64620	$348.77
64624	$270.87
64625	$677.27
64630	$348.77
64632	$36.20
64633	$677.27
64634	$0.00
64635	$677.27
64636	$0.00
64640	$150.01
64642	$67.18
64643	$0.00
64644	$82.82
64645	$0.00
64646	$67.49
64647	$74.24
64650	$45.70
64653	$52.76
64680	$348.77
64681	$348.77
64702	$677.27
64704	$677.27
64708	$677.27
64712	$677.27
64713	$677.27
64714	$677.27
64716	$677.27
64718	$677.27
64719	$677.27
64721	$677.27
64722	$677.27
64726	$677.27
64727	$0.00
64732	$677.27

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
64734	$677.27
64736	$677.27
64738	$677.27
64740	$677.27
64742	$677.27
64744	$677.27
64746	$677.27
64763	$677.27
64766	$677.27
64771	$677.27
64772	$677.27
64774	$677.27
64776	$677.27
64778	$0.00
64782	$677.27
64783	$0.00
64784	$677.27
64786	$1,844.70
64787	$0.00
64788	$677.27
64790	$677.27
64792	$1,844.70
64795	$677.27
64802	$677.27
64820	$677.27
64821	$1,093.32
64822	$1,093.32
64823	$1,093.32
64831	$677.27
64832	$0.00
64834	$1,844.70
64835	$1,844.70
64836	$1,844.70
64837	$0.00
64840	$1,844.70
64856	$1,844.70
64857	$1,844.70
64858	$677.27
64859	$0.00
64861	$677.27
64862	$1,844.70
64864	$1,844.70
64865	$1,844.70

Code	Fee
64872	$0.00
64874	$0.00
64876	$0.00
64885	$1,844.70
64886	$1,844.70
64890	$1,844.70
64891	$2,404.59
64892	$1,844.70
64893	$1,844.70
64895	$1,844.70
64896	$1,844.70
64897	$1,844.70
64898	$1,844.70
64901	$0.00
64902	$0.00
64905	$1,844.70
64907	$1,844.70
64910	$2,662.86
64912	$2,908.67
64913	$0.00
65091	$1,152.29
65093	$1,152.29
65101	$1,152.29
65103	$1,152.29
65105	$1,152.29
65110	$1,152.29
65112	$1,152.29
65114	$1,152.29
65125	$711.40
65130	$1,152.29
65135	$1,152.29
65140	$1,152.29
65150	$1,152.29
65155	$1,152.29
65175	$1,152.29
65205	$0.00
65210	$0.00
65220	$0.00
65222	$0.00
65235	$860.81
65260	$860.81
65265	$860.81
65270	$711.40

Code	Fee
65272	$711.40
65275	$1,152.29
65280	$1,560.46
65285	$1,560.46
65286	$393.27
65290	$1,152.29
65400	$346.59
65410	$711.40
65420	$711.40
65426	$711.40
65430	$0.00
65435	$40.80
65436	$177.62
65450	$116.18
65600	$221.18
65710	$1,560.46
65730	$1,560.46
65750	$1,560.46
65755	$1,560.46
65756	$1,560.46
65757	$0.00
65770	$7,552.47
65772	$346.59
65775	$711.40
65778	$0.00
65779	$0.00
65780	$1,152.29
65781	$1,560.46
65782	$1,152.29
65785	$1,560.46
65800	$860.81
65810	$860.81
65815	$860.81
65820	$1,560.46
65850	$860.81
65855	$115.35
65860	$150.62
65865	$860.81
65870	$860.81
65875	$860.81
65880	$1,560.46
65900	$860.81
65920	$860.81

Code	Fee
65930	$860.81
66020	$860.81
66030	$860.81
66130	$711.40
66150	$1,560.46
66155	$1,560.46
66160	$860.81
66170	$860.81
66172	$860.81
66174	$1,560.46
66175	$1,560.46
66179	$1,560.46
66180	$2,092.90
66183	$2,203.21
66184	$860.81
66185	$860.81
66225	$1,560.46
66250	$711.40
66500	$860.81
66505	$860.81
66600	$1,560.46
66605	$860.81
66625	$860.81
66630	$860.81
66635	$860.81
66680	$860.81
66682	$860.81
66700	$860.81
66710	$711.40
66711	$860.81
66720	$711.40
66740	$711.40
66761	$161.36
66762	$217.72
66770	$217.72
66820	$860.81
66821	$217.72
66825	$860.81
66830	$860.81
66840	$860.81
66850	$860.81
66852	$1,560.46
66920	$860.81

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
66930	$1,560.46
66940	$860.81
66982	$860.81
66983	$860.81
66984	$860.81
66985	$860.81
66986	$860.81
66987	$2,034.08
66988	$2,034.08
66990	$0.00
67005	$860.81
67010	$860.81
67015	$860.81
67025	$860.81
67027	$1,384.87
67028	$40.19
67030	$860.81
67031	$217.72
67036	$1,560.46
67039	$1,560.46
67040	$1,560.46
67041	$1,560.46
67042	$1,560.46
67043	$1,560.46
67101	$172.40
67105	$145.72
67107	$1,560.46
67108	$1,560.46
67110	$432.23
67113	$1,560.46
67115	$1,560.46
67120	$860.81
67121	$860.81
67141	$116.18
67145	$217.72
67208	$116.18
67210	$217.72
67218	$1,152.29
67220	$217.72
67221	$130.07
67225	$0.00
67227	$139.88
67228	$152.15

Code	Fee
67229	$217.72
67250	$711.40
67255	$860.81
67311	$711.40
67312	$1,152.29
67314	$711.40
67316	$711.40
67318	$711.40
67320	$0.00
67331	$0.00
67332	$0.00
67334	$0.00
67335	$0.00
67340	$0.00
67343	$711.40
67345	$107.36
67346	$1,152.29
67400	$1,152.29
67405	$711.40
67412	$711.40
67413	$711.40
67414	$1,152.29
67415	$711.40
67420	$1,152.29
67430	$1,152.29
67440	$1,152.29
67445	$1,152.29
67450	$1,152.29
67500	$116.18
67505	$33.13
67515	$30.68
67550	$1,152.29
67560	$1,152.29
67570	$1,152.29
67700	$116.18
67710	$169.33
67715	$711.40
67800	$65.03
67801	$78.84
67805	$100.92
67808	$711.40
67810	$116.18
67820	$0.00

Code	Fee
67825	$68.41
67830	$346.59
67835	$711.40
67840	$173.63
67850	$130.37
67875	$346.59
67880	$711.40
67882	$711.40
67900	$711.40
67901	$711.40
67902	$1,152.29
67903	$711.40
67904	$711.40
67906	$1,152.29
67908	$711.40
67909	$711.40
67911	$711.40
67912	$711.40
67914	$711.40
67915	$198.78
67916	$711.40
67917	$711.40
67921	$711.40
67922	$192.03
67923	$711.40
67924	$711.40
67930	$200.01
67935	$711.40
67938	$116.18
67950	$711.40
67961	$711.40
67966	$711.40
67971	$711.40
67973	$711.40
67974	$1,152.29
67975	$711.40
68020	$58.28
68040	$27.00
68100	$110.43
68110	$143.57
68115	$711.40
68130	$711.40
68135	$74.85

Code	Fee
68200	$0.00
68320	$711.40
68325	$1,152.29
68326	$1,152.29
68328	$711.40
68330	$860.81
68335	$1,152.29
68340	$711.40
68360	$1,152.29
68362	$711.40
68371	$711.40
68400	$197.25
68420	$208.90
68440	$56.44
68500	$1,152.29
68505	$1,152.29
68510	$711.40
68520	$1,152.29
68525	$711.40
68530	$116.18
68540	$711.40
68550	$1,152.29
68700	$711.40
68705	$116.18
68720	$1,152.29
68745	$1,152.29
68750	$1,152.29
68760	$116.18
68761	$82.82
68770	$711.40
68801	$0.00
68810	$116.18
68811	$711.40
68815	$711.40
68816	$711.40
68840	$70.86
68850	$0.00
69000	$110.74
69005	$113.81
69020	$147.25
69100	$57.98
69105	$93.25
69110	$845.19

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.03: continued

Code	Fee
69120	$1,909.57
69140	$1,909.57
69145	$845.19
69150	$1,909.57
69200	$0.00
69205	$489.93
69209	$0.00
69210	$0.00
69220	$0.00
69222	$133.75
69300	$896.80
69310	$1,909.57
69320	$1,909.57
69420	$87.46
69421	$896.80
69424	$81.60
69433	$117.49
69436	$456.11
69440	$896.80
69450	$896.80
69501	$1,909.57
69502	$1,909.57
69505	$1,909.57
69511	$1,909.57
69530	$1,909.57
69540	$134.97
69550	$1,909.57
69552	$1,909.57
69601	$1,909.57
69602	$1,909.57
69603	$1,909.57
69604	$1,909.57
69610	$173.63
69620	$896.80
69631	$1,909.57

Code	Fee
69632	$1,909.57
69633	$1,909.57
69635	$1,909.57
69636	$1,909.57
69637	$1,909.57
69641	$1,909.57
69642	$1,909.57
69643	$1,909.57
69644	$1,909.57
69645	$1,909.57
69646	$1,909.57
69650	$896.80
69660	$1,909.57
69661	$1,909.57
69662	$1,909.57
69666	$896.80
69667	$896.80
69670	$1,909.57
69676	$896.80
69700	$456.11
69705	$3,033.36
69706	$3,033.36
69711	$896.80
69714	$8,038.99
69715	$9,155.32
69717	$3,718.95
69718	$4,868.06
69720	$1,909.57
69740	$1,909.57
69745	$1,909.57
69801	$113.81
69805	$1,909.57
69806	$1,909.57
69905	$1,909.57
69910	$1,909.57

Code	Fee
69915	$896.80
69930	$26,093.23
69990	$0.00
92920	$2,568.37
92921	$0.00
92928	$5,149.14
92929	$0.00
93451	$1,168.21
93452	$1,168.21
93453	$1,168.21
93454	$1,168.21
93455	$1,168.21
93456	$1,168.21
93457	$1,168.21
93458	$1,168.21
93459	$1,168.21
93460	$1,168.21
93461	$1,168.21
93462	$0.00
93566	$0.00
93567	$0.00
93568	$0.00
93571	$0.00
93572	$0.00
93985	$100.09
93986	$48.14
C5271	$213.47
C5272	$0.00
C5273	$696.96
C5274	$0.00
C5275	$213.47
C5276	$0.00
C5277	$213.47
C5278	$0.00
C9600	$5,260.89

Code	Fee
C9601	$0.00
C9725	$328.08
C9726	$0.00
C9727	$456.11
C9728	$534.87
C9739	$2,789.49
C9740	$5,872.60
C9749	$2,905.33
C9752	$6,345.57
C9753	$0.00
C9754	$0.00
C9755	$0.00
C9757	$6,345.57
C9761	$2,189.69
C9769	$2,189.69
C9770	$1,396.17
C9771	$1,199.19
C9772	$4,937.21
C9773	$8,830.90
C9774	$8,957.14
C9775	$8,988.26
G0104	$123.62
G0105	$328.08
G0121	$328.08
G0186	$217.72
G0260	$268.46
G0276	$2,382.86
G0429	$44.79
G0516	$0.00
G0517	$0.00
G0518	$0.00
G2170	$7,532.43
G2171	$7,532.43

347.04: Filing and Reporting Requirements

(1) Required Reports. Reporting requirements are governed by 957 CMR 6.00: *Cost Reporting Requirements*.

(2) Penalty for Noncompliance. A purchasing governmental unit may impose a penalty in the amount of up to 15% of its payments to any provider that fails to submit required information. The purchasing governmental unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 347.04(2).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

347.05: Severability

The provisions of 101 CMR 347.00 are severable, and if any provision of 101 CMR 347.00 or application of such provision to any FASC or any circumstances are held to be invalid or unconstitutional, such invalidity will not be construed to affect the validity or constitutionality of any remaining provisions to eligible FASCs or circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 347.00: M.G.L. c. 118E.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 372

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **101 CMR 433.00**

CHAPTER TITLE: **Rates for Certain Health and Human Services Programs**

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

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

101 CMR 433.00 establishes increased payment rates based on updated labor statistics salary information for certain Health and Human Services programs or services whose rates were previously established on July 1, 2021.

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

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

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

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

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

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

Executive Order 145 notifications: 7/26/21
Executive Order 562 approval: 9/15/21

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: **8/27/21**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **estimated total annual increase of $51.9 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 433.00 is a new chapter that was originally filed as an emergency on 7/27/21. It is now being finalized with changes after the public hearing.

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 16 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
1050.11, 1050.12	**1050.11 - 1050.12.12**

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 09/17/2021 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

101 CMR 433.00: RATES FOR CERTAIN HEALTH AND HUMAN SERVICES PROGRAMS

Section

433.01: General Provisions
433.02: Definitions
433.03: Rate Provisions
433.04: Filing and Reporting Requirements
433.05: Severability

433.01: General Provisions

(1) Scope. 101 CMR 433.00 governs the payment rates for Certain Health and Human Service Programs Previously Established on July 1, 2021 purchased by a governmental unit, including, but not limited to, Department of Developmental Services (DDS), the Massachusetts Commission for the Blind (MCB), the Massachusetts Rehabilitation Commission (MRC), the Department of Mental Health (DMH), the Department of Youth Services (DYS), the Department of Children and Families (DCF), the Department of Public Health (DPH), the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), or MassHealth

(2) Applicable Dates of Service. Rates contained in 101 CMR 433.00 apply for dates of service provided on or after July 1, 2021.

(3) Disclaimer of Authorization of Services. 101 CMR 433.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 433.00. Governmental units that purchase the services described in 101 CMR 433.00 are responsible for the definition, authorization, and approval of services provided to clients.

(4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 433.00.

(5) Parent Regulations. 101 CMR 433.00 describes operational add-on rates for certain services whose basic rates are governed by other regulations. For services not included in 101 CMR 433.00, please refer to the parent regulation listed in 101 CMR 433.01(5).

Service	Parent Regulation
Residential Rehabilitation programs, Clinically Managed Detoxification Services, Supportive Case Management Services, Triage, Engagement and Assessment Services, Youth Residential and Clinical SUD Treatment Services and Office Based Opioid Treatment Services	101 CMR 346.00: *Rates for Certain Substance-Related and Addictive Disorders Programs*
Congregate Care Programs	101 CMR 413.00: *Payments for Youth Intermediate-term Stabilization Services*
Family Resource Centers	101 CMR 414.00: *Rates for Family Stabilization Services*
Community-based Day Support Services	101 CMR 415.00: *Rates for Community-based Day Support Services*
Supported Employment Services	101 CMR 419.00: *Rates for Supported Employment Services*
Certain Adult Housing and Community Support Services	101 CMR 421.00: *Rates for Adult Housing and Community Support Services*
Certain Youth and Young Adult Services	101 CMR 427.00: *Rates for Certain Youth and Young Adult Support Services*
Certain Independent Living Communities	101 CMR 428.00: *Rates for Certain Independent Living Communities and Services*
Sexual and Domestic Violence Services	101 CMR 429.00: *Rates for Certain Sexual and Domestic Violence Services*
Program of Assertive Community Treatment Services	101 CMR 430.00: *Rates for Program of Assertive Community Treatment Services*
Certain Respite Services	101 CMR 431.00: *Rates for Certain Respite Services*
Certain Lead Agency Services	101 CMR 432.00: *Rates for Certain Lead Agency Services*

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.02: Definitions

As used in 101 CMR 433.00, terms have the meanings in 101 CMR 433.02, except as otherwise provided.

Client. An individual receiving services purchased by a governmental unit.

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

COVID -19 Payment Rate. A rate that is intended to take into account the change in program model necessary due to COVID-19 requirements, which will be instituted at the discretion of the purchasing governmental unit.

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

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

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

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

433.03: Rate Provisions

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

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

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

(4) Approved Rates with Applicable Dates of Service Provided on or after July 1, 2021. The approved rate is the lower of the provider's charge or amount accepted as payment from another payer or the rate listed in 101 CMR 433.03(4).

(a) Certain Substance Use Disorder Programs. Terms used in 101 CMR 433.03(4)(a) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 346.02: *Definitions*.

Service/Program	Code	Unit of Service	Rate
Youth Residential Substance Use Disorder Treatment	H0019-HF	*Per Diem*	$323.55
Clinically Intensive Youth Residential Substance Use Disorder Treatment	H0019-HA	*Per Diem*	$425.39
Residential Services	H0019	*Per Diem*	$149.20
Residential Rehab Pregnant Enhancement	H0019-TH	*Per Diem*	$41.58
Residential Rehab Postpartum Enhancement	H0019-HD	*Per Diem*	$93.35
Residential Rehab Child Enhancement	H0019-HV	*Per Diem*	$46.67
Medically Monitored Inpatient Detoxification	H0011	*Per Diem*	$420.77
Clinically Managed Inpatient Detoxification	H0010	*Per Diem*	$350.93
Transitional Support Services	H0018	*Per Diem*	$185.21

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

Service/Program	Code	Unit of Service	Rate
Second Offender Drive Alcohol Education Residential	H0018-H9	*Per Diem*	$148.82
Jail Diversion - Phase 1	H0019-H9	*Per Diem*	$222.81
Jail Diversion - Phase 2	H0006-H9	Per Hour	$61.53
Family Supportive Housing	H0019-HR	*Per Diem*	$197.63
Family Residential Treatment	H01019-HR	*Per Diem*	$327.92
Supportive Case Management - Permanent Adult	N/A	Enrolled Client Day	$12.43
Supportive Case Management - Permanent Families	N/A	Enrolled Client Day	$25.06
Supportive Case Management - Permanent Young Adult	N/A	Enrolled Client Day	$34.46
Supportive Case Management - Transitional Adult	N/A	Enrolled Client Day	$14.80
Supportive Case Management - Transitional Families	N/A	Enrolled Client Day	$29.79
Supportive Case Management - Transitional Young Adult	N/A	Enrolled Client Day	$40.17
Supportive Case Management - House Manager Add-on	N/A	Month	$2,917.00
Supportive Case Management - Outreach and Staffing Supports	N/A	Month	$3,997.00
Supportive Case Management - Low Threshold	N/A	Enrolled Client Day	$51.43
Supportive Case Management - School Based Targeted Prevention	N/A	Month	$16,882.00
Triage, Engagement & Assessment Services - Model A - Base Rate	N/A	Monthly Per Slot	$952.00
Triage, Engagement & Assessment Services - Model A - Engagement Staff Rate	N/A	Monthly Per Slot	$534.00
Triage, Engagement & Assessment Services - Model A - Engagement Staff Rate Day Program Only	N/A	Monthly Per Slot	$273.00
Triage, Engagement & Assessment Services - Model B - Base Rate	N/A	Monthly Per Slot	$1,141.00
Triage, Engagement & Assessment Services - Model B - Engagement Staff Rate	N/A	Monthly Per Slot	$720.00
Triage, Engagement & Assessment Services - Model B - Engagement Staff Rate Day Program Only	N/A	Monthly Per Slot	$447.00
Triage, Engagement & Assessment Services - Peer Service Coordinator Add-on	N/A	*Per Diem*	$22.04
Triage, Engagement & Assessment Services - Social Worker LICSW Add-on	N/A	*Per Diem*	$38.08
Triage, Engagement & Assessment Services - Care Coordinator Add-on	N/A	*Per Diem*	$22.04
Triage, Engagement & Assessment Services - Direct Care Staff Add-on	N/A	*Per Diem*	$22.04
Triage, Engagement & Assessment Services - Support Staff Add-on	N/A	*Per Diem*	$22.04
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 1	N/A	Monthly	$2,562.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 2	N/A	Monthly	$3,611.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 3	N/A	Monthly	$4,659.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 4	N/A	Monthly	$5,708.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 5	N/A	Monthly	$6,757.00

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

Service/Program	Code	Unit of Service	Rate
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 6	N/A	Monthly	$8,108.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 7	N/A	Monthly	$9,459.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 8	N/A	Monthly	$10,810.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 9	N/A	Monthly	$12,162.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - Tier 10	N/A	Monthly	$13,513.00
Office Based Opioid Treatment (FQHCs) Wraparound Services - 25 Client Add-on	N/A	Monthly	$1,351.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 1	N/A	Monthly	$4,714.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 2	N/A	Monthly	$5,763.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 3	N/A	Monthly	$6,811.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 4	N/A	Monthly	$7,860.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 5	N/A	Monthly	$8,908.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 6	N/A	Monthly	$10,690.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 7	N/A	Monthly	$12,472.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 8	N/A	Monthly	$14,253.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 9	N/A	Monthly	$16,035.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - Tier 10	N/A	Monthly	$17,817.00
Office Based Opioid Treatment - Outpatient Clinic Wraparound Services - 25 Client Add-on	N/A	Monthly	$3,503.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 1	N/A	Monthly	$4,968.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 2	N/A	Monthly	$8,495.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 3	N/A	Monthly	$11,985.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 4	N/A	Monthly	$15,501.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 5	N/A	Monthly	$19,018.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 6	N/A	Monthly	$22,821.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 7	N/A	Monthly	$26,625.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 8	N/A	Monthly	$30,428.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 9	N/A	Monthly	$34,232.00
Office Based Opioid Treatment - Hospital Wraparound Services - Tier 10	N/A	Monthly	$38,035.00
Office Based Opioid Treatment - Hospital Wraparound Services - 25 Client Add-on	N/A	Monthly	$2,562.00

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

Service/Program	Code	Unit of Service	Rate
Office Based Opioid Treatment (FQHCs) Start-up - Level 1	N/A	Monthly	$8,659.00
Office Based Opioid Treatment (FQHCs) Start-up - Level 2	N/A	Monthly	$12,669.00

(b) Congregate Care Services. Terms used in 101 CMR 433.03(4)(b) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 413.02: *Definitions*.

1. Operational Program Rates.

Service/Program	Unit	Rate
Congregate Care Program		
Community Treatment Residence (Non-QRTP)	Per Bed Day	$378.09
Community Treatment Residence (QRTP)	Per Bed Day	$388.52
Intensive Home Based Therapeutic Care	Per Day Per Person	$148.40
Emergency Residence	Per Bed Day	$422.60
Intensive Emergency Residence	Per Bed Day	$474.27
Intensive Treatment Residence (Non-QRTP)	Per Bed Day	$548.18
Intensive Treatment Residence (QRTP)	Per Bed Day	$562.10
Intensive Treatment Residence Emergency Intake - Add-on	Per Bed Day	$76.48
Medically Complex & Behavioral Residence (Non-QRTP)	Per Bed Day	$575.45
Medically Complex & Behavioral Residence (QRTP)	Per Bed Day	$589.29
Medically Complex Residence (Non-QRTP)	Per Bed Day	$588.65
Medically Complex Residence (QRTP)	Per Bed Day	$599.14
Specialty Treatment Residence (Commercially Sexually Exploited Children)	Per Bed Day	$453.06
Specialty Treatment Residence (Non-QRTP)	Per Bed Day	$467.80
Specialty Treatment Residence (QRTP)	Per Bed Day	$481.73
Therapeutic Group Care - six beds	Monthly Program Rate	$73,241
Therapeutic Group Care - nine beds	Monthly Program Rate	$101,165
Therapeutic Group Care - 12 beds	Monthly Program Rate	$125,901
Young Adult Supported Living	Per Bed Day	$143.96
Young Adult Therapeutic Care - Outreach	Daily Slot Rate	$53.61
Young Adult Therapeutic Care - Staffed Apartments	Monthly Program Rate	$75,167
Young Adult Therapeutic Care - Staffed Apartments	Monthly Single Apt.	$12,528
Young Adult Therapeutic Care - Supported Apartments	Monthly Single Apt.	$5,348
Young Adult Therapeutic Care - Supported Apartments Hold	Daily Rate	$61.78
Young Parent Assessment	Per Assessment	$360.15
Young Parent Living Program	Monthly Bed Rate	$7,346.62
Youth & Young Adult Group Residence	Per Bed Day	$305.12
Youth & Young Adult Supported Living Community	Per Bed Day	$275.67

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

2. Congregate Care Monthly Add-on Rates.

Position	1.0 FTE	0.75 FTE	0.50 FTE	0.25 FTE
Direct Care	$3,585	$2,689	$1,793	$896
Certified Nursing Assistant	$3,685	$2,764	$1,843	$921
Direct Care III	$4,641	$3,481	$2,320	$1,160
Occupational Therapist	$8,067	$6,051	$4,034	$2,017
Occupational Therapist Assistant	$6,385	$4,788	$3,192	$1,596
Case Manager, Social Worker, Clinician (MA level - not Independent Licensed)	$5,585	$4,189	$2,793	$1,396
LPN	$6,149	$4,612	$3,074	$1,537
Registered Nurse	$9,268	$6,951	$4,634	$2,317
Clinician with Independent License	$6,531	$4,898	$3,266	$1,633
Social/Caseworker (BA Level)	$4,658	$3,493	$2,329	$1,164

3. Congregate Care Hourly Add-on Rates.

Position	Hourly Rate
Direct Care	$22.04
Certified Nursing Assistant	$22.67
Direct Care III	$28.53
Occupational Therapist	$55.04
Occupational Therapist Assistant	$43.56
Case Manager, Social Worker, Clinician (MA level - not Independent Licensed)	$38.10
LPN	$41.91
Registered Nurse	$63.20
Clinician with Independent License	$44.53
Social/Caseworker (BA Level)	$31.75
Nurse Practitioner/APRN	$86.75

(c) Family Resource Centers. Terms used in 101 CMR 433.03(4)(c) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 414.02: *Definitions*.

Service/Program	Unit of Service	Rate
Family Resource Center	Month	$54,580
Micro Family Resource Center	Month	$22,240
Micro Family Resource Center Add-on	Month	$6,240
Family Resource Center *Per Diem* Add-on: Family Support Worker	*Per Diem*	$228.16
Family Resource Center *Per Diem* Add-on: Clinician (LCSW)	*Per Diem*	$304.69
Family Resource Center *Per Diem* Add-on: Clinician (LICSW)	*Per Diem*	$356.46
Family Resource Center *Per Diem* Add-on: Family Partner	*Per Diem*	$176.31
Family Resource Center *Per Diem* Add-on: School Liaison	*Per Diem*	$254.07

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

(d) Community-based Day Supports. Terms used in 101 CMR 433.03(4)(d) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 415.02: *Definitions*.

1. Program Rates.

Level	Unit	Rate
A	15 Minutes	$11.86
B	15 Minutes	$6.82
C	15 Minutes	$4.89
D	15 Minutes	$4.09
I	15 Minutes	$8.65

2. Active Treatment Rates.

Active Treatment Program	Unit	Rate
Level I - Nursing Facility Active Treatment	15 Minutes	$12.27
Level II - Pediatric Nursing Facility Active Treatment - Facility Based Model	15 Minutes	$15.25
Level III - Pediatric Nursing Facility Active Treatment - Community Integration Model	15 Minutes	$15.59

(e) Supported Employment Services. Terms used in 101 CMR 433.03(4)(f) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 419.02: *Definitions*.

1. Program Rates.

Service/Program	Unit of Service	Rate
Individual Supported Employment ($56.64 hourly)	Rate (15 mins) per Client	$14.16
Ongoing Individual Supported Employment ($42.16 hourly)	Rate (15 mins) per Client	$10.54
Group Supported Employment ($16.44 hourly)	Rate (15 mins) per Client	$4.11
High-intensity Group Supported Employment ($24.80 hourly)	Rate (15 mins) per Client	$6.20
1:1 Group Supported Employment ($38.48 hourly)	Rate (15 mins) per Client	$9.62
1:3 Group Supported Employment ($23.76 hourly)	Rate (15 mins) per Client	$5.94

2. Supported Employment Add-on Rates.

Service/Program Add-on	Unit of Service	Rate
Direct Care ($22.04 hourly)	Rate (15 mins) per Client	$5.51
Direct Care III ($28.52 hourly)	Rate (15 mins) per Client	$7.13
Travel to and from ISE job sites up to one hour ($30.08 hourly)	Rate (15 mins) per Client	$7.52

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

(f) Adult Housing and Community Support Services. Terms used in 101 CMR 433.03(4)(f) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 421.02: *Definitions*.

1. Program Rates.

Service/Program	Unit of Service	Rate
Outreach and Engagement	Month	$31,757
Safe Haven: ten to 12 beds	Enrolled day	$180.45
Safe Haven: seven to nine beds	Enrolled day	$200.40
Dual Diagnosis Shelter - donated space	Enrolled day	$163.66
Dual Diagnosis Shelter - with occupancy costs	Enrolled day	$184.38
Housing Options Program: Level 1	Enrolled month	$40.58
Housing Options Program: Level 2	Enrolled month	$165.45
Assertive Treatment and Relapse Prevention: Model A - nine to 12 clients	Enrolled day	$50.98
Assertive Treatment and Relapse Prevention: Model B - six to eight clients	Enrolled day	$48.57

2. Adult Housing and Community Support Service Add-on Rates.

Position Title	*Per Diem*	.25 FTE Monthly	.50 FTE Monthly	1.0 FTE Monthly
Direct Care	$166	$897	$1,793	$3,587
Direct Care III	$214	$1,161	$2,321	$4,643
LICSW	$302	$1,633	$3,267	$6,534

(g) Youth And Young Adult Support Services. Terms used in 101 CMR 433.03(4)(g) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 427.02: *Definitions*.

1. Alternative Lock-up Program Rates.

Service/Program	Unit of Service	Rate
A	Monthly	$11,547
B	Monthly	$20,111
C	Monthly	$25,703

2. Conflict of Interest Program Rates.

Service/Program	Unit of Service	Rate
One Family	Monthly	$1,090
Five Families	Monthly	$5,448

3. Teen Pregnancy Prevention Program Rates.

Service/Program	Unit of Service	Rate
In school	Curriculum Hour	$324.70
Outside school	Curriculum Hour	$405.88
Remote Add-on	Hour	$81.18
Peer Leadership & Youth Development	Contact Hour	$243.53
Partnership Development	Hour	$46.70

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

4. Therapeutic Day Services Program Rates.

Service/Program	Unit of Service	Rate
Model 1	Month	$28,418
Model 2	Month	$24,586
Model 3A	Month	$25,547
Model 3B	Month	$34,615
Model 4A	Month	$20,030
Model 4B	Month	$37,806

5. Therapeutic Day Services Add-on Rates.

Title	Unit of Service	.25 FTE	.5 FTE	.75 FTE	1 FTE
Clinical (LICSW)	Monthly	$1,633	$3,268	$4,900	$6,534
Peer/Direct Care	Monthly	$897	$1,794	$2,690	$3,587
Direct Care III	Monthly	$1,160	$2,321	$3,481	$4,641

6. Young Parent Support Program Rates.

Service/Program	Unit of Service	Rate
Model A	Month	$8,435
Model B	Month	$16,869
YPS Specialty Direct Care III Add-on (.5 FTE)	Month	$2,321
YPS Specialty Direct Care III Add-on (1 FTE)	Month	$4,641

(h) Independent Living Community Programs. Terms used in 101 CMR 433.03(4)(h) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 428.02: *Definitions*.

1. Deaf and Hard of Hearing Independent Living Service Program Rates.

Service/Program	Unit of Service	Rate
DHILs - Region 1	Monthly	$46,315
DHILs - Region 2	Monthly	$40,707
DHILs - Region 3	Monthly	$36,502
DHILs - Region 4	Monthly	$33,600
DHILs - Region 5	Monthly	$21,841
DHILs - Region 6	Monthly	$18,927
DHILs - Region 7	Monthly	$11,631
DHILs - Region 8	Monthly	$7,495

2. Recovery Learning Communities Program Rates.

Service/Program	Unit of Service	Rate
Recovery Learning Communities	Monthly	$76,935

3. Vocational Rehabilitation Independent Living Service Program Rates.

Service/Program	Unit of Service	Rate
VRIL Service Add-on	Per Hour	$129
VRIL Assessment	Per Component	$515
Independent Living Skills Training	Per Component	$1,931
Community Resource Access	Per Component	$1,931
PASS Plan	Per Component	$1,931
Single Service Purchase	Per Component	$901
VRIL Group Training Add-on	Per Client per Class	$43.49

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

4. Independent Living Communities Add-on Rates.

Position	Unit of Service	Rate
Direct Care 0.25 FTE Add-on	Monthly	$1,161
Direct Care 0.5 FTE Add-on	Monthly	$2,321
Direct Care 0.75 FTE Add-on	Monthly	$3,482
Direct Care 1.0 FTE Add-on	Monthly	$4,643

(i) Sexual and Domestic Violence Services. Terms used in 101 CMR 433.03(4)(i) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 429.02: *Definitions*.

Service/Program	Unit of Service	Rate
Domestic Violence Community-based Services	.25 Direct Care FTE	$1,952
Child Exposed to Domestic Violence Services	.25 Direct Care FTE	$2,097
Supervised Visitation Services	.25 Direct Care FTE	$1,990
Sexual and Domestic Violence Equity Services	.25 Direct Care FTE	$1,952
Sexual and Domestic Violence Equity Legal Services	.25 Direct Care FTE	$3,028
Intimate Partner Abuse Education Services	Per Cohort	$2,658
Intimate Partner Abuse Education Services - Outreach and Development	Monthly	$443
Rape Crisis Centers – Dual Agency Tier 1	Monthly	$67,141
Rape Crisis Centers – Dual Agency Tier 2	Monthly	$58,974
Rape Crisis Centers – Dual Agency Tier 3	Monthly	$50,807
Rape Crisis Centers – Dual Agency Tier 4	Monthly	$42,640
Rape Crisis Centers – Dual Agency Tier 5	Monthly	$34,473
Rape Crisis Centers – Dual Agency Tier 6	Monthly	$26,306
Rape Crisis Centers – Dual Agency Tier 7	Monthly	$18,139
Rape Crisis Centers – Dual Agency Tier 8	Monthly	$9,972
Rape Crisis Centers – Stand-alone Agency Tier 1	Monthly	$70,328
Rape Crisis Centers – Stand-alone Agency Tier 2	Monthly	$61,771
Rape Crisis Centers – Stand-alone Agency Tier 3	Monthly	$53,214
Rape Crisis Centers – Stand-alone Agency Tier 4	Monthly	$44,658
Rape Crisis Centers – Stand-alone Agency Tier 5	Monthly	$36,101
Rape Crisis Centers – Stand-alone Agency Tier 6	Monthly	$27,544
Rape Crisis Centers – Stand-alone Agency Tier 7	Monthly	$18,987
Rape Crisis Centers – Stand-alone Agency Tier 8	Monthly	$10,430
Rape Crisis Satellite Center Add-on	Hourly	$40.40
Rape Crisis Direct Care 0.25 FTE Add-on	Monthly	$1,952

(j) Program of Assertive Community Treatment. Terms used in 101 CMR 433.03(4)(j) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 430.02: *Definitions*.

Service/Program	Unit of Service	Rate
Program of Assertive Community Treatment - PACT50	Enrollment Day	$54.02
Program of Assertive Community Treatment - PACT80	Enrollment Day	$49.83
Program of Assertive Community Treatment - Forensic PACT	Enrollment Day	$78.54
Program of Assertive Community Treatment - Forensic GLE	Bed Day	$323.39

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

433.03: continued

(k) Certain Respite Services. Terms used in 101 CMR 433.03(4)(k) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 431.02: *Definitions*.

Service/Program	Unit of Service	Rate
Respite - A	Month	$60,629
Respite - B	Month	$83,628
Respite - C	Month	$172,054
Respite - Peer Model	Month	$43,271
Respite - Site Only	Per Diem	$262.40
Respite - Mobile Only	Per Diem	$130.52

(l) Lead Agency Services. Terms used in 101 CMR 433.03(4)(l) that have not been defined elsewhere in 101 CMR 433.00 have the meanings in 101 CMR 432.02: *Definitions*.

Service/Program	Unit of Service	Rate
Lead Agency Tier 1	Month	$26,181
Lead Agency Tier 2	Month	$31,772
Lead Agency Tier 3	Month	$37,060
Lead Agency Tier 4	Month	$40,706
Lead Agency Tier 5	Month	$55,781
Lead Agency Tier 6	Month	$73,749
Case Manager/Education Coordinator 0.50 FTE Add-on	Month	$2,916
Case Manager/Education Coordinator 1.0 FTE Add-on	Month	$5,832

433.04: Filing and Reporting Requirements

(1) General Provisions.
(a) Accurate Data. All reports, schedules, additional information, books, and records that are filed or made available to EOHHS must be certified under pains and penalties of perjury as true, correct, and accurate by the Executive Director or Chief Financial Officer of the provider.
(b) Examination of Records. Each provider must make available to EOHHS or the purchasing governmental unit upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.

(2) Required Reports. Each provider must file:
(a) an annual Uniform Financial Statements and Independent Auditor's Report completed in accordance with the filing requirements of 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*;
(b) any cost report supplemental schedule as issued by EOHHS; and
(c) any additional information requested by EOHHS within 21 days of a written request.

(3) Penalty for Noncompliance. The purchasing governmental unit may impose a penalty in the amount of up to 15% of its payments to any provider that fails to submit required information. The purchasing governmental unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 433.04(3).

433.05: Severability

The provisions of 101 CMR 433.00 are severable. If any provision of 101 CMR 433.00 or application of such provision to any eligible provider or fiscal intermediary is held invalid or unconstitutional, such determination will not affect the validity or constitutionality of any remaining provisions of 101 CMR 433.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 433.00: M.G.L. c. 118E.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(101 CMR 434.00 THROUGH 443.00: RESERVED)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 371

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **101 CMR 447.00**

CHAPTER TITLE: **Rates for Certain Home- and Community-based Services Related to Section 9817 of the American Rescue Plan Act**

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

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

101 CMR 447.00 establishes the payment rates for certain home- and community-based services related to Section 9817 of the American Rescue Plan Act.

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

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

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

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

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

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

Executive Order 145 notifications: 7/19/21
Executive Order 562 approval: 9/15/21

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: **8/16/21**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **estimated total annual increase of $342 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 447.00 is a new chapter that was originally filed as an emergency on 7/19/21. It is now being finalized with changes after the public hearing.

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 16 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
1050.25 & 1050.26	**1050.25 - 1050.116**

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 09/17/2021 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

101 CMR 447.00: RATES FOR CERTAIN HOME- AND COMMUNITY-BASED SERVICES RELATED TO SECTION 9817 OF THE AMERICAN RESCUE PLAN ACT

Section

447.01: General Provisions
447.02: Definitions
447.03: Rate Provisions
447.04: Filing and Reporting Requirements
447.05: Severability

447.01: General Provisions

(1) Scope. 101 CMR 447.00 governs the payment rates for Certain Home- and Community-based Services related to Section 9817 of the American Rescue Plan Act purchased by a governmental unit including, but not limited to, the Department of Developmental Services (DDS), the Massachusetts Commission for the Blind (MCB), the Massachusetts Rehabilitation Commission (MRC), the Department of Mental Health (DMH), the Executive Office of Elder Affairs (EOEA), or MassHealth.

(2) Applicable Dates of Service. Rates contained in 101 CMR 447.00 apply for dates of service as stated in 101 CMR 447.03(6).

(3) Disclaimer of Authorization of Services. 101 CMR 447.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 447.00. Governmental units that purchase the services described in 101 CMR 447.00 are responsible for the definition, authorization, and approval of services provided to clients

(4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 447.00

(5) Parent Regulations. 101 CMR 447.00 describes operational add-on rates for certain services whose basic rates are governed by other regulations. For services not included in 101 CMR 447.00, please refer to the parent regulation listed in 101 CMR 447.01(5)

Service	Parent Regulation
Adult Long-term Residential	101 CMR 420.00: *Rates for Adult Long-term Residential Services*
Family Stabilization	101 CMR 414.00: *Rates for Family Stabilization Services*
Shared Living	101 CMR 411.00: *Rates for Certain Placement, Support, and Shared Living Services*
Adult Community Mental Health Services	101 CMR 426.00: *Rates for Certain Adult Community Mental Health Services*
Community-based Day Support Services	101 CMR 415.00: *Rates for Community-based Day Support Services*
Supported Employment	101 CMR 419.00: *Rates for Supported Employment Services*
Day Habilitation Supplemental Supports	101 CMR 424.00: *Rates for Certain Developmental and Support Services*
In-home Basic Living Supports	101 CMR 423.00: *Rates for Certain In-home Basic Living Supports*
Home Health Services	101 CMR 350.00: *Rates for Home Health Services*
Adult Day Health	101 CMR 310.00: *Rates for Adult Day Health Services*
Personal Care Attendant (PCA) Program	101 CMR 309.00: *Rates for Certain Services for the Personal Care Attendant Program*
Adult Foster Care (AFC)	101 CMR 351.00: *Rates of Payment for Certain Adult Foster Care Services*
Children's Behavioral Health Services	101 CMR 352.00: *Rates of Payment for Certain Children's Behavioral Health Services*
Home and Community-based Services Waivers	101 CMR 359.00: *Rates for Home and Community-based Services Waivers*
Ambulance and Wheelchair Van Services	101 CMR 327.00: *Rates of Payment for Ambulance and Wheelchair Van Services*

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.01: continued

Service	Parent Regulation
Youth Intermediate-term Stabilization Services	101 CMR 413.00: *Payments for Youth Intermediate-term Stabilization Services*
Continuous Skilled Nursing Services	101 CMR 361.00: *Rates for Continuous Skilled Nursing Services*
Day Habilitation	101 CMR 348.00: *Day Habilitation Program Services*
Durable Medical Equipment	101 CMR 322.00: *Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment*
Certain Elder Care Services	101 CMR 417.00: *Rates for Certain Elder Care Services*

447.02: Definitions

As used in 101 CMR 447.00, terms have the meanings in 101 CMR 447.02, except as otherwise provided.

Client. An individual receiving services purchased by a governmental unit.

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

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

COVID-19 Payment Rate. A rate that is intended to take into account the change in program model necessary due to COVID-19 requirements, which will be instituted at the discretion of the purchasing governmental unit.

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

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

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

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

447.03: Rate Provisions

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

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

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

(4) Blended Contract Rate Calculation. Purchasing governmental units may pay a blended contract rate for the purchase of two or more ALTR programs. The blended rate will be calculated according to the following formula: Sum of {[(*Per Diem* rate for Program Model 1)*(Units purchased of Program Model 1)*(Number of clients purchased in Program 1) / (Total number of clients in Program 1)], [(*Per Diem* rate for Program Model 2)*(Units purchased of Program Model 2)*(Number of clients purchased in Program 2) / (Total number of clients in Program 2)], [(*Per Diem* rate for Program Model 3)*(Units purchased of Program Model 3)*(Number of clients purchased in Program 3) / (Total number of clients in Program 3)],…,[Total funding forAdd-ons]} Divided by the [(Sum of the Units purchased)*(Count of clients)] for all programs in the contract.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

(5) Blended Contract Rate Calculation. Purchasing governmental units may pay a Shared Living Blended Contract Rate for the purchase of programs serving two or more clients. The blended rate will be calculated according to the following formula: {Sum of [(Operational Rate 1 * Units purchased of Operational Rate 1) plus (Stipend Rate 1 * Units Purchased of Stipend Rate 1)], plus [(Operational Rate 2 * Units purchased of Operational Rate 2) plus (Stipend Rate 2 * Units Purchased of Stipend Rate 2)], plus [(Operational Rate 3 * Units purchased of Operational Rate 3) plus (Stipend Rate 3)*(Units Purchased of Stipend Rate 3)],..., plus [Total funding for Add-ons] minus [Total Offsetting Revenue]} Divided by the sum of the Operational Rate Units purchased for all clients in the contract.

(6) Approved Rates with Applicable Dates of Service Provided on or after July 1, 2021. The approved rate is the lower of the provider's charge or amount accepted as payment from another payer or the rate listed in 101 CMR 447.03(6).

(a) Adult Long-term Residential Services. Terms used in 101 CMR 447.03(6)(a) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 420.02: *Definitions*.

1. *Per Diem* Operational Program Rates.

FTE	1 Capacity Site		
	Basic Level	**Add-on**	**Total**
3	$578.58	$57.86	$636.44

FTE	1 Capacity Site		
	Intermediate Level	**Add-on**	**Total**
3	$587.72	$58.77	$646.49
3.5	$664.41	$66.44	$730.85
4	$741.10	$74.11	$815.21
4.5	$816.47	$81.65	$898.12
5	$893.16	$89.32	$982.48
5.5	$969.85	$96.99	$1,066.84
6	$1,045.22	$104.52	$1,149.74
6.5	$1,121.91	$112.19	$1,234.10
7	$1,198.60	$119.86	$1,318.46

FTE	2-3 Capacity Site		
	Basic Level	**Add-on**	**Total**
3.5	$770.02	$77.00	$847.02
4	$844.14	$84.41	$928.55
4.5	$916.98	$91.70	$1,008.68
5	$991.10	$99.11	$1,090.21
5.5	$1,065.22	$106.52	$1,171.74
6	$1,138.06	$113.81	$1,251.87
6.5	$1,212.18	$121.22	$1,333.40
7	$1,286.30	$128.63	$1,414.93
7.5	$1,360.42	$136.04	$1,496.46
8	$1,433.26	$143.33	$1,576.59
8.5	$1,507.38	$150.74	$1,658.12
9	$1,581.49	$158.15	$1,739.64

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

FTE	2-3 Capacity Site		
	Intermediate Level	Add-on	Total
3.5	$796.21	$79.62	$875.83
4	$872.90	$87.29	$960.19
4.5	$948.27	$94.83	$1,043.10
5	$1,024.96	$102.50	$1,127.46
5.5	$1,101.65	$110.17	$1,211.82
6	$1,177.02	$117.70	$1,294.72
6.5	$1,253.71	$125.37	$1,379.08
7	$1,330.40	$133.04	$1,463.44
7.5	$1,407.09	$140.71	$1,547.80
8	$1,482.46	$148.25	$1,630.71
8.5	$1,559.15	$155.92	$1,715.07
9	$1,635.85	$163.59	$1,799.44
9.5	$1,711.21	$171.12	$1,882.33
10	$1,787.91	$178.79	$1,966.70
10.5	$1,864.60	$186.46	$2,051.06
11	$1,939.97	$194.00	$2,133.97

FTE	2-3 Capacity Site		
	Medical 1	Add-on	Total
3.5	$851.41	$85.14	$936.55
4	$941.00	$94.10	$1,035.10
4.5	$1,029.21	$102.92	$1,132.13
5	$1,118.80	$111.88	$1,230.68
5.5	$1,208.39	$120.84	$1,329.23
6	$1,296.61	$129.66	$1,426.27
6.5	$1,386.20	$138.62	$1,524.82
7	$1,475.79	$147.58	$1,623.37
7.5	$1,565.38	$156.54	$1,721.92
8	$1,653.60	$165.36	$1,818.96
8.5	$1,743.19	$174.32	$1,917.51
9	$1,832.78	$183.28	$2,016.06
9.5	$1,921.00	$192.10	$2,113.10
10	$2,010.59	$201.06	$2,211.65
10.5	$2,100.18	$210.02	$2,310.20
11	$2,188.39	$218.84	$2,407.23

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

FTE	2-3 Capacity Site		
	Medical 2	Add-on	Total
3.5	$884.35	$88.44	$972.79
4	$981.24	$98.12	$1,079.36
4.5	$1,076.65	$107.67	$1,184.32
5	$1,173.54	$117.35	$1,290.89
5.5	$1,270.43	$127.04	$1,397.47
6	$1,365.84	$136.58	$1,502.42
6.5	$1,462.73	$146.27	$1,609.00
7	$1,559.62	$155.96	$1,715.58
7.5	$1,656.51	$165.65	$1,822.16
8	$1,751.92	$175.19	$1,927.11
8.5	$1,848.81	$184.88	$2,033.69
9	$1,945.70	$194.57	$2,140.27
9.5	$2,041.10	$204.11	$2,245.21
10	$2,138.00	$213.80	$2,351.80
10.5	$2,234.89	$223.49	$2,458.38
11	$2,330.29	$233.03	$2,563.32

FTE	2-3 Capacity Site		
	Medical 3	Add-on	Total
3.5	$926.07	$92.61	$1,018.68
4	$1,032.21	$103.22	$1,135.43
4.5	$1,136.72	$113.67	$1,250.39
5	$1,242.85	$124.29	$1,367.14
5.5	$1,348.99	$134.90	$1,483.89
6	$1,453.50	$145.35	$1,598.85
6.5	$1,559.63	$155.96	$1,715.59
7	$1,665.77	$166.58	$1,832.35
7.5	$1,771.90	$177.19	$1,949.09
8	$1,876.41	$187.64	$2,064.05
8.5	$1,982.55	$198.26	$2,180.81
9	$2,088.69	$208.87	$2,297.56
9.5	$2,193.20	$219.32	$2,412.52
10	$2,299.33	$229.93	$2,529.26
10.5	$2,405.47	$240.55	$2,646.02
11	$2,509.98	$251.00	$2,760.98

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

FTE	4+ Capacity Site		
	Basic Level	Add-on	Total
3.5	$896.80	$89.68	$986.48
4	$970.91	$97.09	$1,068.00
4.5	$1,043.76	$104.38	$1,148.14
5	$1,117.87	$111.79	$1,229.66
5.5	$1,191.99	$119.20	$1,311.19
6	$1,264.83	$126.48	$1,391.31
6.5	$1,338.95	$133.90	$1,472.85
7	$1,413.07	$141.31	$1,554.38
7.5	$1,487.19	$148.72	$1,635.91
8	$1,560.03	$156.00	$1,716.03
8.5	$1,634.15	$163.42	$1,797.57
9	$1,708.27	$170.83	$1,879.10
9.5	$1,781.11	$178.11	$1,959.22
10	$1,855.23	$185.52	$2,040.75
10.5	$1,929.35	$192.94	$2,122.29
11	$2,002.19	$200.22	$2,202.41
11.5	$2,076.31	$207.63	$2,283.94
12	$2,150.43	$215.04	$2,365.47
12.5	$2,224.54	$222.45	$2,446.99

FTE	4+ Capacity Site		
	Intermediate Level	Add-on	Total
4	$1,009.09	$100.91	$1,110.00
4.5	$1,085.36	$108.54	$1,193.90
5	$1,162.05	$116.21	$1,278.26
5.5	$1,238.74	$123.87	$1,362.61
6	$1,314.11	$131.41	$1,445.52
6.5	$1,390.81	$139.08	$1,529.89
7	$1,467.50	$146.75	$1,614.25
7.5	$1,544.19	$154.42	$1,698.61
8	$1,619.56	$161.96	$1,781.52
8.5	$1,696.25	$169.63	$1,865.88
9	$1,772.94	$177.29	$1,950.23
9.5	$1,848.31	$184.83	$2,033.14
10	$1,925.00	$192.50	$2,117.50
10.5	$2,001.69	$200.17	$2,201.86
11	$2,077.06	$207.71	$2,284.77
11.5	$2,153.75	$215.38	$2,369.13
12	$2,230.44	$223.04	$2,453.48
12.5	$2,307.14	$230.71	$2,537.85
13	$2,382.50	$238.25	$2,620.75
13.5	$2,459.20	$245.92	$2,705.12
14	$2,535.89	$253.59	$2,789.48
14.5	$2,611.26	$261.13	$2,872.39
15	$2,687.95	$268.80	$2,956.75
15.5	$2,764.64	$276.46	$3,041.10

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

FTE	4+ Capacity Site		
	Medical 1	Add-on	Total
6	$1,433.71	$143.37	$1,577.08
6.5	$1,523.30	$152.33	$1,675.63
7	$1,612.89	$161.29	$1,774.18
7.5	$1,702.48	$170.25	$1,872.73
8	$1,790.69	$179.07	$1,969.76
8.5	$1,880.28	$188.03	$2,068.31
9	$1,969.87	$196.99	$2,166.86
9.5	$2,058.09	$205.81	$2,263.90
10	$2,147.68	$214.77	$2,362.45
10.5	$2,237.27	$223.73	$2,461.00
11	$2,325.49	$232.55	$2,558.04
11.5	$2,415.08	$241.51	$2,656.59
12	$2,504.67	$250.47	$2,755.14
12.5	$2,594.26	$259.43	$2,853.69
13	$2,682.48	$268.25	$2,950.73
13.5	$2,772.07	$277.21	$3,049.28
14	$2,861.66	$286.17	$3,147.83
14.5	$2,949.87	$294.99	$3,244.86
15	$3,039.46	$303.95	$3,343.41
15.5	$3,129.05	$312.91	$3,441.96

FTE	4+ Capacity Site		
	Medical 2	Add-on	Total
6	$1,502.93	$150.29	$1,653.22
6.5	$1,599.82	$159.98	$1,759.80
7	$1,696.71	$169.67	$1,866.38
7.5	$1,793.60	$179.36	$1,972.96
8	$1,889.01	$188.90	$2,077.91
8.5	$1,985.90	$198.59	$2,184.49
9	$2,082.79	$208.28	$2,291.07
9.5	$2,178.20	$217.82	$2,396.02
10	$2,275.09	$227.51	$2,502.60
10.5	$2,371.98	$237.20	$2,609.18
11	$2,467.39	$246.74	$2,714.13
11.5	$2,564.28	$256.43	$2,820.71
12	$2,661.17	$266.12	$2,927.29
12.5	$2,758.06	$275.81	$3,033.87
13	$2,853.47	$285.35	$3,138.82
13.5	$2,950.36	$295.04	$3,245.40
14	$3,047.25	$304.73	$3,351.98
14.5	$3,142.65	$314.27	$3,456.92
15	$3,239.55	$323.96	$3,563.51
15.5	$3,336.44	$333.64	$3,670.08

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

FTE	4+ Capacity Site		
	Medical 3	Add-on	Total
6	$1,590.59	$159.06	$1,749.65
6.5	$1,696.73	$169.67	$1,866.40
7	$1,802.86	$180.29	$1,983.15
7.5	$1,909.00	$190.90	$2,099.90
8	$2,013.51	$201.35	$2,214.86
8.5	$2,119.64	$211.96	$2,331.60
9	$2,225.78	$222.58	$2,448.36
9.5	$2,330.29	$233.03	$2,563.32
10	$2,436.43	$243.64	$2,680.07
10.5	$2,542.56	$254.26	$2,796.82
11	$2,647.07	$264.71	$2,911.78
11.5	$2,753.21	$275.32	$3,028.53
12	$2,859.34	$285.93	$3,145.27
12.5	$2,965.48	$296.55	$3,262.03
13	$3,069.99	$307.00	$3,376.99
13.5	$3,176.13	$317.61	$3,493.74
14	$3,282.26	$328.23	$3,610.49
14.5	$3,386.77	$338.68	$3,725.45
15	$3,492.91	$349.29	$3,842.20
15.5	$3,599.04	$359.90	$3,958.94

2. Add-on Rates.

Vehicle Add-on	Day	Add-on	Total
Sedan	$31.16	$3.12	$34.28
Minivan	$42.39	$4.24	$46.63
Van	$48.82	$4.88	$53.70
Wheelchair Van	$62.33	$6.23	$68.56

Vehicle Add-on	Month	Add-on	Total
Sedan	$947.90	$94.79	$1,042.69
Minivan	$1,289.35	$128.94	$1,418.29
Van	$1,485.04	$148.50	$1,633.54
Wheelchair Van	$1,895.83	$189.58	$2,085.41

Vehicle Upgrade	Day	Add-on	Total
Sedan to Minivan	$11.23	$1.12	$12.35
Sedan to Van	$17.66	$1.77	$19.43
Sedan to Wheelchair Van	$31.17	$3.12	$34.29
Minivan to Van	$6.43	$0.64	$7.07
Minivan to Wheelchair Van	$19.94	$1.99	$21.93
Van to Wheelchair Van	$13.51	$1.35	$14.86

Vehicle Upgrade	Month	Add-on	Total
Sedan to Minivan	$341.44	$34.14	$375.58
Sedan to Van	$537.13	$53.71	$590.84
Sedan to Wheelchair Van	$947.93	$94.79	$1,042.72
Minivan to Van	$195.69	$19.57	$215.26
Minivan to Wheelchair Van	$606.49	$60.65	$667.14
Van to Wheelchair Van	$410.80	$41.08	$451.88

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Staff Title Add-on	Unit	Rate	Add-on	Total
Direct Care	Hour	$20.32	$2.03	$22.35
Direct Care	Day	$162.56	$16.26	$178.82
Direct Care (Intermediate/Medical)	Hour	$21.02	$2.10	$23.12
Direct Care (Intermediate/Medical)	Day	$168.16	$16.82	$184.98
Certified Nurse Assistant (CNA)	Hour	$20.36	$2.04	$22.40
Licensed Practical Nurse (LPN)	Hour	$40.20	$4.02	$44.22
Registered Nurse (RN)	Hour	$60.80	$6.08	$66.88
Clinician (LICSW)	Hour	$42.64	$4.26	$46.90
Clinical Psychologist	Hour	$53.22	$5.32	$58.54
Psychologist/Psychiatrist (PhD Level)	Hour	$136.72	$13.67	$150.39

(b) Family Stabilization Services. Terms used in 101 CMR 447.03(6)(b) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 414.02: *Definitions*.

Service	Unit	Rate	Add-on	Total
Adult Companion	15 minutes	$5.68	$0.57	$6.25
Adult Companion Group Services Group of 2	15 minutes	$3.65	$0.37	$4.02
Adult Companion Group Services Group of 3	15 minutes	$2.42	$0.24	$2.66
Behavioral Support Services Bachelor's	15 minutes	$16.09	$1.61	$17.70
Behavioral Support Services Master's	15 minutes	$24.18	$2.42	$26.60
Behavioral Support Services PhD	15 minutes	$34.58	$3.46	$38.04
Family Training	15 minutes	$8.74	$0.87	$9.61
Peer Support	15 minutes	$7.59	$0.76	$8.35
Peer Support Group of 2	15 minutes	$3.80	$0.38	$4.18
Peer Support Group of 5	15 minutes	$1.53	$0.15	$1.68
Respite in Caregiver's Home Level 1	Day	$119.99	$12.00	$131.99
Respite in Caregiver's Home Level 2	Day	$142.94	$14.29	$157.23
Respite in Caregiver's Home Level 3	Day	$170.35	$17.04	$187.39
Respite in Recipient's Home. 1:1	15 minutes	$6.82	$0.68	$7.50
Respite in Recipient's Home. 1:2	15 minutes	$3.41	$0.34	$3.75
Respite in Recipient's Home. 1:3	15 minutes	$2.28	$0.23	$2.51
Respite in Recipient's Home	Day	$245.43	$24.54	$269.97
Site-based Respite	Day	$273.41	$27.34	$300.75
Site-based Respite with Nursing	Day	$340.68	$34.07	$374.75

(c) Shared Living Services. Terms used in 101 CMR 447.03(6)(c) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 411.02: *Definitions*.

1. Operational Program Rates.

Service	Unit of Service	Operational Rate	Add-on	Total
Shared Living A	Per Placement Per Day	$49.57	$4.96	$54.53
Shared Living B	Per Placement Per Day	$69.02	$6.90	$75.92
Shared Living C	Per Placement Per Day	$111.73	$11.17	$122.90
Direct Care	Per Hour	$20.32	$2.03	$22.35
LICSW	Per Hour	$42.64	$4.26	$46.90
Registered Nurse (RN)	Per Hour	$60.80	$6.08	$66.88
Licensed Practical Nurse (LPN)	Per Hour	$40.20	$4.02	$44.22

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

2. Shared Living Stipend Rates.

Level	Daily Stipend Rate	Stipend Level	Add-on	Daily Stipend Rate	Stipend Level
1	$27.76	$9,633	$2.78	$30.54	$10,596
2	$38.34	$13,304	$3.83	$42.17	$14,634
3	$46.00	$15,962	$4.60	$50.60	$17,558
4	$53.67	$18,623	$5.37	$59.04	$20,486
5	$61.34	$21,285	$6.13	$67.47	$23,413
6	$69.01	$23,946	$6.90	$75.91	$26,341
7	$76.67	$26,604	$7.67	$84.34	$29,265
8	$84.34	$29,266	$8.43	$92.77	$32,193
9	$92.01	$31,927	$9.20	$101.21	$35,120
10	$99.68	$34,589	$9.97	$109.65	$38,048
11	$107.34	$37,247	$10.73	$118.07	$40,972
12	$115.01	$39,908	$11.50	$126.51	$43,899
13	$122.68	$42,570	$12.27	$134.95	$46,827
14	$130.34	$45,228	$13.03	$143.37	$49,751
15	$138.01	$47,889	$13.80	$151.81	$52,678
16	$145.68	$50,551	$14.57	$160.25	$55,606
17	$153.35	$53,212	$15.34	$168.69	$58,534
18	$161.01	$55,870	$16.10	$177.11	$61,458
19	$168.68	$58,532	$16.87	$185.55	$64,385
20	$176.35	$61,193	$17.64	$193.99	$67,313
21	$184.02	$63,855	$18.40	$202.42	$70,240
22	$190.92	$66,249	$19.09	$210.01	$72,874
23	$199.35	$69,174	$19.94	$219.29	$76,092
24	$207.78	$72,100	$20.78	$228.56	$79,310
25	$214.69	$74,497	$21.47	$236.16	$81,947

(d) Adult Community Mental Health Services. Terms used in 101 CMR 447.03(6)(d) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 426.02: *Definitions*.

Program Service Model	Per Enrolled Day Rate	Add-on	Total
Integrated Team	$41.22	$4.12	$45.34
Integrated Team with GLE/SIE	$28.72	$2.87	$31.59
Supervised Group Living Environment (GLEs):			
Fewer than 13 Beds (Standard GLEs):			
Four to Six Beds	$245.78	$24.58	$270.36
Seven to Nine Beds	$173.85	$17.39	$191.24
Ten to 12 Beds	$141.16	$14.12	$155.28
Supported Independent Environments (SIEs):			
13 to 16 Beds (Model A)	$61.61	$6.16	$67.77
17 to 25 Beds (Model B)	$48.53	$4.85	$53.38
26 to 35 Beds (Model C)	$35.45	$3.55	$39.00
Intensive Group Living Environment Services:			
Medically Intensive Group Living Environment: Four to Six Beds	$395.67	$39.57	$435.24
Medically Intensive Group Living Environment: Seven to Nine Beds	$328.23	$32.82	$361.05
Medically Intensive Group Living Environment: Ten to 12 Beds	$295.94	$29.59	$325.53
Intensive Behavioral Group Living Environment: Four to Six Beds	$403.62	$40.36	$443.98
Intensive Behavioral Group Living Environment: Seven to Nine Beds	$306.31	$30.63	$336.94

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Program Service Model	Per Enrolled Day Rate	Add-on	Total
Intensive Group Living Environment Services:			
Intensive Behavioral Group Living Environment: Ten to 12 Beds	$264.08	$26.41	$290.49
Intensive Behavioral Assessment Group Living Environment: Four to Six Beds	$329.05	$32.91	$361.96
Intensive Behavioral Assessment Group Living Environment: Ten to 12 Beds	$229.15	$22.92	$252.07
Intensive Fire Safety Group Living Environment: Four to Six Beds	$384.54	$38.45	$422.99
Clinically Intensive Group Living Environment: Four to Six Beds	$458.31	$45.83	$504.14
Clinically Intensive Group Living Environment: Seven to Nine Beds	$402.33	$40.23	$442.56
Clinically Intensive Group Living Environment: Ten to 12 Beds	$364.62	$36.46	$401.08
Intensive Dialectical Behavioral Therapy Group Living Environment: Four to Six Beds	$386.07	$38.61	$424.68
Intensive Dialectical Behavioral Therapy Group Living Environment: Seven to Nine Beds	$299.37	$29.94	$329.31
Program Service Model Add-on	**Per Client, per Month**	**Add-on**	**Total**
Lease Management Add-on	$26.60	$2.66	$29.26

(e) Community-based Day Support Services. Terms used in 101 CMR 447.03(6)(e) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 415.02: *Definitions*.

CBDS Level	Unit of Service	Rate	Add-on	Total
A	15 Minutes	$11.86	$1.19	$13.05
B	15 Minutes	$6.82	$0.68	$7.50
C	15 Minutes	$4.89	$0.49	$5.38
D	15 Minutes	$4.09	$.41	$4.50
I	15 Minutes	$8.65	$0.87	$9.52

(f) Supported Employment Services. Terms used in 101 CMR 447.03(6)(f) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 419.02: *Definitions*.

Supported Employment Base Service	Unit of Service	Rate	Add-on	Total
Individual Supported Employment	15 Minutes Per Client	$14.16	$1.42	$15.58
Ongoing Individual Supported Employment	15 Minutes Per Client	$10.54	$1.05	$11.59
Group Supported Employment	15 Minutes Per Client	$4.11	$0.41	$4.52
High-intensity Service / Specialized Program Rates				
High-Intensity Group Supported Employment	15 Minutes Per Client	$6.20	$0.62	$6.82
Add-on Services				
Direct Care Add-on	15 Minutes Per Client	$5.51	$0.55	$6.06
Direct Care III Add-on	15 Minutes Per Client	$7.13	$0.71	$7.84
Transportation to Individual Job Sites				
Travel to and from ISE job sites, up to one hour	15 Minutes Per Client	$7.52	$0.75	$8.27

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Supported Employment Base Service	Unit of Service	Rate	Add-on	Total
Enhanced Staffing for Higher Intensity Clients (Combined Add-on and Base Rate Services)				
1:1 Group Supported Employment	15 Minutes Per Client	$9.62	$0..96	$10.58
1:3 Group Supported Employment	15 Minutes Per Client	$5.94	$0.59	$6.53

(g) Day Habilitation Supplemental Supports. Terms used in 101 CMR 447.03(6)(g) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 424.02: *Definitions*.

Day Habilitation Supplemental Support	Unit of Service	Rate	Add-on	Total
Direct Care / Program Staff	15 Minutes	$5.08	$0.51	$5.59
Registered Nurse (RN)	15 Minutes	$15.20	$1.52	$16.72
Licensed Practical Nurse (LPN)	15 Minutes	$10.05	$1.01	$11.06

(h) In-home Basic Living Supports. Terms used in 101 CMR 447.03(6)(h) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 423.02: *Definitions*.

Level	Unit	Rate	Add-on	Total
A	15 minutes	$6.49	$0.65	$7.14
B	15 minutes	$7.44	$0.74	$8.18
C	15 minutes	$8.23	$0.82	$9.05
D	15 minutes	$8.63	$0.86	$9.49
E	15 minutes	$9.41	$0.94	$10.35
F	15 minutes	$10.37	$1.04	$11.41
G	15 minutes	$11.57	$1.16	$12.73
H	15 minutes	$12.46	$1.25	$13.71
I	15 minutes	$15.24	$1.52	$16.76
J	15 minutes	$17.92	$1.79	$19.71
K	15 minutes	$18.93	$1.89	$20.82

(i) Home Health Services. Terms used in 101 CMR 447.03(6)(i) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 350.02*: General Definitions*.

Code	Unit	Rate	Add-on	Total
G0299	Per visit	$89.21	$8.92	$98.13
G0300	Per visit	$89.21	$8.92	$98.13
G0299 UD	Per visit	$72.30	$7.23	$79.53
G0300 UD	Per visit	$72.30	$7.23	$79.53
T1502	Per visit	$59.14	$5.91	$65.05
T1503	Per visit	$59.14	$5.91	$65.05
99058	Per visit	$28.99	$2.90	$31.89
G0151	Per visit	$71.64	$7.16	$78.80
G0152	Per visit	$74.68	$7.47	$82.15
G0153	Per visit	$76.44	$7.64	$84.08
G0156	Per 15 minutes	$6.73	$0.67	$7.40
G0156 UD	Per 15 minutes	$6.73	$0.67	$7.40
G0493	Per visit	$89.21	$8.92	$98.13
G0299 U3	Per visit	$89.21	$8.92	$98.13
G0300 U3	Per visit	$89.21	$8.92	$98.13
99509	Per 15 minutes	$6.73	$0.67	$7.40

(j) Adult Day Health Services. Terms used in 101 CMR 447.03(6)(j) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 310.02: *General Definitions*.

Code	Unit	Rate	Add-on	Total
S5102	*Per Diem*	$78.34	$7.83	$86.17
S5102 TG	*Per Diem*	$99.20	$9.92	$109.12
S5101	Per 3 Hours	$39.15	$3.91	$43.06
S5101 TG	Per 3 Hours	$49.50	$4.95	$54.45

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

(k) Personal Care Attendant Services. Terms used in 101 CMR 447.03(6)(k) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 309.02: *Definitions*.

1. PCA Rates.

Code	Modifier	Unit	Rate
T1019		15 minutes	$5.00
T1019	TU	15 minutes	$2.50
T1019	TV	15 minutes	$2.50
99509	U2	15 minutes	$5.00
99509	U3	*Per diem*	$79.88
99509	TU	1 minute	$0.17
A0170		1 minute	$0.34

2. PCA Wage Component and Employer Expense Component Rates.

PCA Rate Component	PCA Rate (Hourly)	Premium Pay Rate for Overtime and Premium Holiday Rate (Hourly)
PCA Wage Component	$17.71	$26.57
Employer Expense Component	$2.26	$3.39
Total PCA Rate	$19.97	$29.95

3. Personal Care Management Services Rates.

Code	Unit	Rate	Add-on	Total
99456	Per Session	$241.28	$24.13	$265.41
99456 TS	Per Session	$138.67	$13.87	$152.54
T1023	Per Session	$109.93	$10.99	$120.92
T2022	Per Session	$53.63	$5.36	$58.99

(l) Adult Foster Care Services. Terms used in 101 CMR 447.03(6)(l) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 351.02: *Definitions*.

Code	Unit	Rate	Add-on	Total
S5140	*Per Diem*	$48.10	$4.81	$52.91
S5140TG	*Per Diem*	$82.67	$8.27	$90.94
S5140TF	*Per Diem*	$48.10	$4.81	$52.91
S5140U5	*Per Diem*	$82.67	$8.27	$90.94
S5140U6	*Per Diem*	$48.10	$4.81	$52.91
S5140TGU6	*Per Diem*	$82.67	$8.27	$90.94
S5140U7	*Per Diem*	$48.10	$4.81	$52.91
S5140TGU7	*Per Diem*	$82.67	$8.27	$90.94
T1028	Per Admission	$242.38	$24.24	$266.62

(m) Children's Behavioral Health Services. Terms used in 101 CMR 447.03(6)(m) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 352.02: *General Definitions*.

Code	Unit	Rate	Add-on	Total
H0038	15 minutes	$15.96	$5.11	$21.07
H2011-HN	15 minutes	$21.07	$6.74	$27.81
H2011-HO	15 minutes	$31.43	$10.06	$41.49
H2014-HN	15 minutes	$13.83	$4.43	$18.26
H2014-HO	15 minutes	$27.21	$8.71	$35.92
H2019-HN	15 minutes	$16.53	$5.29	$21.82
H2019-HO	15 minutes	$23.58	$7.55	$31.13
T1027-EP	15 minutes	$14.23	$4.55	$18.78
H0023-HT	Per Day	$46.63	$14.92	$61.55

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

(n) Ambulance and Wheelchair Van Services. Terms used in 101 CMR 447.03(6)(n) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 327.02: *General Definitions*.

Code	Rate	Add-on	Total Rate
A0130	$40.55	$4.06	$44.61
S0215	$1.46	$0.15	$1.61
T2001	$8.00	$0.80	$8.80

(o) Home and Community-based Services Waiver. Terms used in 101 CMR 447.03(6)(o) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 359.02: *Definitions*.

Service	HCBS Waiver	Units	Agency Rate	Agency Rate Add-on	Agency Rate Total	Non-agency Rate	
						Individual Provider (Self-employed Provider)	Self-directed Service
Adult Companion	ABI-N	Per 15 Min.	$5.39	$0.54	$5.93	89.75% of Agency Rate	N/A
Adult Companion	MFP-CL	Per 15 Min.	$5.39	$0.54	$5.93	89.75% of Agency Rate	89.75% of Agency Rate
Assisted Living	ABI-RH, MFP-RS	*Per Diem*	$106.76	$10.68	$117.44	N/A	N/A
Chore	ABI- N	Per 15 Min.	$8.76	$0.88	$9.64	N/A	N/A
Chore	MFP-CL	Per 15 Min.	$8.76	$0.88	$9.64	89.75% of Agency Rate	89.75% of Agency Rate
Community-based Day Supports	ABI-N, ABI-RH, MFP-CL, MFP-RS	Per 15 Min.	*See* 101 CMR 447.03(6)(e): *Community-based Day Support Services*.			N/A	N/A
Community Support and Navigation	MFP-CL, MFP-RS	Per 15 Min.	$13.97	$1.40	$15.37	N/A	N/A
Community Family Training	MFP-CL	Per 15 Min.	*See* 101 CMR 447.03(6)(b): *Family Stabilization Services*.			89.75% of Agency Rate	N/A
Day Services	ABI-N, ABI-RH, MFP-CL, MFP-RS	*Per Diem*	$131.38	$13.14	$144.52	N/A	N/A
Day Services	ABI-N, ABI-RH, MFP-CL, MFP-RS	Partial *Per Diem*	$65.69	$6.57	$72.26	N/A	N/A
Home Health Aide	MFP-CL	Per 15 Min.	*See* 101 CMR 447.03(6)(i): *Home Health Services.*			N/A	N/A
Homemaker	ABI-N	Per 15 Min.	$6.30	$0.63	$6.93	N/A	N/A
Homemaker	MFP-CL	Per 15 Min.	$6.30	$0.63	$6.93	89.75% of Agency Rate	89.75% of Agency Rate
Independent Living Supports	MFP-CL	*Per Diem*	$83.88	$8.39	$92.27	N/A	N/A
Individual Support and Community Habilitation	ABI-N	Per 15 Min.	*See* Levels G - H in 101 CMR 447.03(6)(h): *In-home Basic Living Supports.*			89.69% of Agency Rate	N/A

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Service	HCBS Waiver	Units	Agency Rate	Agency Rate Add-on	Agency Rate Total	Non-agency Rate	
						Individual Provider (Self-employed Provider)	Self-directed Service
Individual Support and Community Habilitation	MFP-CL, MFP-RS	Per 15 Min.	*See* Levels G - H in 101 CMR 447.03(6)(h): *In-home Basic Living Supports*.			89.69% of Agency Rate	89.69% of Agency Rate
Occupational Therapy	ABI-N, ABI-RH, MFP-CL, MFP-RS	Per Visit	*See* 101 CMR 447.03(6)(i): *Home Health Services*.			*See* 101 CMR 339.00: *Restorative Services* (out-of-office visit rate)	N/A
Orientation and Mobility Services	MFP-CL, MFP-RS	Per 15 Min.	Level I: $32.00 Level II:$ 35.38 Level III: $38.75	Level I: $3.20 Level II: $3.54 Level III: $3.88	Level I: $35.20 Level II: $38.92 Level III: $42.63	Level I:$32.00 Level II: $35.38 Level III: $38.75	N/A
Peer Support	MFP-CL, MFP-RS	Per 15 Min.	*See* 101 CMR 447.03(6)(b): *Family Stabilization Services*.			89.75% of Agency Rate	89.75% of Agency Rate
Personal Care	ABI-N	Per 15 Min.	$6.35	$0.64	$6.99	N/A	N/A
Personal Care	MFP-CL	Per 15 Min.	$6.35	$0.64	$6.99	*See* 101 CMR 447.03(6)(k): *Personal Care Attendant Services*.	
Physical Therapy	ABI-N, ABI-RH, MFP-CL, MFP-RS	Per Visit	*See* 101 CMR 447.03(6)(i): *Home Health Services*.			*See* 101 CMR 339.00: *Restorative Services* (out-of-office visit rate)	N/A
Prevocational Services	MFP-CL, MFP-RS	Per 15 Min.	$9.35	$0.94	$10.29	N/A	N/A
Residential Family Training	MFP-RS	Per 15 Min.	*See* 101 CMR 447.03(6)(b): *Family Stabilization Services*.			89.75% of Agency Rate	N/A
Residential Habilitation Services	ABI-RH, MFP-RS	*Per Diem*	*See* 101 CMR 447.03(6)(a): *Adult Long-term Residential Services*.			NA	NA
Shared Home Supports	MFP-CL	*Per Diem*	*See* 101 CMR 447.03(6)(c): *Shared Living Services*. (Shared Living Operational Rate Level A, Stipend Levels 1, 2, or 3)			N/A	N/A
Shared Living – 24 Hour Supports	ABI-RH, MFP-RS	*Per Diem*	*See* 101 CMR 447.03(6)(c): *Shared Living Services*.			N/A	N/A
Skilled Nursing – LPN	MFP-CL, MFP-RS	Per Visit	*See* 101 CMR 447.03(6)(i): *Home Health Services*.			N/A	N/A
Skilled Nursing – RN	MFP-CL, MFP-RS	Per Visit	*See* 101 CMR 447.03(6)(i): *Home Health Services*.			N/A	N/A

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Service	HCBS Waiver	Units	Agency Rate	Agency Rate Add-on	Agency Rate Total	Non-agency Rate	
						Individual Provider (Self-employed Provider)	Self-directed Service
Specialized Medical Equipment	ABI-N, ABI-RH MFP-CL MFP-RS	Item	*See* 101 CMR 447.03(6)(s): *Durable Medical Equipment*.			N/A	N/A
Speech Therapy	ABI-N, ABI-RH MFP-CL MFP-RS	Per Visit	*See* 101 CMR 447.03(6)(i): *Home Health Services*.			*See* 101 CMR 339.00: *Restorative Services* (out-of-office visit rate)	N/A
Supported Employment	ABI-N, ABI-RH MFP-CL MFP-RS	Per 15 Min.	*See* 101 CMR 447.03(6)(f): *Supported Employment Services*. (rate for Individual Supported Employment)			N/A	N/A
Transitional Assistance	ABI-N, ABI-RH, MFP-CL, MFP-RS	Per Episode	Service Component: I.C plus 10% Goods Component: I.C.			N/A	N/A
Transportation	ABI-N, ABI-RH, MFP-CL, MFP-RS	One-way Trip	*See* 101 CMR 327.00: *Rates of Payment for Ambulance and Wheelchair Van Services*.			N/A	N/A
Supportive Home Care Aide	MFP-CL	Per 15 Min.	$7.61	$0.76	$8.37	N/A	N/A

(p) Youth Intermediate-term Stabilization Services. Terms used in 101 CMR 447.03(6)(p) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 413.02: *Definitions*.

1. Rates for Services Provided by the Department of Mental Health.

Model	Rate *per Diem*	Add-on	Total
Group Home Intensive 1:3 (DMH)	$354.02	$35.40	$389.42
Group Home 1:4 (DMH)	$297.74	$29.77	$327.51
Group Home Pre-independent Living (DMH)	$255.54	$25.55	$281.09
Independent Living (DMH)	$110.35	$11.04	$121.39
Continuum Community Wrap (DMH)	$119.02	$11.90	$130.92
Continuum Adjusted GH 1:3 (DMH)	$357.77	$35.78	$393.55
Continuum Adjusted GH 1:4 (DMH)	$297.07	$29.71	$326.78
Continuum Follow Along (DMH)	$69.63	$6.96	$76.59
Continuum Stepping Out (DMH)	$48.45	$4.85	$53.30
Transitional Age Youth: Young Adult Group Living Environment (DMH)	$355.74	$35.57	$391.31

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

2. Congregate Care Rates.

Model	Unit	Rate	Add-on	Total
Intensive Home Based Therapeutic Care	per day per person	$148.40	$14.84	$163.24
Therapeutic Group Care - six beds	monthly program rate	$73,241	$7,324	$80,565
Therapeutic Group Care - nine beds	monthly program rate	$101,165	$10,117	$111,282
Therapeutic Group Care - 12 beds	monthly program rate	$125,901	$12,590	$138,491
Young Adult Supported Living	per bed day	$143.96	$14.40	$158.36
Young Adult Therapeutic Care - Outreach	daily slot rate	$53.61	$5.36	$58.97
Young Adult Therapeutic Care - Staffed Apartments	monthly program rate	$75,167	$7,517	$82,684
Young Adult Therapeutic Care - Staffed Apartments	monthly single apt.	$12,528	$1,253	$13,781
Young Adult Therapeutic Care - Supported Apartments	monthly single apt.	$5,348	$535	$5,883
Young Adult Therapeutic Care - Supported Apartments Hold	daily rate	$61.78	$6.18	$67.96

(q) Continuous Skilled Nursing Services. Terms used in 101 CMR 447.03(6)(q) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 361.02: *General Definitions*.

Code	Unit	Rate (Agency)	Add-on (Agency)	Total (Agency)	Rate (Individual)	Add-on (Individual)	Total (Individual)
T1002	15 minutes	$13.51	$4.32	$17.83	$11.10	$3.55	$14.65
T1002- UJ	15 minutes	$14.35	$4.59	$18.94	$11.87	$3.80	$15.67
T1002	15 minutes	$18.68	$5.98	$24.66	$15.90	$5.09	$20.99
T1003	15 minutes	$11.14	$3.56	$14.70	$9.24	$2.96	$12.20
T1003- UJ	15 minutes	$11.84	$3.79	$15.63	$9.90	$3.17	$13.07
T1003	15 minutes	$15.50	$4.96	$20.46	$13.32	$4.26	$17.58
T1002 TT	15 minutes	$19.00	$6.08	$25.08	$16.04	$5.13	$21.17
T1002 U1	15 minutes	$20.23	$6.47	$26.70	$17.21	$5.51	$22.72
T1002 TT	15 minutes	$26.73	$8.55	$35.28	$23.24	$7.44	$30.68
T1003 TT	15 minutes	$15.75	$5.04	$20.79	$13.42	$4.29	$17.71
T1003 U1	15 minutes	$16.79	$5.37	$22.16	$14.39	$4.60	$18.99
T1003 TT	15 minutes	$22.29	$7.13	$29.42	$19.51	$6.24	$25.75
T1002 U2	15 minutes	$22.70	$7.26	$29.96	$18.61	$5.96	$24.57
T1002 U3	15 minutes	$24.15	$7.73	$31.88	$19.96	$6.39	$26.35
T1002 U2	15 minutes	$31.74	$10.16	$41.90	$27.01	$8.64	$35.65
T1003 U2	15 minutes	$19.12	$6.12	$25.24	$15.56	$4.98	$20.54
T1003 U3	15 minutes	$20.34	$6.51	$26.85	$16.71	$5.35	$22.06
T1003 U2	15 minutes	$26.76	$8.56	$35.32	$22.67	$7.25	$29.92
T1002 TU	15 minutes	$18.68	$5.98	$24.66	$15.90	$5.09	$20.99
T1002 U4	15 minutes	$19.93	$6.38	$26.31	$17.06	$5.46	$22.52
T1002 TU	15 minutes	$26.43	$8.46	$34.89	$23.10	$7.39	$30.49
T1003 TU	15 minutes	$15.50	$4.96	$20.46	$13.32	$4.26	$17.58
T1003 U4	15 minutes	$16.56	$5.30	$21.86	$14.29	$4.57	$18.86
T1003 TU	15 minutes	$22.05	$7.06	$29.11	$19.39	$6.20	$25.59

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

(r) Day Habilitation Services. Terms used in 101 CMR 447.03(6)(r) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 411.02: *Definitions*.

Code	Unit	Rate	Add-on	Total
H2014	Per 15 Minutes	$3.65	$0.37	$4.02
S5101	Per 3 Hours	$43.80	$4.38	$48.18
S5102	Per 6 Hours	$87.60	$8.76	$96.36
H2014-TF	Per 15 Minutes	$4.13	$0.41	$4.54
S5101-TF	Per 3 Hours	$49.50	$4.95	$54.45
S5012-TF	Per 6 Hours	$99.00	$9.90	$108.90
H2014-TG	Per 15 Minutes	$5.35	$0.54	$5.89
S5101-TG	Per 3 Hours	$64.20	$6.42	$70.62
S5102-TG	Per 6 Hours	$128.40	$12.84	$141.24

(s) Durable Medical Equipment. Terms used in 101 CMR 447.03(6)(s) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 322.02: *General Definitions*.

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Injection Supplies	
A4206	$0.24
A4207	$0.47
A4208	$0.31
A4209	$0.50
A4210	AAC+30%
A4210TW	$5.48
A4211	AAC+30%
A4212	$0.14
A4213	$0.84
A4215NU	$0.11
A4215KX	$0.25
A4216	$0.46
A4217NU	$2.76
A4217AU	$2.76
A4218	AAC+30%
A4220	AAC+30%
A4221	$20.77
A4222	$41.36
A4223	AAC+30%
A4224	$18.14
A4225	2.43
Batteries	
A4233NU	$0.64
A4233NUKL	$0.85
A4234NU	$2.75
A4234NUKL	$3.82
A4235NU	$1.17
A4235NUKL	$2.45
A4236NU	$1.31
A4236NUKL	$1.76

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Other Supplies	
A4244	$1.40
A4245	$3.97
A4246	$5.20
A4247	$3.92
A4248	AAC+30%
A4250	$20.77
A4253NU	$9.15
A4253NUKL	$9.15
A4255	$4.75
A4256	$4.40
A4256KL	$11.99
A4257	$15.51
A4258	$2.77
A4258KL	$18.92
A4259	$1.82
A4259KL	$11.34
A4264	AAC+30%
A4265	$3.52
A4281	$5.64
A4282	AAC+30%
A4283	AAC+30%
A4284	AAC+30%
A4285	AAC+30%
A4286	AAC+30%
Vascular Catheters and Drug Delivery Systems	AAC+30%
A4305	AAC+30%
A4306	AAC+30%
Incontinence Appliances and Care Supplies	
A4310	$7.99
A4311	$14.44
A4312	$15.85
A4313	$16.28
A4314	$22.22
A4315	$23.18
A4316	$29.35
A4320	$5.52
A4321	AAC+30%
A4322	$3.15
A4326	$10.71
A4327	$43.68
A4328	$9.17
A4330	$7.39
A4331	$3.29
A4332	$0.12
A4333	$2.28
A4334	$5.08
A4335	AAC+30%
A4336	$1.49
A4337	AAC+30%
A4338	$12.68
A4340	$32.82

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Incontinence Appliances and Care Supplies	
A4344	$15.70
A4346	$20.24
A4349	$2.09
A4351	$1.88
A4352	$6.64
A4353	$7.23
A4354	$12.20
A4355	$7.83
A4356	$40.08
A4357	$8.53
A4358	$6.85
A4360	$0.43
Ostomy Supplies	
A4361	$18.43
A4362	$3.05
A4363	$2.45
A4364	$2.98
A4366	$1.34
A4367	$6.84
A4368	$0.26
A4369	$2.51
A4371	$3.77
A4372	$4.33
A4373	$6.48
A4375	$17.75
A4376	$49.19
A4377	$4.44
A4378	$31.77
A4379	$15.52
A4380	$38.58
A4381	$4.77
A4382	$25.44
A4383	$29.14
A4384	$9.94
A4385	$5.27
A4387	$2.32
A4388	$4.52
A4389	$6.42
A4390	$9.93
A4391	$7.32
A4392	$8.45
A4393	$9.35
A4394	$2.67
A4395	$0.04
A4396	$41.84
A4397	$4.21
A4398	$14.03
A4399	$12.68
A4400	$50.51
A4402	$1.41
A4404	$1.74
A4405	$3.52
A4406	$5.92

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Ostomy Supplies	
A4407	$9.05
A4408	$10.20
A4409	$6.42
A4410	$9.35
A4411	$5.27
A4412	$2.79
A4413	$5.70
A4414	$5.08
A4415	$6.19
A4416	$2.85
A4417	$3.84
A4418	$1.88
A4419	$1.79
A4420	AAC+30%
A4421	AAC+30%
A4422	$0.12
A4423	$1.93
A4424	$4.92
A4425	$3.71
A4426	$2.83
A4427	$2.88
A4428	$6.73
A4429	$8.53
A4430	$8.80
A4431	$6.42
A4432	$3.71
A4433	$3.47
A4434	$3.88
A4435	$5.96
Miscellaneous Supplies	
A4450AU	$0.09
A4450AV	$0.09
A4450AW	$0.11
A4452AU	$0.37
A4452AV	$0.37
A4452AW	$0.41
A4455	$1.47
A4456	$0.25
A4458	AAC+30%
A4459	AAC+30%
A4461	$3.40
A4463	$13.76
A4465	$12.67
A4467	AAC+30%
A4470	AAC+30%
A4480	AAC+30%
A4481	$0.39
A4483	$76.56
A4490	$7.99
A4495	$31.74
A4500	$9.04
A4510	$12.77
A4520	AAC+30%

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Miscellaneous Supplies	
A4550	$1.67
A4553	AAC+30%
A4554	$0.32
A4555	AAC+30%
A4556	$10.68
A4557	$18.32
A4558	$4.80
A4559	$0.10
A4561	$20.63
A4562	$51.35
A4565	$7.95
A4566	AAC+30%
A4570	AAC+30%
A4575	AAC+30%
A4580	AAC+30%
A4590	AAC+30%
A4595	$22.72
A4600	AAC+30%
A4601	AAC+30%
A4602	$3.84
A4604NU	$50.78
A4605NU	$16.95
A4606	AAC+30%
A4608	$51.81
Supplies for Oxygen and Related Respiratory Equipment	
A4611NU	$192.86
A4611RR	$20.00
A4611UE	$144.65
A4612NU	$78.47
A4612RR	$8.00
A4612UE	$59.84
A4613NU	$120.34
A4613RR	$12.05
A4613UE	$87.03
A4614	$24.59
A4615	$0.75
A4616	$0.07
A4617	$3.21
A4618NU	$9.20
A4618RR	$1.07
A4618UE	$6.89
A4619NU	$1.85
A4620	$0.62
A4623	$6.77
A4623UA	AAC+40%
A4623UC	AAC+40%
A4624UC	AAC+30%
A4624NU	$2.31
A4625	$6.08
A4626	$3.30
A4627	$14.61
A4628NU	$3.86
A4628UC	AAC+30%

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
A4629	$4.80
Medical and Surgical Supplies A4000-A9999	
Supplies for Other Durable Medical Equipment	
A4630NU	$6.46
A4633NU	$42.42
A4634	AAC+30%
A4635NU	$5.29
A4635RR	$0.72
A4635UE	$3.52
A4636NU	$3.25
A4636RR	$0.33
A4636UE	$2.40
A4637NU	$1.72
A4637RR	$0.21
A4637UE	$1.29
A4638NU	AAC+30%
A4639NU	$296.96
A4639UE	$222.72
A4639KH, KI	$29.70
A4639KJ	$22.28
A4640NU	$55.51
A4640RR	$5.61
A4640UE	$40.27
A4649	AAC+30%
Dialysis Supplies	
A4651	AAC+30%
A4652	AAC+30%
A4653	AAC+30%
A4657	AAC+30%
A4660	$48.97
A4663	$33.09
A4670	69.93
A4671	AAC+30%
A4672	AAC+30%
A4673	AAC+30%
A4674	AAC+30%
A4680	AAC+30%
A4690	AAC+30%
A4706	AAC+30%
A4707	AAC+30%
A4708	AAC+30%
A4709	AAC+30%
A4714	AAC+30%
A4719	AAC+30%
A4720	AAC+30%
A4721	AAC+30%
A4722	AAC+30%
A4723	AAC+30%
A4724	AAC+30%
A4725	AAC+30%
A4726	AAC+30%
A4728	AAC+30%
A4730	AAC+30%
A4736	AAC+30%
A4737	AAC+30%

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Dialysis Supplies	
A4740	AAC+30%
A4750	AAC+30%
A4755	AAC+30%
A4760	AAC+30%
A4765	AAC+30%
A4766	AAC+30%
A4770	AAC+30%
A4771	AAC+30%
A4773	AAC+30%
A4774	AAC+30%
A4802	AAC+30%
A4860	AAC+30%
A4870	AAC+30%
A4890	AAC+30%
A4911	AAC+30%
A4913	AAC+30%
A4918	AAC+30%
A4927	$12.10
A4930	$0.40
A4931	AAC+30%
A4932	AAC+30%
Ostomy Pouches and Supplies	
A5051	$2.13
A5052	$1.53
A5053	$1.53
A5054	$1.86
A5055	$1.49
A5056	$4.83
A5057	$9.93
A5061	$3.65
A5062	$2.30
A5063	$2.79
A5071	$6.20
A5072	$3.65
A5073	$3.29
A5081	$3.42
A5082	$12.30
A5083	$0.66
A5093	$2.02
Incontinence Supplies	
A5102	$23.17
A5105	$35.82
A5112	$30.94
A5113	$4.62
A5114	$7.88
A5120AU	$0.25
A5120AV	$0.29
A5121	$7.63
A5122	$11.29
A5126	$1.35
A5131	$16.39
A5200	$11.69

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Dressings	
A6000	AAC+30%
A6010	$32.01
A6011	$2.35
A6021	$21.73
A6022	$21.73
A6023	$196.71
A6024	$6.39
A6025	AAC+30%
A6154	$14.87
A6196	$7.60
A6197	$16.98
A6198	AAC+30%
A6199	$5.47
A6203	$3.48
A6204	$6.44
A6205	$16.10
A6206	AAC+30%
A6207	$7.58
A6208	AAC+30%
A6209	$7.72
A6210	$20.60
A6211	$30.36
A6212	$10.03
A6213	$10.18
A6214	$10.63
A6215	AAC+30%
A6216	$0.04
A6217	$0.20
A6218	$0.63
A6219	$0.99
A6220	$2.67
A6221	AAC+30%
A6222	$2.20
A6223	$2.51
A6224	$3.73
A6228	AAC+30%
A6229	$3.73
A6230	AAC+30%
A6231	$4.83
A6232	$7.10
A6233	$19.82
A6234	$6.77
A6235	$17.38
A6236	$28.17
A6237	$8.18
A6238	$23.56
A6239	$22.58
A6240	$12.66
A6241	$2.65
A6242	$6.27
A6243	$12.74
A6244	$40.61
A6245	$7.51

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Dressings	
A6246	$10.26
A6247	$24.59
A6248	$16.80
A6250	$10.13
A6251	$2.06
A6252	$3.37
A6253	$6.55
A6254	$6.55
A6255	$1.24
A6256	$1.52
A6257	$1.60
A6258	$4.46
A6259	$11.32
A6260	$12.35
A6261	AAC+30%
A6262	$1.07
A6266	$1.99
A6402	$0.12
A6403	$0.44
A6404	$0.70
A6407	$1.95
A6410	$0.41
A6411	AAC+30%
A6412	AAC+30%
A6413	AAC+30%
A6441	$0.70
A6442	$0.17
A6443	$0.29
A6444	$0.58
A6445	$0.34
A6446	$0.42
A6447	$0.70
A6448	$1.20
A6449	$1.82
A6450	AAC+30%
A6451	AAC+30%
A6452	$6.11
A6453	$0.65
A6454	$0.80
A6455	$1.44
A6456	$1.31
A6457	$1.18
Compression Garments	
A6501	AAC+30%
A6502	AAC+30%
A6503	AAC+30%
A6504	AAC+30%
A6505	AAC+30%
A6506	AAC+30%
A6507	AAC+30%
A6508	AAC+30%
A6509	AAC+30%
A6510	AAC+30%

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Compression Garments	
A6511	AAC+30%
A6512	AAC+30%
A6513	AAC+30%
A6550	$23.41
Respiratory Supplies	
A7000NU	$7.40
A7001NU	$32.36
A7002NU	$3.75
A7003NU	$2.34
A7004NU	$1.45
A7005NU	$25.17
A7006NU	$8.82
A7007NU	$4.24
A7008NU	$11.37
A7009NU	$41.12
A7010NU	$21.66
A7012NU	$3.63
A7013NU	$0.74
A7014NU	$4.18
A7015NU	$1.72
A7016NU	$7.07
A7017NU	$137.71
A7017RR	$13.77
A7017UE	$103.28
A7018	$0.36
A7020	$14.42
A7025NU	$449.65
A7025UE	$337.24
A7025KH, KI	$44.97
A7025KJ	$33.73
A7026NU	$29.71
A7027NU	$152.06
A7028NU	$44.78
A7029NU	$18.38
A7030NU	$134.67
A7031NU	$50.68
A7032NU	$28.72
A7033NU	$20.65
A7034NU	$83.48
A7035NU	$26.59
A7036NU	$13.68
A7037NU	$25.82
A7038NU	$3.19
A7039NU	$10.43
A7040	$40.80
A7041	$76.69
A7042	$181.39
A7043	$28.74
A7044NU	$92.83
A7045NU	$14.77
A7045RR	$1.47
A7045UE	$11.09
A7046NU	$15.27

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Medical and Surgical Supplies A4000-A9999	
Respiratory Supplies	
A7047	$124.97
A7048	$51.13
Tracheostomy Supplies	
A7501	$108.56
A7502	$51.60
A7503	$11.73
A7504	$0.70
A7505	$4.84
A7506	$0.34
A7507	$2.57
A7508	$2.96
A7509	$1.46
A7520NU	$49.08
A7520UA	AAC+40%
A7520UC	AAC+40%
A7521NU	$48.62
A7521UA	AAC+40%
A7521UC	AAC+40%
A7522NU	$46.68
A7522UC	AAC+30%
A7523	AAC+30%
A7524	$80.01
A7525	$2.13
A7526	$3.50
A7527	$3.71
Protective Helmet	
A8000NU	$158.52
A8000RR	$15.85
A8000UE	$118.91
A8001NU	$158.52
A8001RR	$15.85
A8001UE	$118.91
A8002NU	AAC+40%
A8003NU	AAC+40%
A8004NU	AAC+40%
Other Supplies and Devices	
A9272	AAC+30%
A9273	AAC+30%
A9274	AAC+40%
A9275	AAC+40%
A9276	AAC+40%
A9277	AAC+40%
A9278	AAC+40%
A9279	AAC+40%
A9280	AAC+40%
A9281	AAC+30%
A9282	AAC+30%
A9284	AAC+30%
A9286	AAC+30%
A9300	AAC+40%
A9900	AAC+30%
A9999	AAC+30%

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Enteral and Parenteral Therapy B4000-B9999	
Enteral Formulae and Enteral Medical Supplies	
B4034	$4.41
B4035	$8.33
B4036	$5.87
B4081	$17.17
B4082	$12.64
B4083	$1.96
B4087NU	$28.38
B4087UC	$158.40
B4088NU	$30.76
B4088UC	$158.40
B4100	AAC+35%
B4102	AAC+35%
B4103	AAC+35%
B4104	AAC+35%
B4105	AAC+30%
B4149BA	$1.22
B4149B0	AAC+35%
B4150BA	$0.52
B4150BO	$2.00
B4152BA	$0.42
B4152BO	$1.84
B4153BA	$1.47
B4153BO	$11.26
B4154BA	$0.92
B4154BO	AAC+35%
B4155BA	$0.78
B4155BO	AAC+35%
B4157BA	AAC+35%
B4157BO	AAC+35%
B4158BA	AAC+35%
B4158BO	AAC+35%
B4159BA	AAC+35%
B4159BO	AAC+35%
B4160BA	AAC+35%
B4160BO	AAC+35%
B4161BA	AAC+35%
B4161BO	AAC+35%
B4162BA	AAC+35%
B4162BO	AAC+35%
Parenteral Nutrition Solutions and Supplies	
B4164	$18.24
B4168	$26.59
B4172	AAC+35%
B4176	$51.46
B4178	$61.75
B4180	$26.18
B4185	$12.07
B4189	$190.80
B4193	$246.53
B4197	$300.15

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Enteral and Parenteral Therapy B4000-B9999	
Parenteral Nutrition Solutions and Supplies	
B4199	$342.97
B4216	$8.28
B4220	$8.59
B4222	$10.59
B4224	$26.84
B5000	$12.76
B5100	$4.98
B5200	AAC+35%
Enteral and Parenteral Pumps	
B9002MS	$46.09
B9002NU	$881.86
B9002RR	$86.34
B9002UE	$661.39
B9004MS	$214.37
B9004NU	$2708.28
B9004RR	$428.73
B9004UE	$2031.21
B9006MS	$214.37
B9006NU	$2708.28
B9006RR	$428.73
B9006UE	$2031.21
B9998	AAC+30%
B9999	AAC+30%
Durable Medical Equipment E0100-E9999	
Canes	
E0100NU	$20.97
E0100RR	$5.50
E0100UE	$15.70
E0105NU	$50.08
E0105RR	$7.79
E0105UE	$37.58
E0105UD	AAC+40%
Crutches	
E0110NU	$80.20
E0110RR	$16.52
E0110UE	$60.13
E0110UD	AAC+40%
E0111NU	$55.04
E0111RR	$8.70
E0111UE	$42.48
E0111UD	AAC+40%
E0112NU	$32.51
E0112RR	$8.73
E0112UE	$24.79
E0112UD	AAC+40%
E0113NU	$21.85
E0113RR	$5.32
E0113UE	$16.39
E0113UD	AAC+40%
E0114NU	$41.46
E0114RR	$7.52

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Crutches	
E0114UE	$31.34
E0114UD	AAC+40%
E0116NU	$28.69
E0116RR	$4.75
E0116UE	$21.59
E0116UD	AAC+40%
E0117NU	$199.07
E0117UE	$149.30
E0117UD	AAC+40%
E0117KH, KI	$19.91
E0117KJ	$14.93
E0118NU	AAC+40%
Walkers	
E0130NU	$49.86
E0130RR	$8.47
E0130UE	$37.41
E0130UD	AAC+40%
E0135NU	$57.38
E0135RR	$8.54
E0135UE	$43.68
E0135UD	AAC+40%
E0140NU	$286.96
E0140UE	$215.22
E0140UC	AAC+40%
E0140UD	AAC+40%
E0140KH, KI	$28.71
E0140KJ	$21.54
E0141NU	$84.05
E0141RR	$11.80
E0141UE	$63.04
E0141UC	AAC+40%
E0141UD	AAC+40%
E0143NU	$79.06
E0143RR	$10.73
E0143UE	$59.20
E0143UC	AAC+40%
E0143UD	AAC+40%
E0144NU	$260.68
E0144UE	$195.51
E0144UC	AAC+40%
E0144UD	AAC+40%
E0144KH, KI	$26.07
E0144KJ	$19.55
E0147NU	$432.14
E0147RR	$43.22
E0147UE	$324.10
E0147UD	AAC+40%
E0148NU	$94.46
E0148RR	$9.45
E0148UE	$70.84
E0148UD	AAC+40%
E0149NU	$153.58
E0149UE	$115.18

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Walkers	
E0149UD	AAC+40%
E0149KH, KI	$15.37
E0149KJ	$11.52
Attachments	
E0153NU	$60.96
E0153RR	$6.89
E0153UE	$45.72
E0153UC	AAC+40%
E0153UD	AAC+40%
E0154NU	$48.92
E0154RR	$5.21
E0154UE	$36.69
E0154UC	AAC+40%
E0154UD	AAC+40%
E0155NU	$22.66
E0155RR	$2.57
E0155UE	$17.17
E0155UD	AAC+40%
E0156NU	$18.73
E0156RR	$2.21
E0156UE	$14.06
E0156UD	AAC+40%
E0157NU	$62.74
E0157RR	$6.63
E0157UE	$47.06
E0158NU	$23.57
E0158RR	$2.51
E0158UE	$17.68
E0158UD	AAC+40%
E0159NU	$13.99
E0159RR	$1.41
E0159UE	$10.51
E0159UD	AAC+40%
Commodes	
E0160NU	$30.10
E0160RR	$3.34
E0160UE	$22.56
E0161NU	$23.03
E0161RR	$3.04
E0161UE	$17.25
E0162NU	$150.61
E0162RR	$15.80
E0162UE	$116.79
E0163NU	$85.68
E0163RR	$14.01
E0163UE	$64.25
E0163UD	AAC+40%
E0165KH, KI	$14.67
E0165KJ	$11.00
E0165NU	$146.71
E0165UE	$110.02
E0165UD	AAC+40%
E0167NU	$11.22

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Commodes	
E0167RR	$1.05
E0167UE	$8.45
E0167UD	AAC+40%
E0168NU	$142.18
E0168RR	$14.25
E0168UE	$106.62
E0170KH, KI	$162.48
E0170KJ	$121.86
E0170NU	$1624.84
E0170UE	$1218.64
E0170UD	AAC+40%
E0171KH, KI	$29.13
E0171KJ	$21.85
E0171NU	$291.26
E0171UE	$218.44
E0171UD	AAC+40%
E0172	AAC+40%
E0175NU	$67.17
E0175RR	$6.73
E0175UE	$50.39
Decubitis Care Equipment	
E0181KH, KI	$22.89
E0181KJ	$17.17
E0181NU	$228.89
E0181UE	$171.67
E0182KH, KI	$20.67
E0182KJ	$15.51
E0182NU	$206.73
E0182UE	$155.05
E0184NU	$181.85
E0184RR	$20.42
E0184UE	$138.09
E0185NU	$262.71
E0185RR	$32.97
E0185UE	$199.94
E0186KH, KI	$17.83
E0186KJ	$13.38
E0186NU	$178.31
E0186UE	$133.73
E0187KH, KI	$19.83
E0187KJ	$14.87
E0187NU	$198.32
E0187UE	$148.73
E0188NU	$23.18
E0188RR	$2.53
E0188UE	$17.39
E0189NU	$49.76
E0189RR	$5.04
E0189UE	$37.32
E0190NU	AAC+40%
E0191NU	$10.33
E0191RR	$1.07
E0191UE	$7.70

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Decubitis Care Equipment	
E0193KH, KI	$688.01
E0193KJ	$516.00
E0194KH, KI	$3363.86
E0194KJ	$2522.88
E0196KH, KI	$28.55
E0196KJ	$21.41
E0196NU	$285.46
E0196UE	$214.09
E0197NU	$180.62
E0197UE	$147.97
E0197KH, KI	$21.76
E0197KJ	$16.31
E0198NU	$194.77
E0198UE	$146.08
E0198KH, KI	$19.48
E0198KJ	$14.61
E0199NU	$28.24
E0199RR	$2.83
E0199UE	$21.16
Heat/Cold Application	
E0200NU	$69.66
E0200RR	$9.46
E0200UE	$52.27
E0202RR	$137.50
E0203	AAC+40%
E0205NU	$170.51
E0205RR	$18.76
E0205UE	$127.88
E0210NU	$33.75
E0210RR	$2.75
E0210UE	$25.30
E0215NU	$62.24
E0215RR	$6.51
E0215UE	$46.70
E0217NU	$513.18
E0217RR	$57.13
E0217UE	$384.86
E0218	AAC+40%
E0221	$1859.85
E0225NU	$341.46
E0225RR	$33.66
E0225UE	$256.10
E0231	AAC+40%
E0232	AAC+40%
E0235KH, KI	$16.30
E0235KJ	$12.22
E0235NU	$162.98
E0235UE	$122.23
E0236KH, KI	$45.73
E0236KJ	$34.30
E0236NU	$457.31
E0236UE	$342.98
E0239NU	$464.97

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Heat/Cold Application	
E0239RR	$46.51
E0239UE	$348.73
Bath and Toilet Aids	
E0240NU	AAC+40%
E0241	$35.60
E0242	$76.77
E0243	$41.95
E0244	$66.84
E0244UD	AAC+40%
E0245	$46.61
E0245UD	AAC+40%
E0246	$109.62
E0247NU	AAC+40%
E0248NU	AAC+40%
E0249NU	$102.96
E0249RR	$11.32
E0249UE	$77.22
Hospital Beds and Accessories	
E0250KH, KI	$74.77
E0250KJ	$56.07
E0250NU	$747.63
E0250UE	$560.73
E0250RB	AAC+40%
E0251KH, KI	$58.21
E0251KJ	$43.66
E0251NU	582.13
E0251UE	$436.60
E0251RB	AAC+40%
E0255KH, KI	$86.93
E0255KJ	$65.20
E0255NU	$869.36
E0255UE	$652.03
E0255RB	AAC+40%
E0256KH, KI	$73.46
E0256KJ	$55.09
E0256NU	$643.84
E0256UE	$482.88
E0256RB	AAC+40%
E0260KH, KI	$97.93
E0260KJ	$73.45
E0260NU	$979.32
E0260UE	$734.49
E0260RB	AAC+40%
E0261KH, KI	$95.82
E0261KJ	$71.86
E0261NU	$958.19
E0261UE	$718.64
E0261RB	AAC+40%
E0265KH, KI	$152.66
E0265KJ	$114.49
E0265NU	$1526.58
E0265UE	$1144.94
E0265RB	AAC+40%

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Hospital Beds and Accessories	
E0266KH, KI	$134.46
E0266KJ	$100.85
E0266NU	$1344.63
E0266UE	$1008.47
E0266RB	AAC+40%
E0270	AAC+40%
E0271NU	$157.05
E0271RR	$16.09
E0271UE	$120.87
E0272NU	$154.46
E0272RR	$15.85
E0272UE	$115.53
E0273	$49.20
E0274NU	$67.09
E0274RR	$6.71
E0274UE	$50.31
E0275NU	$14.37
E0275RR	$1.44
E0275UE	$10.79
E0276NU	$11.63
E0276RR	$1.36
E0276UE	$8.95
E0277KH, KI	$430.61
E0277KJ	$322.95
E0277NU	$4306.05
E0277UE	$3229.53
E0280NU	$29.39
E0280RR	$2.94
E0280UE	$22.04
E0290KH, KI	$59.09
E0290KJ	$44.32
E0290NU	$590.92
E0290UE	$443.19
E0290RB	AAC+40%
E0291KH, KI	$43.12
E0291KJ	$32.34
E0291NU	$431.22
E0291UE	$323.42
E0291RB	AAC+40%
E0292KH, KI	$66.40
E0292KJ	$49.80
E0292NU	$663.95
E0292UE	$497.96
E0292RB	AAC+40%
E0293KH, KI	$56.51
E0293KJ	$42.37
E0293NU	$565.03
E0293UE	$423.76
E0293	AAC+40%
E0294KH, KI	$94.66
E0294KJ	$70.98
E0294NU	$946.51
E0294UE	$709.87

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Hospital Beds and Accessories	
E0294RB	AAC+40%
E0295KH, KI	$92.17
E0295KJ	$69.12
E0295NU	$921.72
E0295UE	$691.30
E0295RB	AAC+40%
E0296KH, KI	$146.28
E0296KJ	$109.71
E0296NU	$1462.81
E0296UE	$1097.11
E0296RB	AAC+40%
E0297KH, KI	$106.46
E0297KJ	$79.85
E0297NU	$1064.59
E0297UE	$798.45
E0297RB	AAC+40%
E0300NU	AAC+40%
E0300RB	AAC+40%
E0301KH, KI	$203.61
E0301KJ	$152.70
E0301NU	$2036.06
E0301UE	$1527.04
E0301RB	AAC+40%
E0302KH, KI	$549.89
E0302KJ	$412.42
E0302NU	$5498.92
E0302UE	$4124.20
E0302RB	AAC+40%
E0303KH, KI	$225.28
E0303KJ	$168.96
E0303NU	$2252.79
E0303UE	$1689.59
E0303RB	AAC+40%
E0304KH, KI	$588.69
E0304KJ	$441.52
E0304NU	$5886.86
E0304UE	$4415.14
E0304RB	AAC+40%
E0305KH, KI	$13.50
E0305KJ	$10.12
E0305NU	$134.93
E0305UE	$101.19
E0310NU	$141.47
E0310RR	$16.05
E0310UE	$106.11
E0315NU	$81.75
E0315RR	$8.17
E0315UE	$61.31
E0316KH, KI	$173.68
E0316KJ	$130.26
E0316NU	$1736.77
E0316UE	$1302.58
E0325NU	$9.56

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Hospital Beds and Accessories	
E0325RR	$1.22
E0325UE	$6.70
E0326NU	$10.09
E0326RR	$1.09
E0326UE	$7.58
E0328	AAC+40%
E0328UA	AAC+40%
E0329	AAC+40%
E0329UA	AAC+40%
E0350	AAC+40%
E0352	AAC+30%
E0370	AAC+30%
E0371KH, KI	$314.62
E0371KJ	$235.96
E0371NU	$3146.19
E0371UE	$2359.63
E0372KH, KI	$347.08
E0372KJ	$260.32
E0372NU	$3470.82
E0372UE	$2603.11
E0373KH, KI	$414.50
E0373KJ	$310.88
E0373NU	$4145.04
E0373UE	$3108.79
Oxygen and Related Respiratory Equipment	
E0424RR	$131.43
E0425	AAC+40%
E0430	AAC+40%
E0431RR	$23.47
E0433RR	$44.29
E0434RR	$23.47
E0435	AAC+40%
E0439RR	$131.43
E0439QF	$131.43
E0439QG	$131.43
E0440	AAC+40%
E0441	$64.43
E0442	$64.43
E0443RR	$63.06
E0444RR	$63.06
E0445NU	$941.93
E0445RR	$94.19
E0445UE	$706.45
E0446	AAC+40%
E0447	$62.63
E0455	AAC+30%
E0457NU	$603.30
E0457RR	$60.32
E0457UE	$452.44
E0459KH, KI	$49.96
E0459KJ	$37.47
E0459NU	$524.55

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Oxygen and Related Respiratory Equipment	
E0459UE	$393.42
E0462KH, KI	$256.04
E0462KJ	$192.03
E0462NU	$2560.32
E0462UE	$1920.24
E0465RR	$986.65
E0465U2	$1160.75
E0466RR	$986.65
E0466U2	$1160.75
E0467	$1412.48
E0470KH, KI	$161.51
E0470KJ	$121.13
E0470NU	$1615.12
E0470UE	$1211.34
E0471KH, KI	$431.64
E0471KJ	$323.73
E0471NU	$4316.43
E0471UE	$3237.32
E0472KH, KI	$474.18
E0472KJ	$355.63
E0472NU	$4741.76
E0472UE	$3556.32
E0480KH, KI	$45.42
E0480KJ	$34.07
E0480NU	$454.22
E0480UE	$340.67
E0481	AAC+40%
E0482KH, KI	$444.50
E0482KJ	$333.38
E0482NU	$4444.99
E0482UE	$3333.75
E0483KH, KI	$1098.91
E0483KJ	$824.18
E0483NU	$10989.06
E0483UE	$8241.79
E0484NU	$38.18
E0484RR	$3.81
E0484UE	$28.64
E0485NU	AAC+40%
E0486	AAC+40%
E0487	AAC+40%
IPPB Machines	
E0500RR	$113.45
Humidifiers/Compressors/ Nebulizers	
E0550KH, KI	$44.04
E0550KJ	$33.03
E0550NU	$440.48
E0550UE	$330.36
E0555	AAC+40%
E0560NU	$152.80
E0560RR	$17.91

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Humidifiers/Compressor/ Nebulizers	
E0560UE	$114.60
E0561NU	$81.03
E0561RR	$8.10
E0561UE	$60.76
E0562NU	$208.81
E0562RR	$20.87
E0562UE	$156.61
E0565KH, KI	$55.92
E0565KJ	$41.94
E0565NU	$559.23
E0565UE	$419.42
E0570KH, KI	$13.55
E0570KJ	$10.16
E0570NU	$135.49
E0570UE	$101.61
E0572KH, KI	$38.31
E0572KJ	$28.73
E0572NU	$383.16
E0572UE	$287.38
E0574KH, KI	$41.61
E0574KJ	$31.22
E0574NU	$416.17
E0574UE	$312.13
E0575KH, KI	$106.24
E0575KJ	$79.67
E0575NU	$1062.35
E0575UE	$796.76
E0580NU	$118.02
E0580RR	$11.81
E0580UE	$88.51
E0585KH, KI	$30.81
E0585KJ	$23.11
E0585NU	$308.09
E0585UE	$231.07
Pumps and Vaporizers	
E0600KH, KI	$47.33
E0600KJ	$35.50
E0600NU	$473.30
E0600UE	$354.97
E0601KH, KI	$66.55
E0601KJ	$49.92
E0601NU	$665.53
E0601UE	$499.15
E0602NU	$30.51
E0602RR	$3.07
E0602UE	$22.89
E0603NU	$234.52
E0604RR	$77.00
E0605NU	$27.32
E0605RR	$2.75
E0605UE	$20.52
E0606KH, KI	$23.73

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Pumps and Vaporizers	
E0606KJ	$17.80
E0606NU	$237.30
E0606UE	$177.98
Monitoring Devices	
E0607NU	$69.06
E0607RR	$6.90
E0607UE	$51.79
E0610NU	$208.98
E0610RR	$22.03
E0610UE	$156.75
E0615NU	$494.91
E0615RR	$60.47
E0615UE	$371.22
E0616	AAC+40%
E0617KH, KI	$314.27
E0617KJ	$235.71
E0617NU	$3142.72
E0617UE	$2357.05
E0617KHK, KIKF	$348.94
E0617KJKF	$261.71
E0617NUKF	$3489.42
E0617UEKF	$2617.07
E0618KH, KI	$289.81
E0618KJ	$215.00
E0619KH, KI	$246.71
E0619KJ	$185.03
E0620NU	$903.68
E0620UE	$677.77
E0620KH, KI	$89.40
E0620KJ	$67.05
Patient Lifts	
E0621NU	$88.28
E0621RR	$8.64
E0621UE	$66.40
E0625NU	AAC+40%
E0627NU	$306.74
E0627RR	$30.68
E0627UE	$230.05
E0629NU	$307.51
E0629RR	$30.76
E0629UE	$230.62
E0630KH, KI	$85.20
E0630KJ	$63.90
E0630NU	$851.97
E0630UE	$638.98
E0630RB	AAC+40%
E0635KH, KI	$117.33
E0635KJ	$87.99
E0635NU	$1173.24
E0635UE	$879.93
E0635RB	AAC+40%
E0635U1	AAC+45%
E0636KH, KI	$1217.99

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Patient Lifts	
E0636KJ	$913.50
E0636NU	$12179.86
E0636UE	$9134.90
E0636RB	AAC+40%
E0637NU	$2315.47
E0637RR	$231.56
E0637UE	$1736.59
E0638NU	$938.93
E0638RR	$93.90
E0638UE	$704.20
E0639KH, KI	$135.65
E0639KJ	$101.74
E0639NU	AAC+45%
E0639UE	$1017.39
E0639RB	AAC+45%
E0640KH, KI	$135.65
E0640KJ	$101.74
E0640NU	AAC+45%
E0640UE	$1017.39
E0640RB	AAC+45%
E0641	AAC+40%
E0642	AAC+40%
Compression Devices	
E0650NU	$744.45
E0650RR	$91.86
E0650UE	$558.34
E0651NU	$806.92
E0651RR	$95.59
E0651UE	$605.21
E0652NU	$5479.84
E0652RR	$460.34
E0652UE	$4106.21
E0655NU	$105.17
E0655RR	$11.14
E0655UE	$78.88
E0656NU	$597.28
E0656UE	$447.96
E0656KH, KI	$59.73
E0656KJ	$44.79
E0657NU	$561.10
E0657UE	$420.83
E0657KH, KI	$56.11
E0657KJ	$42.09
E0660NU	$163.56
E0660RR	$14.61
E0660UE	$122.68
E0665NU	$141.60
E0665RR	$13.66
E0665UE	$106.33
E0666NU	$142.75
E0666RR	$14.71
E0666UE	$107.07
E0667NU	$284.46

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Compression Devices	
E0667RR	$37.80
E0667UE	$213.35
E0668NU	$456.75
E0668RR	$45.08
E0668UE	$342.57
E0669NU	$179.93
E0669RR	$18.00
E0669UE	$134.95
E0670NU	$1104.46
E0670RR	$139.10
E0670UE	$828.30
E0671NU	$429.33
E0671RR	$42.96
E0671UE	$321.98
E0672NU	$333.58
E0672RR	$33.37
E0672UE	$250.21
E0673NU	$277.19
E0673RR	$27.72
E0673UE	$207.92
E0675KH, KI	$397.49
E0675KJ	$298.11
E0675NU	$3974.87
E0675UE	$2981.15
E0676	AAC+40%
Ultraviolet Light	
E0691NU	$928.83
E0691RR	$92.87
E0691UE	$696.62
E0692NU	$1166.35
E0692RR	$116.62
E0692UE	$874.75
E0693NU	$1437.79
E0693RR	$143.78
E0693UE	$1078.34
E0694NU	$4576.32
E0694RR	$457.62
E0694UE	$3432.26
Safety Equipment	
E0700	AAC+40%
E0705NU	$50.37
E0705RR	$5.09
E0705UE	$37.37
Restraints	
E0710	AAC+30%
Nerve Stimulators and Devices	
E0720NU	$295.44
E0730NU	$276.95
E0731NU	$270.13
E0740NU	$540.62
E0740UE	$405.46
E0740KH, KI	$54.07
E0740KJ	$40.55

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Nerve Stimulators and Devices	
E0744KH, KI	$94.66
E0744KJ	$70.98
E0744NU	$946.51
E0744UE	$709.89
E0745KH, KI	$92.53
E0745KJ	$69.40
E0745NU	$925.28
E0745UE	$693.96
E0746	AAC+40%
E0747NUKF	$3440.67
E0747RRKF	$341.90
E0747UEKF	$2556.36
E0748NUKF	$4021.63
E0748RRKF	$402.15
E0748UEKF	$3016.22
E0749KHKF, KIKF	$293.93
E0749KJKF	$220.45
E0749NUKF	$2939.37
E0749UEKF	$2204.52
E0755	AAC+40%
E0760NUKF	$3341.91
E0760RRKF	$334.20
E0760UEKF	$2506.41
E0761	AAC+40%
E0762NU	$966.04
E0762UE	$724.54
E0762KH, KI	$96.60
E0762KJ	$72.46
E0764NUKF	$11439.08
E0764UEKF	$8579.31
E0764KHKF, KIKF	$1143.91
E0764KJKF	$857.92
E0765NU	$86.97
E0765RR	$8.70
E0765UE	$65.24
E0766RRKF	$338.21
E0769	AAC+40%
E0770NU	AAC+40%
Infusion Supplies	
E0776NU	$138.39
E0776RR	$16.08
E0776UE	$102.75
E0776NUBA	$75.34
E0776RRBA	$14.98
E0776UEBA	$56.51
E0779KH, KI	$17.00
E0779KJ	$12.75
E0779NU	$169.98
E0779UE	$127.49
E0780NU	$10.67
E0781KH, KI	$224.80
E0781KJ	$168.60
E0781NU	$2247.93

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Infusion Supplies	
E0781UE	$1685.95
E0782NUKF	$3772.21
E0782RRKF	$377.23
E0782UEKF	$2829.16
E0783NUKF	$8462.40
E0783RRKF	$846.26
E0783UEKF	$6346.81
E0784KH, KI	$460.05
E0784KJ	$345.04
E0784NU	AAC+40%
E0784UE	$3450.40
E0785KF	$488.41
E0786NUKF	$7956.63
E0786RRKF	$795.65
E0786UEKF	$5967.50
E0791KH, KI	$292.25
E0791KJ	$219.19
E0791NU	$2922.44
E0791UE	$2191.83
Traction Equipment	
E0830NU	AAC+40%
E0840NU	$75.72
E0840RR	$15.03
E0840UE	$56.77
E0849NU	$532.76
E0849UE	$399.58
E0849KH, KI	$53.27
E0849KJ	$39.96
E0850NU	$108.58
E0850RR	$12.68
E0850UE	$81.44
E0855NU	$519.49
E0855UE	$389.62
E0855KH, KI	$51.95
E0855KJ	$38.96
E0856NU	$159.05
E0856UE	$119.28
E0856KH, KI	$15.91
E0856KJ	$11.94
E0860NU	$39.83
E0860RR	$6.73
E0860UE	$30.50
E0870NU	$120.23
E0870RR	$13.87
E0870UE	$90.57
E0880NU	$129.77
E0880RR	$20.37
E0880UE	$98.22
E0890NU	$124.45
E0890RR	$33.95
E0890UE	$100.25
E0900NU	$132.44
E0900RR	$28.56
E0900UE	$99.36

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Traction Equipment	
Orthopedic Devices	
E0910KH, KI	$14.63
E0910KJ	$10.98
E0910NU	$146.33
E0910UE	$109.75
E0911KH, KI	$41.39
E0911KJ	$31.04
E0911NU	$413.93
E0911UE	$310.45
E0912KH, KI	$91.92
E0912KJ	$68.94
E0912NU	$919.20
E0912UE	$689.40
E0920KH, KI	$47.71
E0920KJ	$35.78
E0920NU	$477.04
E0920UE	$357.78
E0930KH, KI	$47.22
E0930KJ	$35.42
E0930NU	$472.18
E0930UE	$354.13
E0935RR	$23.51
E0936	AAC+40%
E0940KH, KI	$25.70
E0940KJ	$19.27
E0940NU	$256.94
E0940UE	$192.71
E0941KH, KI	$37.72
E0941KJ	$28.29
E0941NU	$377.18
E0941UE	$282.89
E0942NU	$20.52
E0942RR	$2.07
E0942UE	$15.37
E0944NU	$47.41
E0944RR	$4.10
E0944UE	$35.56
E0945NU	$45.82
E0945RR	$3.89
E0945UE	$35.45
E0946KH, KI	$61.16
E0946KJ	$45.87
E0946NU	$611.59
E0946UE	$458.69
E0947NU	$626.87
E0947RR	$64.99
E0947UE	$470.14
E0948NU	$606.33
E0948RR	$60.61
E0948UE	$427.64

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchair Accessories (*see* also K0001-K0109)	
E0950NU	$89.68
E0950U1	AAC+45%
E0950RR	$8.98
E0950UE	$67.27
E0951NU	$15.74
E0951RR	$1.71
E0951UE	$11.80
E0952NU	$17.29
E0952RR	$1.87
E0952UE	$12.96
E0955NU	$176.46
E0955UE	$132.34
E0955KH, KI	$17.66
E0955KJ	$13.24
E0956NU	$95.46
E0956RR	$9.55
E0956UE	$71.60
E0957NU	$134.71
E0957RR	$13.48
E0957UE	$101.04
E0958KH, KI	$45.01
E0958KJ	$33.76
E0958NU	$450.12
E0958UE	$337.59
E0959NU	$50.01
E0959RR	$4.69
E0959UE	$37.69
E0960NU	$83.74
E0960RR	$8.38
E0960UE	$62.82
E0961NU	$27.69
E0961RR	$2.56
E0961UE	$14.88
E0966NU	$80.05
E0966RR	$7.69
E0966UE	$60.04
E0967NU	$75.82
E0967RR	$7.59
E0967UE	$56.86
E0968KH, KI	$20.60
E0968KJ	$15.46
E0968NU	$206.03
E0968UE	$154.53
E0969NU	$190.48
E0969RR	$16.07
E0969UE	$142.87
E0971NU	$43.74
E0971RR	$4.38
E0971UE	$32.81
E0973NU	$86.96
E0973RR	$7.55
E0973UE	$65.22
E0974NU	$83.88
E0974RR	$8.18

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchair Accessories (*see* also K0001-K0109)	
E0974UE	$62.91
E0974UD	AAC+45%
E0978NU	$34.56
E0978RR	$3.47
E0978UE	$25.73
E0980NU	$40.19
E0980RR	$4.03
E0980UE	$29.98
E0981NU	$45.85
E0981RR	$4.25
E0981UE	$34.56
E0981UC	AAC+45%
E0982NU	$50.41
E0982RR	$4.59
E0982UE	$37.82
E0983KH, KI	$303.94
E0983KJ	$227.95
E0983NU	$3039.41
E0983UE	$2279.56
E0984NU	$2141.37
E0984UE	$1606.03
E0984KH, KI	$214.14
E0984KJ	$160.60
E0985NU	$235.35
E0985UE	$176.51
E0985KH, KI	$23.54
E0985KJ	$20.14
E0986NU	$5915.36
E0986UE	$4436.52
E0986KH, KI	$591.54
E0986KJ	$443.65
E0988KH, KI	$346.24
E0988KJ	$259.68
E0988NU	$3462.36
E0988UE	$2596.77
E0990NU	$98.57
E0990RR	$10.64
E0990UE	$75.86
E0992NU	$97.09
E0992RR	$8.75
E0992UE	$72.82
E0994NU	$21.43
E0994RR	$2.17
E0994UE	$16.08
E0995NU	$27.08
E0995RR	$2.76
E0995UE	$20.30
E1002NU	$4009.06
E1002UE	$3006.80
E1002KH, KI	$400.91
E1002KJ	$300.69
E1003NU	$4507.80
E1003UE	$3380.85

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchair Accessories (*see* also K0001-K0109)	
E1003KH, KI	$450.78
E1003KJ	$338.09
E1004NU	$4976.73
E1004UE	$3732.55
E1004KH, KI	$497.67
E1004KJ	$373.25
E1005NU	$5414.86
E1005UE	$4061.15
E1005KH, KI	$541.49
E1005KJ	$406.12
E1006NU	$6654.01
E1006UE	$4990.51
E1006KH, KI	$665.40
E1006KJ	$499.05
E1007NU	$8641.27
E1007UE	$6480.96
E1007KH, KI	$864.13
E1007KJ	$648.10
E1008NU	$8745.99
E1008UE	$6559.50
E1008KH, KI	$874.60
E1008KJ	$655.95
E1009NU	AAC+45%
E1010NU	$1165.45
E1010UE	$874.09
E1010KH, KI	$116.55
E1010KJ	$87.41
E1011NU	AAC+45%
E1012KH, KI	$104.49
E1012KJ	$78.36
E1012NU	$1044.89
E1012UE	$783.67
E1014NU	$444.18
E1014UE	$333.14
E1014KH, KI	$44.42
E1014KJ	$33.32
E1015NU	$133.64
E1015RR	$13.35
E1015UE	$100.22
E1016NU	$121.87
E1016RR	$12.20
E1016UE	$91.40
E1017NU	AAC+45%
E1018NU	AAC+45%
E1020NU	$225.89
E1020UE	$169.41
E1020KH, KI	$22.58
E1020KJ	$16.94
E1028NU	$181.71
E1028UE	$136.29
E1028KH, KI	$18.17
E1028KJ	$13.63
E1029NU	$384.23

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchair Accessories (*see* also K0001-K0109)	
E1029UE	$288.18
E1029KH, KI	$38.42
E1029KJ	$28.82
E1030NU	$1206.26
E1030UE	$904.70
E1030KH, KI	$120.63
E1030KJ	$90.48
E1031KH, KI	$44.23
E1031KJ	$33.18
E1031NU	$442.35
E1031UE	$331.77
E1035KH, KI	$606.49
E1035KJ	$454.87
E1035NU	$6064.88
E1035UE	$4548.67
E1036KH, KI	$861.83
E1036KJ	$646.37
E1036NU	$8618.27
E1036UE	$6463.70
E1037KH, KI	$102.53
E1037KJ	$76.90
E1037NU	$1025.32
E1037UE	$768.99
E1038KH, KI	$16.38
E1038KJ	$12.29
E1038NU	$163.81
E1038UE	$122.86
E1039KH, KI	$32.74
E1039KJ	$24.55
E1039NU	$327.35
E1039UE	$245.51
Wheelchairs	
E1050KH, KI	$89.47
E1050KJ	$67.10
E1050NU	$894.71
E1050UE	$671.03
E1060KH, KI	$130.31
E1060KJ	$97.72
E1060NU	$1303.02
E1060UE	$977.26
E1070KH, KI	$113.22
E1070KJ	$84.92
E1070NU	$1132.20
E1070UE	$849.15
E1083KH, KI	$75.16
E1083KJ	$56.38
E1083NU	$751.65
E1083UE	$563.74
E1084KH, KI	$99.83
E1084KJ	$74.87
E1084NU	$998.21
E1084UE	$748.66
E1087KH, KI	$130.79

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchairs	
E1087KJ	$98.09
E1087NU	$1307.88
E1087UE	$980.91
E1088KH, KI	$155.85
E1088KJ	$116.89
E1088NU	$1558.46
E1088UE	$1168.85
E1092KH, KI	$112.92
E1092KJ	$84.69
E1092NU	$1129.21
E1092UE	$846.90
E1093KH, KI	$97.10
E1093KJ	$72.82
E1093NU	$971.00
E1093UE	$728.24
E1100KH, KI	$107.29
E1100KJ	$80.47
E1100NU	$1072.92
E1100UE	$804.68
E1110KH, KI	$103.94
E1110KJ	$77.95
E1110NU	$1039.35
E1110UE	$779.52
E1150KH, KI	$84.32
E1150KJ	$63.24
E1150NU	$843.18
E1150UE	$632.39
E1160KH, KI	$64.61
E1160KJ	$48.46
E1160NU	$646.09
E1160UE	$484.56
E1161NU	$2877.27
E1161UE	$2157.96
E1161KH, KI	$287.73
E1161KJ	$215.80
E1170KH, KI	$91.33
E1170KJ	$68.50
E1170NU	$913.31
E1170UE	$684.98
E1171KH, KI	$82.85
E1171KJ	$62.14
E1171NU	$828.51
E1171UE	$621.38
E1172KH, KI	$101.27
E1172KJ	$75.96
E1172NU	$1012.61
E1172UE	$759.45
E1180KH, KI	$104.75
E1180KJ	$78.56
E1180NU	$1047.49
E1180UE	$785.62
E1190KH, KI	$111.56
E1190KJ	$83.68

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchairs	
E1190NU	$1115.64
E1190UE	$836.74
E1195KH, KI	$129.86
E1195KJ	$97.39
E1195NU	$1298.53
E1195UE	$973.90
E1200KH, KI	$89.94
E1200KJ	$66.73
E1200NU	$889.66
E1200UE	$667.24
E1221KH, KI	$49.12
E1221KJ	$36.84
E1221NU	$491.16
E1221UE	$368.37
E1222KH, KI	$70.07
E1222KJ	$52.56
E1222NU	$700.69
E1222UE	$525.51
E1223KH, KI	$76.51
E1223KJ	$57.38
E1223NU	$765.02
E1223UE	$573.76
E1224KH, KI	$83.88
E1224KJ	$62.91
E1224NU	$838.79
E1224UE	$629.10
E1225KH, KI	$35.93
E1225KJ	$26.95
E1225NU	$359.23
E1225UE	$269.42
E1226NU	$412.79
E1226RR	$41.98
E1226UE	$309.57
E1227NU	$286.84
E1227RR	$28.70
E1227UE	$215.15
E1228KH, KI	$34.08
E1228KJ	$25.56
E1228NU	$340.78
E1228UE	$255.59
E1229	AAC+45%
E1230NU	$2720.72
E1230RR	$267.59
E1230UE	$2151.75
E1231NU	AAC+45%
E1232NU	$2600.62
E1232UE	$1950.47
E1232KH, KI	$260.06
E1232KJ	$195.05
E1233NU	$2694.45
E1233UE	$2020.84
E1233KH, KI	$269.45
E1233KJ	$202.08

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchairs	
E1234NU	$2345.86
E1234UE	$1759.40
E1234KH, KI	$234.59
E1234KJ	$175.95
E1235NU	$2258.96
E1235UE	$1694.22
E1235KH, KI	$225.90
E1235KJ	$169.42
E1236NU	$1992.76
E1236UE	$1494.57
E1236KH, KI	$199.28
E1236KJ	$149.46
E1237NU	$2010.25
E1237UE	$1507.69
E1237KH, KI	$201.03
E1237KJ	$150.77
E1238NU	$1992.76
E1238UE	$1494.57
E1238KH, KI	$199.28
E1238KJ	$149.46
E1239	AAC+45%
E1240KH, KI	$106.49
E1240KJ	$79.86
E1240NU	$1064.88
E1240UE	$798.66
E1270KH, KI	$81.60
E1270KJ	$61.19
E1270NU	$815.98
E1270UE	$611.99
E1280KH, KI	$135.67
E1280KJ	$101.75
E1280NU	$1356.69
E1280UE	$1017.51
E1295KH, KI	$125.55
E1295KJ	$94.16
E1295NU	$1255.52
E1295UE	$941.64
E1296NU	$597.88
E1296RR	$60.74
E1296UE	$448.42
E1297NU	$108.13
E1297RR	$12.01
E1297UE	$81.08
E1298NU	$437.92
E1298RR	$44.80
E1298UE	$328.43
Whirlpool – Equipment	
E1300	AAC+40%
E1310NU	$1886.71
E1310RR	$161.36
E1310UE	$1415.05

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Additional Oxygen Related Equipment	
E1352	AAC+30%
E1353	$29.27
E1354	AAC+40%
E1355	$22.06
E1356	AAC+40%
E1357	AAC+40%
E1358	AAC+40%
E1372NU	$155.83
E1372RR	$19.40
E1372UE	$116.05
E1390RR	$131.43
E1391RR	$131.43
E1392RR	$44.29
E1399NU	AAC+40%
E1399RB	AAC+40%
E1399U1	AAC+45%
E1399U3	AAC+40%
E1399U4	AAC+40%
E1399UC	AAC+45%
E1405RR	$162.28
E1406RR	$145.08
Artificial Kidney Machines and Accessories	
E1500	AAC+40%
E1510	AAC+40%
E1520	AAC+40%
E1530	AAC+40%
E1540	AAC+30%
E1550	AAC+30%
E1560	AAC+30%
E1570	AAC+40%
E1575	AAC+40%
E1580	AAC+30%
E1590	AAC+40%
E1592	AAC+40%
E1594	AAC+40%
E1610	AAC+40%
E1615	AAC+40%
E1620	AAC+40%
E1625	AAC+40%
E1630	AAC+40%
E1632	AAC+40%
E1634	AAC+40%
E1635	AAC+40%
E1636	AAC+40%
E1637	AAC+40%
E1639	AAC+40%
E1699	AAC+40%
Jaw Motion Rehabilitation System and Accessories	
E1700NU	$322.86
E1700UE	$242.14
E1700KH, KI	$10.71

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Jaw Motion Rehabilitation System and Accessories	
E1700KJ	$23.33
E1701	$10.60
E1702	$23.08
Flexion/Extension Device	
E1800KH, KI	$107.64
E1800KJ	$80.73
E1800NU	$1076.37
E1800UE	$807.28
E1801KH, KI	$133.35
E1801KJ	$100.01
E1801NU	$1333.50
E1801UE	$1000.12
E1802KH, KI	$337.81
E1802KJ	$253.35
E1802NU	$3378.07
E1802UE	$2533.54
E1805KH, KI	$130.60
E1805KJ	$97.96
E1805NU	$1306.01
E1805UE	$979.51
E1806KH, KI	$109.49
E1806KJ	$82.12
E1806NU	$1094.89
E1806UE	$821.16
E1810KH, KI	$109.46
E1810KJ	$82.09
E1810NU	$1094.61
E1810UE	$820.95
E1811KH, KI	$138.63
E1811KJ	$103.97
E1811NU	$1386.33
E1811UE	$1039.74
E1812KH, KI	$88.88
E1812KJ	$66.66
E1812NU	$888.81
E1812UE	$666.61
E1815KH, KI	$130.60
E1815KJ	$97.96
E1815NU	$1306.01
E1815UE	$979.51
E1816KH, KI	$140.83
E1816KJ	$105.62
E1816NU	$1408.30
E1816UE	$1056.22
E1818KH, KI	$143.77
E1818KJ	$107.82
E1818NU	$1437.66
E1818UE	$1078.24
E1820NU	$84.49
E1820RR	$8.45
E1820UE	$63.38

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Flexion/Extension Device	
E1821NU	$108.79
E1821RR	$10.86
E1821UE	$81.62
E1825KH, KI	$130.60
E1825KJ	$97.96
E1825NU	$1306.01
E1825UE	$979.51
E1830KH, KI	$130.60
E1830KJ	$97.96
E1830NU	$1306.01
E1830UE	$979.51
E1831KH, KI	$65.68
E1831KJ	$49.26
E1831NU	$689.68
E1831UE	$517.26
E1840KH, KI	$395.59
E1840KJ	$296.69
E1840NU	$3955.90
E1840UE	$2966.92
E1841KH, KI	$468.23
E1841KJ	$351.18
E1841NU	$4682.29
E1841UE	$3511.72
Other Devices	
E1902	AAC+40%
E2000KH, KI	$53.58
E2000KJ	$40.18
E2000NU	$535.76
E2000UE	$401.82
E2100NU	$664.82
E2100RR	$66.48
E2100UE	$498.63
E2101NU	$194.90
E2101RR	$19.48
E2101UE	$146.18
E2120KH, KI	$293.06
E2120KJ	$219.80
E2120NU	$2930.66
E2120UE	$2198.00
DME Wheelchair Accessory	
E2201NU	$415.53
E2201RR	$41.55
E2201UE	$311.64
E2202NU	$531.55
E2202RR	$53.15
E2202UE	$398.68
E2203NU	$515.26
E2203RR	$51.52
E2203UE	$386.43
E2204NU	$858.98
E2204RR	$85.90
E2204UE	$644.24

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
DME Wheelchair Accessory	
E2205NU	$37.61
E2205RR	$3.75
E2205UE	$28.23
E2206NU	$44.36
E2206RR	$4.43
E2206UE	$33.28
E2207NU	$42.61
E2207RR	$4.27
E2207UE	$31.97
E2208NU	$85.57
E2208RR	$8.56
E2208UE	$64.17
E2209NU	$102.27
E2209RR	$10.24
E2209UE	$76.71
E2210NU	$5.94
E2210RR	$0.55
E2210UE	$4.47
E2211NU	$41.83
E2211RR	$4.10
E2211UE	$30.55
E2212NU	$6.92
E2212RR	$0.72
E2212UE	$5.20
E2213NU	$34.02
E2213RR	$3.41
E2213UE	$25.50
E2214NU	$39.05
E2214RR	$4.13
E2214UE	$29.28
E2215NU	$11.21
E2215RR	$1.12
E2215UE	$8.40
E2216NU	AAC+40%
E2217NU	AAC+40%
E2218NU	AAC+40%
E2219NU	$45.85
E2219RR	$4.58
E2219UE	$34.39
E2220NU	$32.64
E2220RR	$3.20
E2220UE	$24.74
E2221NU	$29.49
E2221RR	$2.97
E2221UE	$22.13
E2222NU	$24.37
E2222RR	$2.42
E2222UE	$18.28
E2224NU	$108.41
E2224RR	$11.13
E2224UE	$81.31
E2225NU	$20.37
E2225RR	$2.04

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
DME Wheelchair Accessory	
E2225UE	$15.27
E2226NU	$43.49
E2226RR	$4.35
E2226UE	$32.62
E2227NU	$2187.24
E2227UE	$1640.43
E2227KH, KI	$218.72
E2227KJ	$164.04
E2228NU	$1093.48
E2228UE	$820.12
E2228KH, KI	$109.34
E2228KJ	$82.01
E2230	AAC+45%
E2231NU	$169.57
E2231RR	$16.96
E2231UE	$127.17
E2291	AAC+45%
E2292	AAC+45%
E2293	AAC+45%
E2294	AAC+45%
E2295	AAC+45%
E2300	AAC+45%
E2301	AAC+45%
E2310NU	$1165.23
E2310UE	$873.93
E2310KH, KI	$116.52
E2310KJ	$87.40
E2311NU	$2355.54
E2311UE	$1766.66
E2311KH, KI	$235.55
E2311KJ	$176.67
E2312NU	$2358.29
E2312NUKC	$3007.73
E2312UE	$1768.72
E2312UEKC	$2255.80
E2312KH, KI	$235.83
E2312KJ	$176.87
E2312KHKC, KIKC	$300.77
E2312KJKC	$225.58
E2313NU	$374.66
E2313UE	$281.00
E2313KH, KI	$37.47
E2313KJ	$28.11
E2321NU	$1582.90
E2321NUKC	$2106.61
E2321UE	$1187.18
E2321UEKC	$1579.96
E2321KH, KI	$158.29
E2321KJ	$118.72
E2321KHKC, KIKC	$210.66
E2321KJKC	$157.99
E2322NU	$1447.60
E2322NUKC	$2145.11

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
DME Wheelchair Accessory	
E2322UE	$1085.70
E2322UEKC	$1608.84
E2322KH, KI	$144.76
E2322KJ	$108.57
E2322KHKC, KIKC	$214.51
E2322KJKC	$160.89
E2323NU	$70.79
E2323RR	$7.07
E2323UE	$53.09
E2324NU	$45.77
E2324RR	$4.57
E2324UE	$34.32
E2325NU	$1383.14
E2325UE	$1037.36
E2325KH, KI	$138.31
E2325KJ	$103.74
E2326NU	$359.59
E2326UE	$269.70
E2326KH, KI	$35.96
E2326KJ	$26.97
E2327NU	$2693.68
E2327NUKC	$3404.61
E2327UE	$2020.26
E2327UEKC	$2553.46
E2327KH, KI	$269.37
E2327KJ	$202.03
E2327KHKC, KIKC	$340.46
E2327KJKC	$255.34
E2328NU	$5097.18
E2328UE	$3822.89
E2328KH, KI	$509.72
E2328KJ	$382.29
E2329NU	$1828.42
E2329UE	$1371.32
E2329KH, KI	$182.84
E2329KJ	$137.14
E2330NU	$3526.93
E2330UE	$2645.20
E2330KH, KI	$352.69
E2330KJ	$264.52
E2331NU	AAC+45%
E2340NU	$435.79
E2340RR	$43.59
E2340UE	$326.88
E2341NU	$653.73
E2341RR	$65.36
E2341UE	$490.30
E2342NU	$544.78
E2342RR	$54.47
E2342UE	$408.60
E2343NU	$871.65
E2343RR	$87.15
E2343UE	$653.73

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
DME Wheelchair Accessory	
E2351NU	$725.37
E2351RR	$72.53
E2351UE	$544.04
E2358NU	AAC+45%
E2359NU	$195.61
E2359RR	$19.56
E2359UE	$146.72
E2360NU	$124.41
E2360RR	$12.47
E2360UE	$93.30
E2361NU	$132.28
E2361RR	$13.22
E2361UE	$99.22
E2362NU	$105.88
E2362RR	$10.58
E2362UE	$79.40
E2363NU	$173.33
E2363RR	$17.33
E2363UE	$130.00
E2364NU	$117.80
E2364RR	$11.81
E2364UE	$88.34
E2365NU	$97.64
E2365RR	$9.76
E2365UE	$73.24
E2366NU	$218.08
E2366RR	$21.85
E2366UE	$163.56
E2367NU	$381.66
E2367RR	$38.17
E2367UE	$286.25
E2368NU	$468.88
E2368UE	$351.66
E2368KH, KI	$46.89
E2368KJ	$35.17
E2369NU	$415.11
E2369UE	$311.33
E2369KH, KI	$41.53
E2369KJ	$31.14
E2370NU	$721.56
E2370UE	$541.17
E2370KH, KI	$72.16
E2370KJ	$54.12
E2371NU	$149.35
E2371RR	$14.94
E2371UE	$112.02
E2372NU	AAC+45%
E2373NU	$822.14
E2373NUKC	$1254.66
E2373UE	$616.61
E2373UEKC	$941.00
E2373KH, KI	$82.21
E2373KJ	$61.67

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
DME Wheelchair Accessory	
E2373KHKC, KIKC	$125.47
E2373KJKC	$94.11
E2374NU	$534.27
E2374UE	$400.71
E2374KH, KI	$53.43
E2374KJ	$40.07
E2375NU	$822.03
E2375UE	$616.52
E2375KH, KI	$82.19
E2375KJ	$61.64
E2376NU	$1335.29
E2376UE	$1001.47
E2376KH, KI	$133.53
E2376KJ	$100.14
E2377NU	$488.62
E2377UE	$366.47
E2377KH, KI	$50.35
E2377KJ	$37.76
E2378NU	$622.27
E2378UE	$466.71
E2378KH, KI	$62.23
E2378KJ	$46.67
E2381NU	$69.58
E2381RR	$6.97
E2381UE	$52.20
E2382NU	$20.15
E2382RR	$2.01
E2382UE	$15.13
E2383NU	$140.64
E2383RR	$14.07
E2383UE	$105.48
E2384NU	$72.96
E2384RR	$7.30
E2384UE	$54.73
E2385NU	$48.19
E2385RR	$4.83
E2385UE	$36.14
E2386NU	$128.85
E2386RR	$12.88
E2386UE	$96.65
E2387NU	$58.70
E2387RR	$5.87
E2387UE	$44.04
E2388NU	$50.61
E2388RR	$5.07
E2388UE	$37.96
E2389NU	$27.87
E2389RR	$2.79
E2389UE	$20.89
E2390NU	$43.37
E2390RR	$4.33
E2390UE	$32.52
E2391NU	$18.84

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
DME Wheelchair Accessory	
E2391RR	$1.89
E2391UE	$14.14
E2392NU	$46.98
E2392RR	$4.71
E2392UE	$35.24
E2394NU	$71.09
E2394RR	$7.12
E2394UE	$53.32
E2395NU	$49.76
E2395RR	$4.98
E2395UE	$37.33
E2396NU	$58.97
E2396RR	$6.27
E2396UE	$44.24
E2397NU	$487.95
E2397RR	$48.80
E2397UE	$365.95
Wound Therapy	
E2402KH, KI	$1128.79
E2402KJ	$846.59
E2402NU	$11287.88
E2402UE	$8465.91
Speech Generating Device	
E2500NU	$404.21
E2500RR	$40.43
E2500UE	$303.16
E2502NU	$1236.04
E2502RR	$123.61
E2502UE	$927.05
E2504NU	$1630.49
E2504RR	$163.08
E2504UE	$1222.87
E2506NU	$2390.80
E2506RR	$239.06
E2506UE	$1793.06
E2508NU	$3696.96
E2508RR	$369.69
E2508UE	$2772.73
E2510NU	$6996.00
E2510RR	$699.60
E2510UE	$5247.00
E2511NU	AAC+40%
E2512NU	AAC+40%
E2599NU	AAC+40%
E2599RR	AAC+40%
Wheelchair Cushion	
E2601NU	$54.60
E2601RR	$5.47
E2601UE	$40.96
E2602NU	$108.45
E2602RR	$10.85
E2602UE	$81.33

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchair Cushion	
E2603NU	$133.25
E2603RR	$13.33
E2603UE	$99.95
E2604NU	$172.51
E2604RR	$17.25
E2604UE	$129.39
E2605NU	$250.73
E2605RR	$25.08
E2605UE	$188.07
E2606NU	$379.20
E2606RR	$37.93
E2606UE	$284.39
E2607NU	$262.47
E2607RR	$26.25
E2607UE	$196.86
E2608NU	$311.74
E2608RR	$31.17
E2608UE	$233.81
E2609NU	AAC+45%
E2610NU	AAC+45%
E2611NU	$249.19
E2611RR	$24.92
E2611UE	$186.91
E2612NU	$374.40
E2612RR	$37.43
E2612UE	$280.80
E2613NU	$372.33
E2613RR	$37.24
E2613UE	$279.25
E2614NU	$496.29
E2614RR	$49.63
E2614UE	$372.22
E2615NU	$430.61
E2615RR	$43.07
E2615UE	$322.95
E2616NU	$551.35
E2616RR	$55.13
E2616UE	$413.52
E2617NU	AAC+45%
E2619NU	$51.82
E2619RR	$5.18
E2619UE	$38.89
E2620NU	$496.38
E2620RR	$49.64
E2620UE	$372.28
E2621NU	$517.43
E2621RR	$51.74
E2621UE	$388.07
E2622NU	$331.84
E2622RR	$33.19
E2622UE	$248.88
E2623NU	$420.99
E2623RR	$42.11

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Durable Medical Equipment E0100-E9999	
Wheelchair Cushion	
E2623UE	$315.74
E2624NU	$335.82
E2624RR	$33.58
E2624UE	$251.88
E2625NU	$420.57
E2625RR	$42.05
E2625UE	$315.43
Wheelchair Arm Support	
E2626NU	$716.66
E2626RR	$71.65
E2626UE	$537.47
E2627NU	$1137.30
E2627RR	$113.75
E2627UE	$852.97
E2628NU	$852.60
E2628RR	$85.26
E2628UE	$639.44
E2629NU	$1044.55
E2629RR	$104.45
E2629UE	$783.42
E2630NU	$752.64
E2630RR	$75.26
E2630UE	$564.48
E2631NU	$273.20
E2631RR	$27.32
E2631UE	$204.90
E2632NU	$192.04
E2632RR	$19.21
E2632UE	$144.02
E2633NU	$161.27
E2633RR	$16.13
E2633UE	$120.96
Gait Trainer	
E8000	AAC+45%
E8001	AAC+45%
E8002	AAC+45%
Drugs Administered Other than Oral Method	
G0333	$53.30
J0133	$0.44
J0153	$0.90
J0285	$9.61
J0287	$20.43
J0288	$14.21
J0289	$33.47
J0882	$3.88
J0895	$14.62
J1170	$1.40
J1250	$4.43
J1265	$0.57
J1325	$11.81
J1455	$12.22
J1459	$35.77
J1557	$34.89

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Drugs Administered Other Than Oral Method	
J1559	$13.43
J1561	$39.05
J1561JB	$43.16
J1562	$10.66
J1566	$32.63
J1568	$39.69
J1569	$35.64
J1569JB	$49.08
J1570	$32.96
J1572	$36.81
J1575	$16.19
J1644AX	$0.20
J1815	$0.74
J1817	$2.62
J2175	$0.53
J2260	$48.22
J2270	$0.66
J2274	$8.01
J2407	$23.95
J2545	$106.35
J2920	$2.71
J2930	$3.84
J3010	$0.66
J3090	$1.13
J3285	$57.74
J3380	$15.92
J3489	$25.74
Miscellaneous Drugs and Solutions	
J7500	$0.15
J7501	$85.43
J7502	$3.15
J7504	$1063.03
J7505	$1080.94
J7507	$0.79
J7508	$0.36
J7509	$0.31
J7510	$0.12
J7511	$601.21
J7512	$0.01
J7513	$492.13
J7515	$0.91
J7516	$39.92
J7517	$0.95
J7518	$2.86
J7520	$8.25
J7525	$153.75
Inhalation Drugs	
J7605KO	$7.72
J7606KO	$8.80
J7608KO	$3.76
J7609	$0.06
J7611	$0.11

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Inhalation Drugs	
J7612	$0.26
J7613KO	$0.04
J7614KO	$0.08
J7620	$0.14
J7626KO	$4.97
J7631KO	$0.75
J7639KO	$36.45
J7644KO	$0.20
J7669KO	$0.41
J7682KO	$52.00
J7686KO	$473.52
J8501	$9.54
J8520	$4.90
J8521	$15.57
J8530	$3.43
J8540	$0.12
J8610	$1.30
J8650	$31.89
J8655	$461.97
J8670	$2.92
Chemotherapy Drugs	
J9000	$11.73
J9032	$30.39
J9040	$270.56
J9065	$57.71
J9100	$7.66
J9190	$1.94
J9200	$127.91
J9208	$140.60
J9271	$42.72
J9299	$23.72
J9308	$50.50
J9360	$3.84
J9370	$31.77
J9390	$101.92
K Codes (Temporary) K0000-K9999	
Wheelchair and Wheelchair Accessories	
K0001KH, KI	$40.05
K0001KJ	$30.04
K0001NU	$400.55
K0001UE	$300.42
K0002KH, KI	$58.97
K0002KJ	$44.23
K0002NU	$589.71
K0002UE	$442.29
K0003KH, KI	$65.37
K0003KJ	$49.03
K0003NU	$653.75
K0003UE	$490.31
K0004KH, KI	$93.25
K0004KJ	$69.94
K0004NU	$932.48
K0004UE	$699.36

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
K Codes (Temporary) K0000-K9999	
Wheelchair and Wheelchair Accessories	
K0005NU	$1910.99
K0005RR	$191.08
K0005UE	$1433.20
K0006KH, KI	$99.80
K0006KJ	$74.86
K0006NU	$998.02
K0006UE	$748.52
K0007KH, KI	$145.42
K0007KJ	$109.07
K0007NU	$1454.21
K0007UE	$1090.66
K0008	AAC+45%
K0009KH, KI	$86.91
K0009KJ	$65.19
K0009NU	$869.11
K0009UE	$651.84
K0010KH, KI	$518.02
K0010KJ	$388.52
K0010NU	$5180.23
K0010UE	$3885.18
K0011KH, KI	$622.96
K0011KHKF, KIKF	$691.64
K0011KJ	$467.23
K0011KJKF	$518.73
K0011NU	$6229.63
K0011NUKF	$6916.36
K0011UE	$4672.23
K0011UEKF	$5187.27
K0012KH, KI	$395.13
K0012KJ	$296.35
K0012NU	$3951.31
K0012UE	$2963.49
K0013	AAC+45%
K0015NU	$160.48
K0015UE	$120.35
K0015KH, KI	$16.05
K0015KJ	$12.03
K0017NU	$50.78
K0017RR	$5.08
K0017UE	$38.08
K0018NU	$28.52
K0018RR	$2.85
K0018UE	$21.40
K0019NU	$14.95
K0019RR	$1.50
K0019UE	$11.21
K0020NU	$47.86
K0020RR	$4.79
K0020UE	$35.89
K0037NU	$47.82
K0037RR	$4.16
K0037UE	$35.87
K0038NU	$24.72

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
K Codes (Temporary) K0000-K9999	
Wheelchair and Wheelchair Accessories	
K0038RR	$2.48
K0038UE	$18.52
K0039NU	$53.99
K0039RR	$5.41
K0039UE	$40.49
K0040NU	$65.43
K0040RR	$6.53
K0040UE	$49.06
K0041NU	$52.34
K0041RR	$5.26
K0041UE	$39.26
K0042NU	$34.90
K0042RR	$3.49
K0042UE	$26.17
K0043NU	$19.99
K0043RR	$1.99
K0043UE	$15.02
K0044NU	$17.22
K0044RR	$1.73
K0044UE	$12.90
K0045NU	$57.60
K0045RR	$5.85
K0045UE	$43.21
K0046NU	$20.05
K0046RR	$2.00
K0046UE	$15.06
K0047NU	$74.79
K0047RR	$7.49
K0047UE	$56.08
K0050NU	$33.13
K0050RR	$3.31
K0050UE	$24.86
K0051NU	$53.04
K0051RR	$5.32
K0051UE	$39.78
K0052NU	$81.88
K0052RR	$8.18
K0052UE	$61.40
K0053NU	$99.92
K0053RR	$9.99
K0053UE	$74.94
K0053UD	AAC+45%
K0056NU	$106.04
K0056RR	$10.60
K0056UE	$79.54
K0065NU	$50.79
K0065RR	$5.08
K0065UE	$38.09
K0069NU	$107.69
K0069RR	$11.02
K0069UE	$80.76
K0070NU	$192.21
K0070UE	$144.17

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
K Codes (Temporary) K0000-K9999	
Wheelchair and Wheelchair Accessories	
K0070KH, KI	$19.23
K0070KJ	$14.42
K0071NU	$123.49
K0071RR	$12.35
K0071UE	$92.60
K0072NU	$75.12
K0072RR	$7.51
K0072UE	$56.33
K0073NU	$40.16
K0073RR	$4.02
K0073UE	$30.12
K0077NU	$61.47
K0077RR	$6.14
K0077UE	$46.09
K0098NU	$27.02
K0098RR	$2.71
K0098UE	$20.25
K0105NU	$113.29
K0105RR	$11.33
K0105UE	$84.98
K0108NU	AAC+45%
K0108RA	$51.73
K0108RB	AAC+45%
K0195KH, KI	$15.41
K0195KJ	$11.56
K0195NU	$154.11
K0195UE	$115.59
Equipment, Replacement, Repair, Rental	
K0455RR	$273.78
K0552	$2.59
K0553	$273.22
K0554NU	$263.31
K0554RR	$26.33
K0554UE	$197.48
K0601NU	$1.12
K0602NU	$6.39
K0603NU	$0.57
K0604NU	$6.14
K0605NU	$14.72
K0606KJKF	$1952.27
K0606NUKF	$26030.21
K0606UEKF	$19522.66
K0607NU	$200.84
K0607NUKF	$222.90
K0607UE	$150.63
K0607UEKF	$167.18
K0607KH, KI	$20.09
K0607KJ	$15.06
K0607KHKC, KIKF	$22.29
K0607KJKF	$16.72
K0608NU	$125.28
K0608NUKF	$139.12

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
K Codes (Temporary) K0000-K9999	
Equipment, Replacement, Repair, Rental	
K0608RR	$12.56
K0608RRKF	$13.94
K0608UE	$93.97
K0608UEKF	$104.32
K0609NU	$833.21
K0609NUKF	$925.08
K0669	AAC+45%
K0730NU	$1782.02
K0730UE	$1336.52
K0730KH, KI	$178.20
K0730KJ	$133.65
K0733NU	$25.65
K0733RR	$2.57
K0733UE	$19.25
K0738RR	$44.29
K0739RB	$31.66
K0739U5	$50.96
K0739UB	$37.24
K0740RB	$27.31
K0744	AAC+30%
K0745	AAC+30%
K0746	AAC+30%
Power Operated Vehicle and Accessories	
K0800NU	$1145.20
K0800RR	$114.53
K0800UE	$858.90
K0801NU	$1982.93
K0801RR	$198.28
K0801UE	$1487.19
K0802NU	$2240.21
K0802RR	$224.02
K0802UE	$1680.15
K0806NU	$1530.93
K0806RR	$153.09
K0806UE	$1148.20
K0807NU	$2346.04
K0807RR	$234.61
K0807UE	$1759.54
K0808NU	$3628.28
K0808RR	$362.82
K0808UE	$2721.21
K0812NU	AAC+45%
Power Wheelchairs	
K0813KH, KI	$331.14
K0813KJ	$132.46
K0813NU	$2207.62
K0813UE	$1655.72
K0814KH, KI	$394.72
K0814KJ	$157.89
K0814NU	$2631.50
K0814UE	$1973.62
K0815KH, KI	$422.30

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
K Codes (Temporary) K0000-K9999	
Power Wheelchairs	
K0815KJ	$168.92
K0815NU	$2815.34
K0815UE	$2111.51
K0816KH, KI	$418.19
K0816KJ	$167.28
K0816NU	$2787.92
K0816UE	$2090.94
K0820KH, KI	$348.45
K0820KJ	$139.38
K0820NU	$2322.98
K0820UE	$1742.24
K0821KH, KI	$413.48
K0821KJ	$165.40
K0821NU	$2756.52
K0821UE	$2067.40
K0822KH, KI	$497.88
K0822KJ	$199.16
K0822NU	$3319.22
K0822UE	$2489.41
K0823KH, KI	$470.06
K0823KJ	$188.02
K0823NU	$3133.76
K0823UE	$2350.32
K0824KH, KI	$625.27
K0824KJ	$250.11
K0824NU	$4168.48
K0824UE	$3126.37
K0825KH, KI	$558.64
K0825KJ	$223.45
K0825NU	$3724.24
K0825UE	$2793.18
K0826KH, KI	$845.37
K0826KJ	$338.15
K0826NU	$5635.82
K0826UE	$4226.86
K0827KH, KI	$734.34
K0827KJ	$293.73
K0827NU	$4895.58
K0827UE	$3671.69
K0828KH, KI	$951.78
K0828KJ	$380.71
K0828NU	$6345.16
K0828UE	$4758.88
K0829KH, KI	$924.66
K0829KJ	$369.86
K0829NU	$6164.40
K0829UE	$4623.30
K0830NU	$4305.51
K0830RR	$430.55
K0830UE	$3229.14
K0831NU	$4305.51
K0831RR	$430.55
K0831UE	$3229.14

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
K Codes (Temporary) K0000-K9999	
Power Wheelchairs	
K0835KH, KI	$501.72
K0835KJ	$200.68
K0835NU	$3344.80
K0835UE	$2508.61
K0836KH, KI	$520.34
K0836KJ	$208.14
K0836NU	$3468.96
K0836UE	$2601.72
K0837KH, KI	$615.11
K0837KJ	$246.05
K0837NU	$4100.72
K0837UE	$3075.55
K0838KH, KI	$548.33
K0838KJ	$219.33
K0838NU	$3655.52
K0838UE	$2741.64
K0839KH, KI	$804.24
K0839KJ	$321.70
K0839NU	$5361.62
K0839UE	$4021.22
K0840KH, KI	$1224.74
K0840KJ	$489.90
K0840NU	$8164.94
K0840UE	$6123.70
K0841KH, KI	$545.47
K0841KJ	$218.19
K0841NU	$3636.46
K0841UE	$2727.34
K0842KH, KI	$545.16
K0842KJ	$218.06
K0842NU	$3634.40
K0842UE	$2725.80
K0843KH, KI	$652.89
K0843KJ	$261.16
K0843NU	$4352.62
K0843UE	$3264.47
K0848KH, KI	$830.81
K0848KJ	$332.32
K0848NU	$5538.72
K0848UE	$4154.04
K0849KH, KI	$798.78
K0849KJ	$319.51
K0849NU	$5325.18
K0849UE	$3993.88
K0850KH, KI	$963.71
K0850KJ	$385.48
K0850NU	$6424.74
K0850UE	$4818.55
K0851KH, KI	$926.61
K0851KJ	$370.65
K0851NU	$6177.38
K0851UE	$4633.04
K0852KH, KI	$1113.50

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
K Codes (Temporary) K0000-K9999	
Power Wheelchairs	
K0852KJ	$445.40
K0852NU	$7423.32
K0852UE	$5567.49
K0853KH, KI	$1143.85
K0853KJ	$457.53
K0853NU	$7625.64
K0853UE	$5719.23
K0854KH, KI	$1515.35
K0854KJ	$606.14
K0854NU	$10102.32
K0854UE	$7576.75
K0855KH, KI	$1431.47
K0855KJ	$572.59
K0855NU	$9543.16
K0855UE	$7157.37
K0856KH, KI	$891.78
K0856KJ	$356.71
K0856NU	$5945.20
K0856UE	$4458.91
K0857KH, KI	$909.66
K0857KJ	$363.86
K0857NU	$6064.38
K0857UE	$4548.28
K0858KH, KI	$1106.45
K0858KJ	$442.57
K0858NU	$7376.30
K0858UE	$5532.23
K0859KH, KI	$1055.21
K0859KJ	$422.08
K0859NU	$7034.72
K0859UE	$5276.04
K0860KH, KI	$1580.69
K0860KJ	$632.28
K0860NU	$10537.92
K0860UE	$7903.45
K0861KH, KI	$893.21
K0861KJ	$357.28
K0861NU	$5954.74
K0861UE	$4466.06
K0861KHKF, KIKF	$1150.58
K0861KJKF	$460.23
K0861NUKF	$7670.52
K0861UEKF	$5752.89
K0862KH, KI	$1106.45
K0862KJ	$442.57
K0862NU	$7376.30
K0862UE	$5532.23
K0863KH, KI	$1563.58
K0863KJ	$625.44
K0863NU	$10423.90
K0863UE	$7817.92
K0864KH, KI	$1860.68
K0864KJ	$744.27

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
K Codes (Temporary) K0000-K9999	
Power Wheelchairs	
K0864NU	$12404.56
K0864UE	$9303.42
K0868NU	AAC+45%
K0869NU	AAC+45%
K0870NU	AAC+45%
K0871NU	AAC+45%
K0877NU	AAC+45%
K0878NU	AAC+45%
K0879NU	AAC+45%
K0880NU	AAC+45%
K0884NU	AAC+45%
K0885NU	AAC+45%
K0886NU	AAC+45%
K0890NU	AAC+45%
K0891NU	AAC+45%
K0898NU	AAC+45%
K0899NU	AAC+45%
K0900	AAC+40%
Prosthetic Procedures	
Larynx and Trachea Prosthetics and Accessories	
L8501	$143.02
Q Codes (Temporary)	
Q0162	$0.02
Q0163	$0.24
Q0164	$0.04
Q0166	$1.22
Q0167	$1.53
Q0169	$0.03
Q0173	$0.03
Q0175	$1.89
Q0177	$0.13
Q0180	$104.27
Q0510	$46.75
Q0511	$22.44
Q0512	$14.96
Q0513	$30.86
Q0514	$61.71
Q4074	$104.34
Q5101	$0.90
Temporary National Codes (Non-Medicare)	
S5160	$42.38
S5161RR	$22.00
S5162	AAC+40%
S5162TW	$33.00
S5497	$15.35
S5498	$15.35
S5501	$15.35
S5502	$15.35
S5517	$15.35
S5518	$15.35
S5520	$138.41
S5521	$132.87

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Temporary National Codes (Non-Medicare)	
S5522SD	$95.69
S5523SD	$95.69
S8097	AAC+30%
S8186	AAC+30%
S8189	AAC+30%
S8210	AAC+30%
S8262	AAC+30%
S8265	AAC+30%
S8420	AAC+30%
S8421	AAC+30%
S8422	AAC+30%
S8423	AAC+30%
S8424	AAC+30%
S8425	AAC+30%
S8426	AAC+30%
S8427	AAC+30%
S8428	AAC+30%
S8429	AAC+30%
S8430	AAC+30%
S8431	AAC+30%
S8450	AAC+30%
S8451	AAC+30%
S8452	AAC+30%
S8490	AAC+30%
S8999	AAC+30%
S9325	$41.26
S9326	$41.26
S9327	$41.26
S9328	$41.26
S9329	$51.35
S9330	$51.35
S9331	$51.35
S9336	$49.35
S9338	$56.66
S9339	$39.14
S9340	$16.32
S9341	$13.51
S9342	$16.32
S9343	$13.51
S9345	$56.66
S9346	$49.35
S9347	$49.35
S9348	$80.54
S9349	$49.35
S9351	$49.35
S9353	$49.35
S9355	$80.54
S9357	$80.54
S9359	$80.54
S9361	$80.54
S9363	$80.54
S9364	$48.35
S9365	$48.35

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Temporary National Codes (Non-Medicare)	
S9366	$48.35
S9367	$48.35
S9368	$48.35
S9370	$10.58
S9372	$10.58
S9373	$33.04
S9374	$33.04
S9375	$33.04
S9376	$33.04
S9377	$33.04
S9379	AAC+30%+8.80
S9434	AAC+30%
S9435	AAC+30%
S9490	$49.35
S9494	$49.35
S9497	$56.66
S9500	$49.35
S9501	$56.90
S9502	$61.82
S9503	$68.06
S9504	$80.54
S9537	$10.58
S9538	$56.66
S9542	$10.58
S9558	$10.58
S9559	$10.58
S9560	$10.58
S9562	$10.58
S9590	$25.91
Miscellaneous	
T4521	$0.53
T4522	$0.45
T4523	$0.61
T4524	$0.73
T4525	$0.77
T4526	$0.56
T4527	$0.63
T4528	$0.80
T4529	$0.34
T4530	$0.54
T4531	$0.55
T4532	$0.76
T4533	$0.58
T4534	$0.89
T4535	$0.32
T4535UD	AAC+30%
T4536	$3.76
T4537	$8.16
T4538	AAC+30%
T4539	$34.90
T4540	$7.50
T4541	$0.24
T4542	$0.17

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
T4543	$1.28
T4544	$1.35
T5001NU	AAC+45%
99601SD	$95.69
99602SD	$50.03
E0705NUKU	$67.94
E0705RRKU	$6.94
E0705UEKU	$49.97
E0950NUKU	$94.28
E0950RRKU	$9.45
E0950UEKU	$70.72
E0951NUKU	$18.22
E0951RRKU	$2.08
E0951UEKU	$13.66
E0952NUKU	$18.04
E0952RRKU	$2.08
E0952UEKU	$13.50
E0955KHKU, KIKU	$21.58
E0955KJKU	$16.19
E0955NUKU	$215.82
E0955UEKU	$161.87
E0956NUKU	$105.18
E0956RRKU	$10.52
E0956UEKU	$78.89
E0957NUKU	$147.19
E0957RRKU	$14.73
E0957UEKU	$110.39
E0960NUKU	$97.09
E0960RRKU	$9.74
E0960UEKU	$72.83
E0973NUKU	$122.68
E0973RRKU	$9.93
E0973UEKU	$92.02
E0978NUKU	$45.56
E0978RRKU	$4.57
E0978UEKU	$33.78
E0981NUKU	$50.31
E0981RRKU	$4.35
E0981UEKU	$38.08
E0982NUKU	$54.97
E0982RRKU	$4.66
E0982UEKU	$41.25
E0985KHKU, KIKU	$25.14
E0985KJKU	$18.85
E0985NUKU	$251.35
E0985UEKU	$188.52
E0990NUKU	$125.30
E0990RRKU	$14.11
E0990UEKU	$97.91
E0995NUKU	$27.57
E0995RRKU	$2.85
E0995UEKU	$20.66
E1002KHKU, KIKU	$432.49

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
E1002KJKU	$324.37
E1002NUKU	$4,324.87
E1002UEKU	$3,243.66
E1003KHKU, KIKU	$468.59
E1003KJKU	$351.44
E1003NUKU	$4,685.89
E1003UEKU	$3,514.42
E1004KHKU, KIKU	$519.55
E1004KJKU	$389.66
E1004NUKU	$5,195.52
E1004UEKU	$3,896.64
E1005KHKU, KIKU	$562.38
E1005KJKU	$421.78
E1005NUKU	$5,623.75
E1005UEKU	$4,217.82
E1006KHKU, KIKU	$688.85
E1006KJKU	$516.64
E1006NUKU	$6,888.53
E1006UEKU	$5,166.40
E1007KHKU, KIKU	$932.77
E1007KJKU	$699.58
E1007NUKU	$9,327.67
E1007UEKU	$6,995.76
E1008KHKU, KIKU	$932.83
E1008KJKU	$699.62
E1008NUKU	$9,328.33
E1008UEKU	$6,996.25
E1010KHKU, KIKU	$122.06
E1010KJKU	$91.54
E1010NUKU	$1,220.56
E1010UEKU	$915.42
E1012KHKU, KIKU	$122.06
E1012KJKU	$91.54
E1012NUKU	$1,220.56
E1012UEKU	$915.42
E1020KHKU, KIKU	$25.96
E1020KJKU	$19.47
E1020NUKU	$259.60
E1020UEKU	$194.70
E1028KHKU, KIKU	$22.03
E1028KJKU	$16.52
E1028NUKU	$220.33
E1028UEKU	$165.25
E1029KHKU, KIKU	$39.42
E1029KJKU	$29.57
E1029NUKU	$394.24
E1029UEKU	$295.68
E1030KHKU, KIKU	$124.34
E1030KJKU	$93.26
E1030NUKU	$1,243.44
E1030UEKU	$932.58
E2207NUKU	$53.67
E2207RRKU	$5.38

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
E2207UEKU	$40.26
E2208NUKU	$126.75
E2208RRKU	$12.67
E2208UEKU	$95.06
E2209NUKU	$114.35
E2209RRKU	$11.45
E2209UEKU	$85.78
E2210NUKU	$6.97
E2210RRKU	$0.59
E2210UEKU	$5.26
E2310KHKU, KIKU	$124.85
E2310KJKU	$93.64
E2310NUKU	$1,248.50
E2310UEKU	$936.38
E2311KHKU, KIKU	$252.81
E2311KJKU	$189.61
E2311NUKU	$2,528.13
E2311UEKU	$1,896.10
E2321KHKU, KIKU	$276.23
E2321KJKU	$207.17
E2321NUKU	$2,762.32
E2321UEKU	$2,071.74
E2322KHKU, KIKU	$292.50
E2322KJKU	$219.37
E2322NUKU	$2,925.01
E2322UEKU	$2,193.76
E2323NUKU	$73.81
E2323RRKU	$7.37
E2323UEKU	$55.34
E2324NUKU	$46.75
E2324RRKU	$4.65
E2324UEKU	$35.07
E2325KHKU, KIKU	$143.73
E2325KJKU	$107.80
E2325NUKU	$1,437.26
E2325UEKU	$1,077.95
E2326KHKU, KIKU	$37.06
E2326KJKU	$27.80
E2326NUKU	$370.59
E2326UEKU	$277.95
E2327KHKU, KIKU	$423.50
E2327KJKU	$317.63
E2327NUKU	$4,235.00
E2327UEKU	$3,176.25
E2328KHKU, KIKU	$528.76
E2328KJKU	$396.57
E2328NUKU	$5,287.59
E2328UEKU	$3,965.70
E2329KHKU, KIKU	$188.45
E2329KJKU	$141.34
E2329NUKU	$1,884.52
E2329UEKU	$1,413.39
E2330KHKU, KIKU	$365.15

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
E2330KJKU	$273.86
E2330NUKU	$3,651.45
E2330UEKU	$2,738.59
E2351NUKU	$745.49
E2351RRKU	$74.58
E2351UEKU	$559.10
E2359NUKU	$207.28
E2359RRKU	$20.74
E2359UEKU	$155.46
E2360NUKU	$139.10
E2360RRKU	$13.98
E2360UEKU	$104.30
E2361NUKU	$148.82
E2361RRKU	$14.88
E2361UEKU	$111.64
E2362NUKU	$113.88
E2362RRKU	$11.39
E2362UEKU	$85.39
E2363NUKU	$198.48
E2363RRKU	$19.84
E2363UEKU	$148.85
E2364NUKU	$139.10
E2364RRKU	$13.98
E2364UEKU	$104.30
E2365NUKU	$119.69
E2365RRKU	$11.96
E2365UEKU	$89.80
E2366NUKU	$281.30
E2366RRKU	$28.22
E2366UEKU	$210.99
E2367NUKU	$447.18
E2367RRKU	$44.72
E2367UEKU	$335.40
E2368KHKU, KIKU	$55.12
E2368KJKU	$41.34
E2368NUKU	$551.21
E2368UEKU	$413.41
E2369KHKU, KIKU	$48.04
E2369KJKU	$36.03
E2369NUKU	$480.37
E2369UEKU	$360.28
E2370KHKU, KIKU	$85.68
E2370KJKU	$64.26
E2370NUKU	$856.79
E2370UEKU	$642.60
E2371NUKU	$160.85
E2371RRKU	$16.09
E2371UEKU	$120.65
E2373KHKU, KIKU	$129.14
E2373KJKU	$96.86
E2373NUKU	$1,291.40
E2373UEKU	$968.55
E2374KHKU, KIKU	$57.00

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
E2374KJKU	$42.76
E2374NUKU	$570.02
E2374UEKU	$427.52
E2375KHKU, KIKU	$91.38
E2375KJKU	$68.53
E2375NUKU	$913.77
E2375UEKU	$685.33
E2376KHKU, KIKU	$143.24
E2376KJKU	$107.44
E2376NUKU	$1,432.42
E2376UEKU	$1,074.32
E2377KHKU, KIKU	$51.81
E2377KJKU	$38.86
E2377NUKU	$518.10
E2377UEKU	$388.58
E2378KHKU, KIKU	$63.36
E2378KJKU	$47.52
E2378NUKU	$633.60
E2378UEKU	$475.20
E2381NUKU	$81.28
E2381RRKU	$8.15
E2381UEKU	$60.96
E2382NUKU	$22.15
E2382RRKU	$2.20
E2382UEKU	$16.62
E2383NUKU	$162.06
E2383RRKU	$16.20
E2383UEKU	$121.54
E2384NUKU	$86.34
E2384RRKU	$8.66
E2384UEKU	$64.77
E2385NUKU	$52.82
E2385RRKU	$5.30
E2385UEKU	$39.60
E2386NUKU	$160.59
E2386RRKU	$16.06
E2386UEKU	$120.45
E2387NUKU	$72.01
E2387RRKU	$7.21
E2387UEKU	$54.05
E2388NUKU	$53.76
E2388RRKU	$5.38
E2388UEKU	$40.34
E2389NUKU	$29.21
E2389RRKU	$2.94
E2389UEKU	$21.88
E2390NUKU	$45.66
E2390RRKU	$4.57
E2390UEKU	$34.22
E2391NUKU	$21.87
E2391RRKU	$2.19
E2391UEKU	$16.40
E2392NUKU	$57.49

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
E2392RRKU	$5.79
E2392UEKU	$43.13
E2394NUKU	$81.92
E2394RRKU	$8.21
E2394UEKU	$61.44
E2395NUKU	$58.20
E2395RRKU	$5.84
E2395UEKU	$43.66
E2396NUKU	$68.37
E2396RRKU	$7.60
E2396UEKU	$51.30
E2397NUKU	$512.71
E2397RRKU	$51.28
E2397UEKU	$384.51
E2601NUKU	$65.26
E2601RRKU	$6.55
E2601UEKU	$48.95
E2602NUKU	$127.40
E2602RRKU	$12.75
E2602UEKU	$95.57
E2603NUKU	$161.74
E2603RRKU	$16.18
E2603UEKU	$121.32
E2604NUKU	$201.06
E2604RRKU	$20.11
E2604UEKU	$150.81
E2605NUKU	$287.23
E2605RRKU	$28.73
E2605UEKU	$215.46
E2606NUKU	$448.10
E2606RRKU	$44.81
E2606UEKU	$336.04
E2607NUKU	$309.29
E2607RRKU	$30.93
E2607UEKU	$231.97
E2608NUKU	$371.43
E2608RRKU	$37.14
E2608UEKU	$278.58
E2611NUKU	$333.30
E2611RRKU	$33.32
E2611UEKU	$250.00
E2612NUKU	$450.88
E2612RRKU	$45.09
E2612UEKU	$338.15
E2613NUKU	$419.41
E2613RRKU	$41.94
E2613UEKU	$314.56
E2614NUKU	$580.43
E2614RRKU	$58.04
E2614UEKU	$435.34
E2615NUKU	$482.65
E2615RRKU	$48.28
E2615UEKU	$361.98

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
E2616NUKU	$649.40
E2616RRKU	$64.94
E2616UEKU	$487.06
E2619NUKU	$54.75
E2619RRKU	$5.47
E2619UEKU	$41.11
E2620NUKU	$584.42
E2620RRKU	$58.45
E2620UEKU	$438.34
E2621NUKU	$613.32
E2621RRKU	$61.34
E2621UEKU	$459.99
E2622NUKU	$353.69
E2622RRKU	$35.38
E2622UEKU	$265.27
E2623NUKU	$450.07
E2623RRKU	$45.02
E2623UEKU	$337.54
E2624NUKU	$356.61
E2624RRKU	$35.66
E2624UEKU	$267.48
E2625NUKU	$451.44
E2625RRKU	$45.13
E2625UEKU	$338.58
E2626NUKU	$768.99
E2626RRKU	$76.87
E2626UEKU	$576.66
E2627NUKU	$1,227.05
E2627RRKU	$122.74
E2627UEKU	$920.27
E2628NUKU	$924.39
E2628RRKU	$92.43
E2628UEKU	$693.28
E2629NUKU	$1,063.44
E2629RRKU	$106.33
E2629UEKU	$797.59
E2630NUKU	$818.03
E2630RRKU	$81.81
E2630UEKU	$613.51
E2631NUKU	$278.16
E2631RRKU	$27.81
E2631UEKU	$208.60
E2632NUKU	$208.07
E2632RRKU	$20.81
E2632UEKU	$156.05
E2633NUKU	$176.48
E2633RRKU	$17.66
E2633UEKU	$132.37
K0015KHKU, KIKU	$19.38
K0015KJKU	$14.54
K0015NUKU	$193.82
K0015UEKU	$145.37
K0017NUKU	$54.53

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
K0017RRKU	$5.45
K0017UEKU	$40.90
K0018NUKU	$30.46
K0018RRKU	$3.04
K0018UEKU	$22.86
K0019NUKU	$18.32
K0019RRKU	$1.83
K0019UEKU	$13.75
K0020NUKU	$49.58
K0020RRKU	$4.96
K0020UEKU	$37.18
K0037NUKU	$51.39
K0037RRKU	$4.24
K0037UEKU	$38.56
K0038NUKU	$25.91
K0038RRKU	$2.60
K0038UEKU	$19.40
K0039NUKU	$57.49
K0039RRKU	$5.79
K0039UEKU	$43.13
K0040NUKU	$79.68
K0040RRKU	$7.95
K0040UEKU	$59.73
K0041NUKU	$56.46
K0041RRKU	$5.70
K0041UEKU	$42.34
K0042NUKU	$38.87
K0042RRKU	$3.88
K0042UEKU	$29.15
K0043NUKU	$20.83
K0043RRKU	$2.07
K0043UEKU	$15.65
K0044NUKU	$17.77
K0044RRKU	$1.78
K0044UEKU	$13.31
K0045NUKU	$60.42
K0045RRKU	$6.23
K0045UEKU	$45.32
K0046NUKU	$20.83
K0046RRKU	$2.07
K0046UEKU	$15.65
K0047NUKU	$81.61
K0047RRKU	$8.18
K0047UEKU	$61.18
K0051NUKU	$56.13
K0051RRKU	$5.65
K0051UEKU	$42.09
K0052NUKU	$98.66
K0052RRKU	$9.86
K0052UEKU	$73.95
K0053NUKU	$108.86
K0053RRKU	$10.88
K0053UEKU	$81.64

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
K0056NUKU	$117.74
K0056RRKU	$11.78
K0056UEKU	$88.32
K0065NUKU	$55.02
K0065RRKU	$5.50
K0065UEKU	$41.28
K0069NUKU	$123.72
K0069RRKU	$12.88
K0069UEKU	$92.79
K0070KHKU, KIKU	$22.69
K0070KJKU	$17.02
K0070NUKU	$226.93
K0070UEKU	$170.20
K0071NUKU	$135.26
K0071RRKU	$13.53
K0071UEKU	$101.41
K0072NUKU	$81.43
K0072RRKU	$8.14
K0072UEKU	$61.05
K0073NUKU	$43.10
K0073RRKU	$4.31
K0073UEKU	$32.31
K0077NUKU	$72.88
K0077RRKU	$7.27
K0077UEKU	$54.63
K0098NUKU	$29.04
K0098RRKU	$2.92
K0098UEKU	$21.76
K0105NUKU	$123.10
K0105RRKU	$12.31
K0105UEKU	$92.32
K0733NUKU	$32.23
K0733RRKU	$3.25
K0733UEKU	$24.19
E0958 KH KU	$47.39
E0958 KI KU	$47.39
E0958 KJ KU	$35.54
E0958 NU KU	$473.88
E0958 UE KU	$355.41
E0959 NU KU	$56.49
E0959 RR KU	$4.99
E0959 UE KU	$42.76
E0961 NU KU	$38.02
E0961 RR KU	$3.38
E0961 UE KU	$16.12
E0966 NU KU	$91.20
E0966 RR KU	$8.46
E0966 UE KU	$68.40
E0967 NU KU	$83.93
E0967 RR KU	$8.40
E0967 UE KU	$62.92
E0971 NU KU	$55.44
E0971 RR KU	$5.56

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
E0971 UE KU	$41.61
E0974 NU KU	$94.64
E0974 RR KU	$9.03
E0974 UE KU	$70.98
E0992 NU KU	$121.62
E0992 RR KU	$10.13
E0992 UE KU	$91.20
E1015 NU KU	$146.59
E1015 RR KU	$14.65
E1015 UE KU	$109.93
E1225 KH KU	$49.09
E1225 KI KU	$49.09
E1225 KJ KU	$36.82
E1225 NU KU	$490.93
E1225 UE KU	$368.20
E1226 NU KU	$592.70
E1226 RR KU	$61.00
E1226 UE KU	$444.48
E2201 NU KU	$476.81
E2201 RR KU	$47.69
E2201 UE KU	$357.60
E2202 NU KU	$605.69
E2202 RR KU	$60.58
E2202 UE KU	$454.29
E2203 NU KU	$612.19
E2203 RR KU	$61.22
E2203 UE KU	$459.11
E2204 NU KU	$1,039.47
E2204 RR KU	$103.96
E2204 UE KU	$779.59
E2205 NU KU	$41.75
E2205 RR KU	$4.16
E2205 UE KU	$31.33
E2206 NU KU	$51.98
E2206 RR KU	$5.17
E2206 UE KU	$38.98
E2211 NU KU	$52.28
E2211 RR KU	$5.05
E2211 UE KU	$37.46
E2212 NU KU	$7.50
E2212 RR KU	$0.80
E2212 UE KU	$5.64
E2213 NU KU	$38.87
E2213 RR KU	$3.91
E2213 UE KU	$29.14
E2214 NU KU	$46.00
E2214 RR KU	$5.05
E2214 UE KU	$34.38
E2215 NU KU	$12.27
E2215 RR KU	$1.22
E2215 UE KU	$9.19
E2216 NU KU	$58.21
E2216 RR KU	$5.83

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

Code	Rate
Miscellaneous	
E2216 UE KU	$43.65
E2217 NU KU	$51.51
E2217 RR KU	$5.15
E2217 UE KU	$38.64
E2218 NU KU	$58.21
E2218 RR KU	$5.83
E2218 UE KU	$43.65
E2219 NU KU	$51.51
E2219 RR KU	$5.15
E2219 UE KU	$38.64
E2220 NU KU	$36.47
E2220 RR KU	$3.52
E2220 UE KU	$27.89
E2221 NU KU	$32.65
E2221 RR KU	$3.31
E2221 UE KU	$24.50
E2222 NU KU	$26.93
E2222 RR KU	$2.66
E2222 UE KU	$20.20
E2224 NU KU	$125.31
E2224 RR KU	$13.16
E2224 UE KU	$93.98
E2225 NU KU	$22.23
E2225 RR KU	$2.21
E2225 UE KU	$16.67
E2226 NU KU	$48.48
E2226 RR KU	$4.85
E2226 UE KU	$36.37
E2228 KH KU	$119.63
E2228 KI KU	$119.63
E2228 KJ KU	$89.68
E2228 NU KU	$1,196.25
E2228 UE KU	$897.18
E2231 NU KU	$196.38
E2231 RR KU	$19.65
E2231 UE KU	$147.27
K0050 NU KU	$35.81
K0050 RR KU	$3.56
K0050 UE KU	$27.08
K0195 KH KU	$19.73
K0195 KI KU	$19.73
K0195 KJ KU	$14.81
K0195 NU KU	$197.34
K0195 UE KU	$148.01

(t) Certain Elder Care Services. Terms used in 101 CMR 447.03(6)(t) that have not been defined elsewhere in 101 CMR 447.00 have the meanings in 101 CMR 417.02: *Definitions*.

Certain Elder Care Services	Unit of Service	Rate	Add-on	Total
Enhanced Community Options Program (ECOP) Direct Services	Per client per month	$749.47	$74.95	$824.42
Home Care Program Services Direct Services	Per client per month	$326.35	$32.64	$358.99

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.03: continued

(7) Rates with Applicable Dates of Service Provided on or after January 1, 2022.

Service	**Rate** (Refer to the rate listed in the cited regulation.)
Adult Long Term Residential	101 CMR 420.00: *Rates for Adult Long-term Residential Services*
Family Stabilization	101 CMR 414.00: *Rates for Family Stabilization Services*
Shared Living	101 CMR 411.00: *Rates for Certain Placement, Support, and Shared Living Services*
Adult Community Mental Health Services	101 CMR 426.00: *Rates for Certain Adult Community Mental Health Services*
Community-based Day Support Services	101 CMR 415.00: *Rates for Community-based Day Support Services*
Supported Employment	101 CMR 419.00: *Rates for Supported Employment Services*
Day Habilitation Supplemental Supports	101 CMR 424.00: *Rates for Certain Developmental and Support Services*
In-home Basic Living Supports	101 CMR 423.00: *Rates for Certain In-home Basic Living Supports*
Home Health Services	101 CMR 350.00: *Rates for Home Health Services*
Adult Day Health	101 CMR 310.00: *Rates for Adult Day Health Services*
Personal Care Attendant (PCA) Program	101 CMR 309.00: *Rates for Certain Services for the Personal Care Attendant Program*
Adult Foster Care (AFC)	101 CMR 351.00: *Rates of Payment for Certain Adult Foster Care Services*
Children's Behavioral Health Services	101 CMR 352.00: *Rates of Payment for Certain Children's Behavioral Health Services*
Home and Community-based Services Waivers	101 CMR 359.00: *Rates for Home and Community-based Services Waivers*
Ambulance and Wheelchair Van Services	101 CMR 327.00: *Rates of Payment for Ambulance and Wheelchair Van Services*
Youth Intermediate Term Stabilization Services	101 CMR 413.00: *Payments for Youth Intermediate-term Stabilization Services*
Continuous Skilled Nursing Services	101 CMR 361.00: *Rates for Continuous Skilled Nursing Services*
Day Habilitation	101 CMR 348.00: *Day Habilitation Program Services*
Durable Medical Equipment	101 CMR 322.00: *Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment*
Certain Elder Care Services	101 CMR 417.00: *Rates for Certain Elder Care Services*

447.04: Filing and Reporting Requirements

(1) General Provisions.

(a) Accurate Data. All reports, schedules, additional information, books, and records that are filed or made available to EOHHS must be certified under pains and penalties of perjury as true, correct, and accurate by the Executive Director or Chief Financial Officer of the provider.

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

(2) Required Reports. Each provider must file:

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

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

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

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

447.04: continued

(3) Penalty for Noncompliance. The purchasing governmental unit may impose a penalty in the amount of up to 15% of its payments to any provider that fails to submit required information. The purchasing governmental unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 447.04(3).

447.05: Severability

The provisions of 101 CMR 447.00 are severable. If any provision of 101 CMR 447.00 or application of such provision to any eligible provider or fiscal intermediary is held invalid or unconstitutional, such determination will not affect the validity or constitutionality of any remaining provisions of 101 CMR 447.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 447.00: M.G.L. c. 118E.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(101 CMR 448.000 THROUGH 511.00: RESERVED)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 1247

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Notice of Compliance

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **105 CMR 316.000**

CHAPTER TITLE: **Use of Face Masks or Coverings in Response to the COVID-19 Pandemic**

AGENCY: **Department of Public Health**

THIS REGULATION WAS ORIGINALLY FILED AS AN EMERGENCY:

Published in Massachusetts Register Number: **1446** *Date:* **06/25/2021**

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.*

Pursuant to Executive Order No. 145, notice of the emergency repeal of 105 CMR 316.000 and the intent to hold a public hearing was provided to the Department of Housing and Community Development and the Massachusetts Municipal Association on July 1, 2021.

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: **07/30/2021**

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: **August 10, 2021**

AGENCY CONTACT: **Lynn Squillace** PHONE: **6176245217**

ADDRESS: **Department of Public Health, 250 Washington Street, Boston, MA 02108**

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

ATTEST:

SIGNATURE: _____ DATE: _____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: 1453 DATE: 10/1/21

EFFECTIVE DATE: 6/10/21

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
51 & 52	51 & 52
1357-1360	1357, 1358

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 9/8/21 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
105 CMR 300.000:	REPORTABLE DISEASES, SURVEILLANCE, AND ISOLATION AND QUARANTINE REQUIREMENTS (continued)	
Section 300.192:	Surveillance of Diseases Possibly Linked to Environmental Exposures	1315
Section 300.193:	Surveillance of Injuries Dangerous to Public Health	1316
Section 300.200:	Isolation and Quarantine Requirements	1316
Section 300.210:	Procedures for Isolation and Quarantine	1320.4
105 CMR 301.000:	CANCER REGISTRY	1321
Section 301.001:	Purpose	1321
Section 301.002:	Authority	1321
Section 301.003:	Citation	1321
Section 301.004:	Definitions	1321
Section 301.010:	Cases Required to be Reported	1322
Section 301.015:	Information Required to be Reported	1322
Section 301.017:	Data Collection Manual	1322
Section 301.020:	Persons, Facilities, and Agencies Required to Report Information	1323
Section 301.025:	Report Form	1323
Section 301.030:	Time for Reporting	1323
Section 301.035:	Quality Assurance	1323
Section 301.036:	Case Ascertainment	1324
Section 301.040:	Confidentiality of Reports	1324
105 CMR 302.000:	CONGENITAL ANOMALIES REGISTRY	1327
Section 302.001:	Purpose	1327
Section 302.005:	Definitions	1327
Section 302.010:	Information Required to be Reported Regarding Congenital Anomalies	1328
Section 302.020:	Data Collection Manual	1329
Section 302.025:	Report Form	1329
Section 302.030:	Time for Reporting	1329
Section 302.040:	Physician Reporting Requirements	1329
Section 302.050:	Medical Records Abstraction	1329
Section 302.060:	System for Coding Diagnoses	1330
Section 302.070:	Confidentiality	1330
Section 302.080:	Quality Assurance	1330.2
Section 302.090:	Advisory Committee	1330.2
(105 CMR 303.000 through 304.000: RESERVED)		1330.5
105 CMR 305.000:	CONFIDENTIAL BIRTH INFORMATION	1331
Section 305.001:	Purpose	1331
Section 305.002:	Scope	1331
Section 305.003:	Citation	1331
Section 305.004:	Definitions	1331
Section 305.010:	Information Acquired for Administrative, Statistical or Research Purposes	1333
Section 305.015:	Notice to Parent or Legal Guardian	1333
Section 305.020:	Reporting Confidential Birth Information	1333
Section 305.030:	Confidentiality of Birth Information	1334
Section 305.040:	Permitted Disclosure of Identifiable Confidential Birth Information	1334
Section 305.050:	Permitted Disclosure of Confidential Birth Information Contained in Limited Data Sets	1335

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
105 CMR 305.000:	CONFIDENTIAL BIRTH INFORMATION (continued)	
Section 305.060:	Permitted Disclosure of De-identified Birth Information	1335
Section 305.065:	Permitted Disclosure of Aggregate Birth Information	1335
Section 305.070:	Application for Access to Confidential Birth Information for Research Purposes	1335
Section 305.080:	Restrictions on Use and Disclosure of Confidential Birth Information for Research Purposes	1337
Section 305.090:	Sanctions for Violations of Conditions for Approval	1338
(105 CMR 306.000 THROUGH 308.000: RESERVED)		1339
105 CMR 309.000:	SAFE DRIVING	1340.1
Section 309.001:	Purpose	1340.1
Section 309.002:	Citation	1340.1
Section 309.003:	Scope	1340.1
Section 309.004:	Definitions	1340.1
Section 309.005:	Driving Relevant Impairments	1340.1
(105 CMR 310.000 THROUGH 314.000: RESERVED)		1341
105 CMR 315.000:	CREMATION OF BODIES RECEIVED FROM OUTSIDE MASSACHUSETTS	1355
Section 315.001:	Purpose	1355
Section 315.100:	Burial Permit/Transit Permit	1355
Section 315.200:	Medical Examiner's Certificate	1355
(105 CMR 316.000 THROUGH 329.000: RESERVED)		1357
105 CMR 330.000:	THE VACCINATION OF DOGS AND CATS AGAINST RABIES	1381
Section 330.001:	Purpose	1381
Section 330.002:	Authority	1381
Section 330.100:	Vaccine Administration	1381
Section 330.101:	Use of an Approved Rabies Vaccine	1381
Section 330.102:	Route of Inoculation	1381
Section 330.200:	Rabies Tag	1381
Section 330.300:	Certificate of Vaccination	1381
Section 330.400:	Timing of Vaccination	1382
Section 330.500:	Dogs and Cats from Out-of-State	1382
Section 330.600:	Proof of Vaccination Required at Certain Facilities	1382
(105 CMR 331.000 THROUGH 334.000: RESERVED)		1383

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(105 CMR 316.000 THROUGH 329.000: RESERVED)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(PAGES 1359 THROUGH 1380 ARE RESERVED FOR FUTURE USE)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 3404

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Notice of Correction

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **106 CMR 360.000**

CHAPTER TITLE: **Supplemental Nutrition Assistance Program: General Provisions**

AGENCY: **Department of Transitional Assistance**

ORIGINAL PUBLICATION REFERENCE: **1329** *Date:* **12/30/2016**

SUMMARY OF CORRECTION:
Reinserts 106 CMR 360.020: Authority which was removed in error. Renumbers 106 CMR 360.020: Definitions back to correct section number at 106 CMR 360.030. Corrects regulatory authority at end of chapter.

AGENCY CONTACT: **Regulations Division** PHONE: **617-727-2831**

ADDRESS: **Regulations Division, State House, Room 117, Boston, MA 02133**

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 7 2021**

Publication *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **12/30/2016**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
1 & 2	**1 & 2**
663 & 664	**663-664.2**
668.1 & 668.2	**668.1 & 668.2**

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/07/2021 CLERK mrs

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
(106 CMR 100.000 THROUGH 326.000: RESERVED)		25
106 CMR 327.000:	ELIGIBILITY REQUIREMENTS FOR SSP	613
Section 327.010:	Authority for State Supplement Program	613
Section 327.100:	Overview of State Supplement Program	613
Section 327.110:	Definitions	613
Section 327.120:	Eligibility for State Supplement Program	614
Section 327.130:	Eligibility for Other Programs; Treatment of SSP Payments in Other Programs	614
Section 327.140:	Fair Hearings and Notices	614
Section 327.150:	Verifications	614
Section 322.160:	Responsibility for Notification of Changes	615
Section 327.200:	Categorical Eligibility	615
Section 327.210:	Eligibility Categories	615
Section 327.220:	State Living Arrangements	615
Section 327.230:	Residence	616
Section 327.300:	Financial Requirements	616
Section 327.310:	Income	616
Section 327.320:	Resources	616
Section 327.330:	Payment Standards	617
Section 327.340:	Date Benefits Begin	617
Section 327.350:	Timing and Method of SSP Benefit Payments	617
Section 327.360:	Minimum Monthly Payment	617
Section 327.370:	Designated Payees and SSA Representative Payees	617
Section 327.380:	Determination of Continuing Eligibility	617
Section 327.390:	Special Benefits - Aged and Disabled	617
Section 327.400:	Overpayments	618
Section 327.410:	Recovery of Overpayments	618
(106 CMR 328.000 THROUGH 342.000: RESERVED)		621
106 CMR 343.000:	FAIR HEARING RULES	639
Section 343.010:	Purpose	639
Section 343.020:	Scope	640
Section 343.030:	Definitions	640
Section 343.100:	The Division of Hearings (DOH)	641
Section 343.110:	General Description of the Fair Hearing Process	641
Section 343.120:	Methods for Conducting a Fair Hearing	641
Section 343.130:	Availability of Fair Hearing Decisions	641
Section 343.140:	Time Limits	641
Section 343.150:	Authorized Representative	642
Section 343.160:	Auxiliary Aids and Reasonable Accommodation	642
Section 343.200:	Adequate Notice Requirements	643
Section 343.210:	Timely Notice Exceptions	643
Section 343.225:	Notification of the Right to Request a Hearing	644
Section 343.230:	Grounds for Appeal	644
Section 343.235:	Coercive or Otherwise Improper Conduct	645
Section 343.240:	Request for Fair Hearing	645
Section 343.245:	Dismissal of Request for a Hearing	645
Section 343.250:	Continuation of Benefits Pending Appeal	646
Section 343.300:	Notification of Hearing	646
Section 343.310:	Scheduling	646
Section 343.320:	Procedures and Requirements for Rescheduling	646
Section 343.330:	Dismissal for Failure to Prosecute	648
Section 343.340:	Right to Examine Case File and Documents, or "Discovery"	648
Section 343.350:	Adjustment Procedures	648
Section 343.360:	Subpoenas	648
Section 343.410:	Rights of the Appellant	649
Section 343.420:	Department Rights and Responsibilities	649

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
106 CMR 343.000:	FAIR HEARING RULES (continued)	
Section 343.430:	Responsibilities of the Department Attorney	650
Section 343.440:	Rights of the Department Employee	650
Section 343.450:	Powers and Duties of the Hearing Official	650
Section 343.500:	Evidence	651
Section 343.510:	Hearing Involving Medical Issues	651
Section 343.520:	Interim Orders	651
Section 343.530:	Continuance	652
Section 343.540:	Consolidated Hearings	652
Section 343.550:	The Record	652
Section 343.600:	Reopening Prior to Decision	652
Section 343.610:	Basis of Fair Hearing Decisions	652
Section 343.620:	Content of Decision	653
Section 343.625:	Transmittal of Decision	653
Section 343.630:	Finality of the Appeal Decision	653
Section 343.640:	Implementation of the Appeal Decision	653
Section 343.710:	Remand of Hearing Officer Decisions	654
Section 343.720:	Judicial Review	654
Section 343.730:	Access to the Record	654
(106 CMR 344.000 THROUGH 359.000:	RESERVED)	661
106 CMR 360.000:	SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GENERAL PROVISIONS	663
Section 360.010:	Purpose	663
Section 360.020:	Authority	663
Section 360.030:	Definitions	663
Section 360.100:	Uses of SNAP Benefits	664
Section 360.120:	Special Uses of SNAP Benefits	664
Section 360.200:	Nondiscrimination	665
Section 360.210:	Right to File a Complaint	665
Section 360.220:	Complaint Requirements	665
Section 360.230:	Public Notification	666
Section 360.240:	Racial - Ethnic Data Collection	666
Section 360.250:	Department Obligations Under Title II of the Americans with Disabilities Act (ADA) (42 U.S.C. 12131, *et seq*., 28 CFR 35.101, *et seq*.)	666
Section 360.300:	Contents of the Case Record	667
Section 360.400:	Disclosure of Confidential Information	667
Section 360.500:	Availability of SNAP Information	668
Section 360.510:	Right to Interpreter Services	668
Section 360.600:	Quality Control	668
Section 360.800:	Funding	668
Section 360.900:	SNAP Benefit Delivery	668
Section 360.950:	Voter Registration	668
106 CMR 361.000:	SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: THE APPLICATION PROCESS	669
Section 361.050:	Introduction	669
Section 361.080:	Prompt Action	670
Section 361.100:	Filing an Application	670
Section 361.110:	Where to File	670
Section 361.120:	Date of Application	670
Section 361.130:	Household Right to Same Day Filing	671
Section 361.140:	Mailing Applications to Households	671
Section 361.150:	Withdrawal of Application	671
Section 361.160:	Handling Applications for Public Assistance (PA) Households	671

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

106 CMR 360.000: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GENERAL PROVISIONS

Section

360.010: Purpose
360.020: Authority
360.030: Definitions
360.100: Uses of SNAP Benefits
360.120: Special Uses of SNAP Benefits
360.200: Nondiscrimination
360.210: Right to File a Complaint
360.220: Complaint Requirements
360.230: Public Notification
360.240: Racial - Ethnic Data Collection
360.250: Department Obligations Under Title II of the Americans with Disabilities Act (ADA) (42 U.S.C. 12131 *et seq*., 28 CFR 35.01, *et seq.)*
360.300: Contents of the Case Record
360.400: Disclosure of Confidential Information
360.500: Availability of SNAP Information
360.510: Right to Interpreter Services
360.600: Quality Control
360.800: Funding
360.900: SNAP Benefit Delivery
360.950: Voter Registration

360.010: Purpose

The purpose of the Supplemental Nutrition Assistance Program (SNAP) is to raise the nutritional level among low income households whose limited food purchasing power contributes to hunger and malnutrition among these households.

360.020: Authority

The authority for the regulations is the Food Stamp Act and its amendments and the resulting regulations issued by the United States Department of Agriculture (USDA) in 7 CFR Parts 270 through 282, to implement the law.

360.030: Definitions

EBT (Electronic Benefit Transfer). The primary way the Department delivers SNAP benefits to clients.

Homeless Individual. An individual who lacks a fixed and regular nighttime residence or whose primary nighttime residence is:

(1) A supervised shelter designed to provide temporary accommodations;

(2) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;

(3) A temporary accommodation in the residence of another individual for no more than 90 days; or

(4) A place not designed for or ordinarily used as a regular sleeping accommodation for people (a hallway, a bus station, a lobby or similar place).

Household. Any individual or group whose income and/or assets must be used to calculate SNAP benefits levels.

Household Disaster. An emergency situation declared a disaster by the President or the Federal Emergency Management Agency. Disasters are defined as, but are not limited to, floods, hurricanes, earthquakes or fires.

Household Misfortune. A loss of food due to, but not limited to, loss of power, fire or flood that is not declared a disaster by the President or the Federal Emergency Management Agency.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

360.030: continued

Means-tested Program. The following are federal or state means-tested programs (*i.e.*, income is a factor in determining eligibility): Supplemental Nutrition Assistance Program (SNAP), Transitional Assistance to Families with Dependent Children (TAFDC), Emergency Aid to the Elderly, Disabled and Children (EAEDC), Emergency Assistance (EA), Supplemental Security Income (SSI), State Supplement Program (SSP) to SSI, Medicaid, State Child Health Insurance (SCHIP), Temporary Assistance for Needy Families (TANF), Food Assistance Programs in Puerto Rico, American Samoa and the Northern Mariana Islands (CNMI) and Veterans' Service benefits.

Month. A cyclical month determined by the last digit of the Social Security number of the head of the household, unless otherwise specified.

SNAP Benefits. Any coupon, stamp, certificate, voucher, authorization card, access device including an electronic benefit card and personal identification number, or SNAP payment in the form of cash or a check for the purchase of eligible food.

360.100: Uses of SNAP Benefits

SNAP benefits are to be used by clients to buy eligible foods, including seeds and plants, for home consumption and use. The household may permit other persons to purchase food for the household. Such persons need not be pictured on the EBT card. Households are not required to have cooking facilities to receive SNAP.

360.120: Special Uses of SNAP Benefits

Certain households have been authorized to use their SNAP benefits to buy prepared meals or to make it less difficult to obtain food. These authorized special uses of SNAP benefits are:

(A) Communal Dining.

(1) Eligible Household Members. Eligible household members 60 years of age or older or Supplemental Security Income (SSI) recipients and their spouses may use SNAP benefits to buy meals prepared especially for them at communal dining facilities authorized by the Food and Nutrition Service (FNS) for that purpose.

(2) Communal Dining Facilities. A communal dining facility is a public or nonprofit private establishment, approved by FNS, that prepares and serves meals for elderly persons, or for SSI recipients and their spouses. These facilities include senior citizen centers, apartment buildings occupied primarily by elderly persons and SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents.

(B) Meals on Wheels.

(1) Eligible Household Members. Eligible household members 60 years of age or older or members who are housebound or otherwise disabled to the extent that they are unable to adequately prepare all their meals, and their spouses' meals, may use all or part of the SNAP benefits to buy meals from a nonprofit meal delivery service authorized by FNS.

(2) Types of Services. Meal delivery service may be provided by a political subdivision, a private nonprofit organization, or a private establishment with which a State or local agency has contracted and which is authorized by FNS.

(C) Food Purchases for Residents of Drug or Alcohol Treatment and Rehabilitation Centers. Members of eligible households who are narcotic addicts or alcoholics and who regularly participate in a drug or alcoholic treatment and rehabilitation program may use SNAP benefits to purchase food provided for them during the course of such programs by an organization or institution meeting the requirements of 106 CMR 365.610: *Drug and Alcohol Treatment Centers*, if one of the following is true:

(1) the organization or institution is authorized by FNS to redeem SNAP benefits through wholesalers;

(2) the organization or institution redeems SNAP benefits at retail food stores as the authorized representative of participating households; or

(3) the organization or institution is authorized by FNS as a retailer.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

360.120: continued

(D) Meal Purchases for Residents of Group Living Arrangements. Eligible residents of group living arrangement facilities who are blind or disabled as defined in 106 CMR 361.210: *Elderly or Disabled Individuals* and acting on their own behalf may use SNAP benefits to buy meals prepared and served at the facility especially for them, if:

(1) the facility is authorized by FNS to transact SNAP benefits through wholesalers;

(2) the facility transacts SNAP benefits at retail food stores as the authorized representative of participating households; or

(3) the organization or institution is authorized by FNS as a retailer.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

360.950: continued

(3) able to submit voter registration application forms to the local offices for transmittal to the proper state election offices.

(B) Workers shall not:

(1) seek to influence an applicant's or recipient's political preference or party registration;

(2) display such political preference or party allegiance;

(3) make any statement to an applicant or recipient or take any action, the purpose or effect of which is to discourage the applicant or recipient from registering to vote; or

(4) make any statement to an applicant or recipient or take any action, the purpose or effect of which is to lead the applicant or recipient to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

Completed voter registration application forms that are submitted to the local offices must be transmitted to the proper state election offices for processing within five days of accepting the completed forms.

REGULATORY AUTHORITY

106 CMR 360.000: M.G.L. c. 18, § 10.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 665

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **310 CMR 73.00**

CHAPTER TITLE: **Amalgam Wastewater & Recycling for Dental Facilities**

AGENCY: **Department of Environmental Protection**

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

Amendments to Amalgam Wastewater and Recycling for Dental Facilities exempt dental facilities that certify annually or biennially to a local Publicly Owned Treatment Works (POTW) that has a pretreatment program approved by the U.S. Environmental Protection Agency (EPA), thereby eliminating duplicative certifications and fees on dental facilities

REGULATORY AUTHORITY: **MGL c.21, §§ 26 through 53; MGL c. 21C, §§ 4 and 6; c. 111, § 150A and MGL c. 21A, §§ 2 and 8**

AGENCY CONTACT: **Terry Wood** PHONE: **857-275-0008**

ADDRESS: **One Winter Street Boston, MA 02108**

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

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

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

Approval by Water Resources Comm on 9/9/21; notice on 6/2/20 to Dept. of Public Health, EO of Energy and Env. Affairs, Dept. of Public Utilities, MEPA, MA Historical Comm, MA Municipal Association, Dept. of Housing and Community Development, EO of Housing and Economic Development

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: **July 20 and 21, 2020**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **Dental facilities certifying to their POTW may see lower or higher fees based on POTW regs**

For the first five years: **Dental facilities certifying to their POTW may see lower or higher fees based on POTW regs**

No fiscal effect: **No fiscal effects on dental facilities who still certify to MassDEP**

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: **9/14/21**

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

Dental, Mercury, Wastewater

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:*

310 CMR 73.00

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 17 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
37 - 40	**37 - 40**
2515 - 2518	**2515 - 2518**

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 09/17/2021 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
310 CMR 60.00:	AIR POLLUTION CONTROL FOR MOBILE SOURCES	2301
Section 60.01:	General Regulations to Prevent Air Pollution	2301
Section 60.02:	Massachusetts Motor Vehicle Emissions Inspection and Maintenance Program	2301
Section 60.03:	U Conformity to the State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 U.S.C. or the Federal Transit Act	2325
Section 60.04:	MB City of Cambridge Vehicle Trip Reduction Program	2357
Section 60.05:	Global Warming Solutions Act Requirements for Transportation	2363
Section 60.06:	CO_2 Emission Limits for State Fleet Passenger Vehicles	2367
(310 CMR 61.00 THROUGH 69.00: RESERVED)		2401
310 CMR 70.00:	ENVIRONMENTAL RESULTS PROGRAM CERTIFICATION	2461
Section 70.01:	Purpose and Authority	2461
Section 70.02:	Definitions	2461
Section 70.03:	Compliance Certification Requirements	2462
Section 70.04:	Violations	2465
310 CMR 71.00:	INDUSTRIAL WASTEWATER REGULATIONS FOR PHOTO PROCESSORS	2485
Section 71.01:	Purpose and Authority	2485
Section 71.02:	Definitions	2485
Section 71.03:	Applicability	2486
Section 71.04:	Performance Standard for Photo Processors and Printers with Equivalent POTW Permits	2486
Section 71.05:	Performance Standard for Photo Processors and Printers without Equivalent POTW Permits That Discharge or Ship Industrial Wastewater to a POTW	2486
Section 71.06:	Supplemental Requirements for Photo Processors and Printers	2487
Section 71.07:	Compliance Certification for Photo Processors and Printers	2489
310 CMR 72.00:	INDUSTRIAL WASTEWATER STANDARD FOR DRY CLEANERS	2511
Section 72.01:	Purpose and Authority	2511
Section 72.02:	Definitions	2511
Section 72.03:	Applicability	2511
Section 72.04:	Performance Standard for Dry Cleaners	2511
Section 72.05:	Compliance Certification for Dry Cleaners	2513
310 CMR 73.00:	AMALGAM WASTEWATER AND RECYCLING REGULATIONS FOR DENTAL FACILITIES	2515
Section 73.01:	Purpose	2515
Section 73.02:	Definitions	2515
Section 73.03:	Applicability	2516
Section 73.04:	Amalgam Separator Requirements	2516
Section 73.05:	Operational Standards	2517
Section 73.06:	Recordkeeping.	2517
Section 73.07:	Compliance Certification Requirements for Dental Facilities	2517

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
310 CMR 74.00:	REMOVAL AND RECYCLING OF MERCURY-ADDED COMPONENTS IN VEHICLES	2519
Section 74.01:	Purpose and Authority	2519
Section 74.02:	Definitions	2519
Section 74.03:	Applicability	2520
Section 74.04:	Requirements for the Removal of Mercury-added Components Before Crushing	2520
Section 74.05:	Prohibition on the Sale of Mercury-added Switches in Vehicles	2521
Section 74.06:	Plans for Proper Removal, Recovery, and Recycling of Mercury-added Switches from End-of-life Vehicles	2521
Section 74.07:	Measuring Recycling of Mercury-added Vehicle Switches	2522
Section 74.08:	Recordkeeping	2523
Section 74.09:	Submittal of Compliance Certifications and Reports to the Department	2523
310 CMR 75.00:	COLLECTION, RECYCLING, LABELING AND SALES BAN OF MERCURY-ADDED PRODUCTS	2525
Section 75.01:	Purpose	2525
Section 75.02:	Definitions	2525
Section 75.03:	Applicability	2526
Section 75.04:	Plans for Collecting and Recycling Mercury-added Products	2527
Section 75.05:	Mercury-added Lamps	2530
Section 75.06:	Ban on Sales and Distribution of Mercury-added Products	2531
Section 75.07:	Exemptions from the Sales and Distribution Ban	2532
Section 75.08:	Labeling of Mercury-added Products and Notification to Purchasers	2534
310 CMR 76.00:	DISPOSAL PROHIBITION OF MERCURY-ADDED PRODUCTS IN SOLID WASTE	2539
Section 76.01:	Purpose and Authority	2539
Section 76.02:	Definitions	2539
Section 76.03:	Applicability	2540
Section 76.04:	Disposal Requirements	2540
Section 76.05:	Management of End-of-life Mercury-added Products	2541
310 CMR 77.00:	COLLECTION AND RECYCLING OF MERCURY-ADDED THERMOSTATS	2543
Section 77.01:	Purpose	2543
Section 77.02:	Definitions	2543
Section 77.03:	Applicability	2544
Section 77.04:	Collection of Mercury-added Thermostats	2544
Section 77.05:	Management of Mercury-added Thermostats	2546
(310 CMR 78.00 AND 79.00:	RESERVED)	2547
310 CMR 80.00:	UNDERGROUND STORAGE TANK (UST) SYSTEMS	2561
GENERAL PROVISIONS		
Section 80.01:	Authority	2562
Section 80.02:	Purpose	2562
Section 80.03:	Definitions	2562
Section 80.04:	Applicability	2567
Section 80.05:	Rules of Construction	2569
Section 80.06:	Computation of Time	

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
310 CMR 80.00:	UNDERGROUND STORAGE TANK (UST) SYSTEMS (continued)	
Section 80.07:	Accurate and Timely Submittals to the Department and Record Keeping	2571
Section 80.08:	Accurate and Complete Record Keeping	2571
Section 80.09:	Accurate Monitoring	2572
Section 80.10:	Duty to Provide Information	2572
Section 80.11:	Submittals to the Department	2572
Section 80.12:	Presumption of Irreparable Harm	2572
Section 80.13:	Department Access to UST Facilities and Records	2572
DESIGN, CONSTRUCTION AND INSTALLATION REQUIREMENTS		
Section 80.14:	General Requirements	2573
Section 80.15:	General Prohibitions	2573
Section 80.16:	Installation Requirements	2574
Section 80.17:	Specifications for Tanks	2577
Section 80.18:	Specifications for Regulated Substance Piping	2577
Section 80.19:	Leak Detection	2578
Section 80.20:	Requirements for Turbine, Intermediate and Dispenser Sumps	2581
Section 80.21:	Requirements for Spill Buckets and Overfill Prevention Equipment	2581
Section 80.22:	Requirements for Corrosion Protection	2582
GENERAL OPERATING REQUIREMENTS		
Section 80.23:	Requirements for Registration and Reporting	2583
Section 80.24:	General Requirements	2584
Section 80.25:	Requirements for an UST system or UST Component Emergency Response	2585
Section 80.26:	Requirements for Leak Detection Systems	2585
Section 80.27:	Requirements for Turbine, Intermediate and Dispenser Sumps	2589
Section 80.28:	Requirements for Spill Buckets and Overfill Prevention Equipment	2591
Section 80.29:	Requirements for Corrosion Protection	2592
Section 80.30:	Requirements for Compatibility	2593
Section 80.31:	Requirements for Inventory Monitoring	2594
Section 80.32:	Requirements for Tank and Pipe/Line Tightness Testing	2595
Section 80.33:	Requirements for Repairs and Replacements	2596
Section 80.34:	Requirements for Compliance Certification	2597
Section 80.35:	Requirements for Monthly Inspections	2598
Section 80.36:	Requirements for Recordkeeping	2599
OPERATOR TRAINING		
Section 80.37:	Class A, B and C Operator Requirements and Certifications	2601
LEAKAGE AND RELEASE: RESPONSE, REPORTING AND REMEDIATION		
Section 80.38:	Response to a Release	2605
Section 80.39:	Response to Leakage	2605
Section 80.40:	Reportable Releases	2605
CHANGE-IN-PRODUCT, OUT OF SERVICE SYSTEMS AND CLOSURE		
Section 80.41:	Requirements for Change-in-product	2606
Section 80.42:	Requirements for Taking an UST System Temporarily Out-of-service	2606
Section 80.43:	Requirements for Removal and Permanent Closure In-place	2607
Section 80.44:	Requirements for Out-of-use UST Systems	2608
Section 80.45:	Requirements for Bringing Out-of-use UST Systems Back into Service	2609
Section 80.46:	Requirements for Previously Closed-in-place UST Systems	2609
Section 80.47:	Standards for Cleaning and Closure	2609
DELIVERY PROHIBITION		
Section 80.48:	Delivery Prohibition	2609

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
310 CMR 80.00:	UNDERGROUND STORAGE TANK (UST) SYSTEMS (continued)	
THIRD PARTY INSPECTIONS		
Section 80.49:	Third-party Inspections	2611
ENFORCEMENT AND APPEALS		
Section 80.50:	Enforcement and Appeals	2616
FINANCIAL RESPONSIBILITY		
Section 80.51:	Definitions	2618
Section 80.52:	Requirements for Amount and Scope of Financial Responsibility	2619
Section 80.53:	Allowable Mechanisms and Combinations of Mechanisms	2620
Section 80.54:	Requirements for Financial Responsibility Mechanisms	2620
Section 80.55:	Requirements for a Standby Trust	2653
Section 80.56:	Substitution of Financial Assurance Mechanisms by Owner or Operator	2658
Section 80.57:	Cancellation or Nonrenewal by a Provider of Financial Assurance	2659
Section 80.58:	Requirements for Reporting by Owner or Operator	2659
Section 80.59:	Requirements for Recordkeeping	2660
Section 80.60:	Requirements for Drawing on Financial Assurance Mechanisms	2662
Section 80.61:	Release from Financial Responsibility Requirements	2663
Section 80.62:	Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance	2663
Section 80.63:	Requirements for Replenishment of Local Government Guarantees, Letters of Credit, or Surety Bonds	2664
Section 80.64:	Requirements for Airport Hydrant Fuel Distribution Systems	2664

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

310 CMR 73.00: AMALGAM WASTEWATER AND RECYCLING REGULATIONS FOR DENTAL FACILITIES

Section

73.01: Purpose
73.02: Definitions
73.03: Applicability
73.04: Amalgam Separator Requirements
73.05: Operational Standards
73.06: Recordkeeping
73.07: Compliance Certification Requirements for Dental Facilities

73.01: Purpose

The purpose of 310 CMR 73.00 is to protect public health, safety, welfare and the environment. 310 CMR 73.00 establishes wastewater treatment, operational standards, and amalgam recycling requirements to reduce the amount of mercury discharged from dental facilities, and require a performance-based compliance certification from the owners of dental practices in compliance with 310 CMR 70.00: *Environmental Results Program Certification*.

73.02: Definitions

Amalgam. An alloy containing mercury and other metals used to restore the dentition.

Amalgam Separator. An item of dental equipment designed to remove amalgam particles from the wastewater passing through the vacuum system, or any vacuum line filters and screens and/or chair-side traps of a Dental Facility prior to its discharge.

Amalgam Waste. Any waste containing mercury amalgam or otherwise associated with preparation or use of amalgam including, but not limited to, amalgam collected by chair-side traps, screens, filters, vacuum system filters, amalgam separators or other devices; waste elemental mercury; and waste amalgam capsules.

Approved Amalgam Separator. An amalgam separator that has been demonstrated by the manufacturer to achieve a 98% or greater amalgam removal efficiency. Such removal efficiency shall be determined on the basis of test data generated by a professional laboratory that is qualified to perform the following analytical methods:

(a) ISO protocol 11143, using average test results under empty and simulated full conditions; or

(b) an equivalent method that meets Department-approved quality assurance and quality control criteria.

Separators installed under the Department's voluntary Dental Amalgam/Mercury Recycling Certification program, described at 310 CMR 73.03(2)(a) and (b), that have been demonstrated to achieve 95% or greater removal efficiency may be used as long as the separator is properly maintained and continues to achieve a 95% or greater removal efficiency. However, any replacement for such amalgam separators must achieve a 98% or greater amalgam removal efficiency.

Dental Facility or Facility. Any institution, clinic, office or location where dentistry is practiced, as defined in M.G.L. c. 112, § 50.

Department. The Massachusetts Department of Environmental Protection.

ISO. The International Organization for Standardization.

Operational Standards. Specified business, operational, maintenance and other procedures listed at 310 CMR 73.05 that limit the amount of mercury released to the environment through wastewater and solid waste.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

73.02: continued

Owner of a Dental Facility. Any person who owns, leases, maintains, or operates a Dental Facility in any office or other room or rooms where dentistry is practiced, as defined in M.G.L. c. 112, § 50, or who directly or indirectly is manager, proprietor, or conductor of the same.

Publicly Owned Treatment Works (POTW). Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances only if it conveys wastewater to a POTW providing treatment.

Reclaimed. Processing to recover a usable product or regeneration, but does not include burning (*e.g.*, for energy recovery) or use constituting disposal.

73.03: Applicability

(1) 310 CMR 73.00 is applicable to every Dental Facility, except any of the following:

(a) A Dental Facility that does not generate or discharge wastewater from amalgam-related processes;

(b) A Dental Facility that does not place amalgam and does not remove amalgam, except in limited emergency or unplanned, unanticipated circumstances; and

(c) A Dental Facility that certifies to a POTW on an annual or biennial basis pursuant to the receiving POTW's regulations, and 40 CFR 441: *Dental Office Point Source Category*.

(2) Each Dental Facility that is subject to 310 CMR 73.00 must comply in accordance with the following schedule:

(a) A Dental Facility certified by an owner of a Facility under the Department's voluntary Dental Amalgam/Mercury Recycling Certification program that it installed an approved amalgam separator by February 28, 2005, and maintains compliance with all other requirements of that program, is subject to 310 CMR 73.00 effective February 1, 2010.

(b) A Dental Facility certified by an owner of a Facility under the Department's voluntary Dental Amalgam/Mercury Recycling Certification program that it installed an approved amalgam separator between March 1, 2005 - January 31, 2006, and maintains compliance with all other requirements of that program, is subject to 310 CMR 73.00 effective February 1, 2007.

(c) A Dental Facility in operation as of April 24, 2006 and that did not participate in the Department's voluntary Dental Amalgam/Mercury Recycling Certification program shall comply with all requirements of 310 CMR 73.00 no later than June 23, 2006.

(d) A new or expanded Dental Facility shall install an approved amalgam separator before commencing operation and shall comply with all other requirements of 310 CMR 73.00 in accordance with 310 CMR 70.03(4).

1. A new Dental Facility is one that commences operations after April 24, 2006.
2. An expanded Dental Facility is one whose maximum amalgam wastewater flow rate exceeds the capacity of the existing certified amalgam separator due to facility expansion.

(3) Compliance with 310 CMR 73.00 does not release the owner of a Dental Facility from the need to comply with other applicable state, federal and local requirements.

(4) Certification Form. Each compliance certification required pursuant to 310 CMR 70.03 shall be on a form prescribed by the Department and shall address compliance with the standards established by 310 CMR 70.00 and 73.00. The certification form may also address compliance with other applicable standards promulgated by the Department.

73.04: Amalgam Separator Requirements

(1) Each Dental Facility subject to 310 CMR 73.00 shall:

(a) install an approved amalgam separator(s) which meets the requirements of 310 CMR 73.04;

(b) ensure that all wastewater that contains amalgam waste from the Dental Facility including, but not limited to, wastewater from chairs and cuspidors, passes through an approved amalgam separator before being discharged;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

73.04: continued

(c) ensure that the installed amalgam separator(s) is properly sized to accommodate maximum amalgam wastewater flow rates at the facility;
(d) ensure that any amalgam separator is installed, operated and maintained according to the instructions of the manufacturer of the unit;
(e) for each new or expanded Dental Facility that opens after April 24, 2006, ensure that the amalgam separator is installed prior to commencing operations; and
(f) provide to the Department upon request test data generated by the professional laboratory that documents the amalgam separator's removal efficiency.

73.05: Operational Standards

(1) Each Dental Facility subject to 310 CMR 73.00 shall:
(a) ensure that no amalgam waste is disposed of with solid waste or medical waste;
(b) safely store all amalgam waste generated at the Dental Facility in containers that are sealed and structurally sound;
(c) use only biodegradable disinfectants and cleaning agents that are non-corrosive (pH range between 6.5 - 8.0) and non-oxidizing (no bleach) in the facility's vacuum lines and all other drains connected to its amalgam separator. The disinfectants and cleaning agents shall also be compatible with the unit(s) in use, and shall be used only in accordance with the unit manufacturer's instructions;
(d) ensure amalgam separator system clean-outs are conducted in accordance with the manufacturer's recommended frequency. The frequency may depend upon the volume of wastewater discharged, and may be as often as daily, weekly, or monthly;
(e) transfer all amalgam waste to a permitted hazardous waste recycling facility, licensed hazardous waste facility, a facility that consolidates shipments of amalgam waste before being shipped off-site for reclamation, or, if shipped out of state, a facility that is authorized to reclaim mercury from amalgam waste. Shipments of amalgam waste to facilities described in 310 CMR 73.05(1)(d) shall be transported by either a common carrier or a licensed hazardous waste transporter, and accompanied by information identifying the shipment as amalgam waste containing mercury; and
(f) retain documentation, such as a certificate of recycling, a hazardous waste manifest, bill of lading or contractual agreement, showing that the amalgam waste has been recycled by being reclaimed and the name and address of the facility at which the amalgam waste is ultimately recycled.

73.06: Recordkeeping

(1) Each Dental Facility shall keep records on-site that demonstrate compliance with manufacturers' recommended maintenance and servicing of installed amalgam separators, that the amalgam waste has been recycled pursuant to 310 CMR 73.05(1)(e), and the supporting information upon which the Dental Facility relied to file the certification required by 310 CMR 73.07.

(2) Records referenced in 310 CMR 73.06(1) shall be retained for five years.

73.07: Compliance Certification Requirements for Dental Facilities

(1) Certification Form. Within 60 days of a Dental Facility becoming subject to the requirements of 310 CMR 73.00, pursuant to the schedule described at 310 CMR 73.03(2), an owner of a Dental Facility shall submit to the Department a compliance certification. The certification shall address compliance with all applicable standards on a form prescribed by the Department that shall include at least the following information:
(a) The type of amalgam separator installed, including manufacturer and model.
(b) Date upon which the amalgam separator became operational, and for a new or expanded Dental Facility, the date the facility became operational.
(c) Identification of the requirements of 310 CMR 73.04 for amalgam separators and certification as to whether or not the system meets all such requirements.
(d) Certification of compliance with the operational standards of 310 CMR 73.05.
(e) Certification that documentation and records are being maintained as stipulated in 310 CMR 73.06.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

73.07: continued

(f) Certification that at least one staff member is familiar with procedures to follow in order to ensure compliance with the amalgam separator requirements and operational standards described at 310 CMR 73.04 and 73.05, and that all other staff that handle amalgam waste are informed of these procedures.

(g) Certification that Dental Facility that owns or operates industrial wastewater holding tanks is in compliance with 314 CMR 18.00: *Industrial Wastewater Holding Tank and Container Construction, Operation, and Recordkeeping Requirements*.

(h) Any other information pertaining to the Dental Facility which the Department requires.

(2) Within 60 days of a new owner taking ownership of a Dental Facility subject to the requirements of 310 CMR 73.00, the new owner shall notify MassDEP of the change in ownership on a form specified by the Department.

(3) Beginning in calendar year 2016, each owner of a Dental Facility subject to 310 CMR 73.07 shall recertify every two years in every even numbered year, after the initial certification, that the dental practice continues to be in compliance with all requirements listed in 310 CMR 73.04 through 73.07. All such recertifications shall be submitted by March 31st of the year in which the recertification is due.

REGULATORY AUTHORITY

310 CMR 73.00: M.G.L. c. 21, §§ 26 through 53; M.G.L. c. 21C, §§ 4 and 6; M.G.L. c. 111, § 150A; and M.G.L. c. 21A, §§ 2 and 8.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 666

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **310 CMR 80.00**

CHAPTER TITLE: **Underground Storage Tank Systems**

AGENCY: **Department of Environmental Protection**

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

Summary of Regulation: Amendments ensure that the MassDEP underground storage tank (UST) regulations (310 CMR 80.00) are as stringent as the federal UST regulations, which were amended in 2015. Key changes include testing requirements for leak detection, sumps, spill buckets and overfill protection; periodic inspection of UST components; compatibility requirements for UST systems and the regulated substance they contain; and removal of past deferrals of certain USTs.

REGULATORY AUTHORITY: **M.G.L. c. 21O, M.G.L. c. 21C.**

AGENCY CONTACT: **Jenny Outman** PHONE: **617-654-6586**

ADDRESS: **One Winter St. Boston, MA 02108**

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

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

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

Prior notification sent on 5/26/2021 to: Dept. of Public Health, Exec. Office of Energy and Env. Affairs, Dept. of Public Utilities, MEPA, MA Historical Commission, MA Municipal Association, Dept. of Housing and Community Development, Exec. Office of Housing and Economic Development.

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: **6/22/2021**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **Fiscal effect not expected to be significant.**

For the first five years: **Fiscal effect not expected to be significant.**

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: **9/15/2021**

CODE OF MASSACHUSETTS REGULATIONS INDEX - *List key subjects that are relevant to this regulation:*
Underground Storage Tank, Airport Hydrant Fuel Distribution System.

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 310 CMR 80.00.

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 17 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
2561-2656	**2561-2666**

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/17/2021 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

310 CMR 80.00: UNDERGROUND STORAGE TANK (UST) SYSTEMS

Section

GENERAL PROVISIONS
80.01: Authority
80.02: Purpose
80.03: Definitions
80.04: Applicability
80.05: Rules of Construction
80.06: Computation of Time
80.07: Accurate and Timely Submittals to the Department and Recordkeeping
80.08: Accurate and Complete Recordkeeping
80.09: Accurate Monitoring
80.10: Duty to Provide Information
80.11: Submittals to the Department
80.12: Presumption of Irreparable Harm
80.13: Department Access to UST Facilities and Records

DESIGN, CONSTRUCTION AND INSTALLATION REQUIREMENTS
80.14: General Requirements
80.15: General Prohibitions
80.16: Installation Requirements
80.17: Specifications for Tanks
80.18: Specifications for Regulated Substance Piping
80.19: Leak Detection
80.20: Requirements for Turbine, Intermediate and Dispenser Sumps
80.21: Requirements for Spill Buckets and Overfill Prevention Equipment
80.22: Requirements for Corrosion Protection

GENERAL OPERATING REQUIREMENTS
80.23: Requirements for Registration and Reporting
80.24: General Requirements
80.25: Requirements for an UST System or an UST Component Emergency Response
80.26: Requirements for Leak Detection Systems
80.27: Requirements for Turbine, Intermediate and Dispenser Sumps
80.28: Requirements for Spill Buckets and Overfill Prevention Equipment
80.29: Requirements for Corrosion Protection
80.30: Requirements for Compatibility
80.31: Requirements for Inventory Monitoring
80.32: Requirements for Tank and Pipe/Line Tightness Testing
80.33: Requirements for Repairs and Replacements
80.34: Requirements for Compliance Certification
80.35: Requirements for Periodic Inspections
80.36: Requirements for Recordkeeping

OPERATOR TRAINING
80.37: Class A, B and C Operator Requirements and Certifications

LEAKAGE AND RELEASE: RESPONSE, REPORTING AND REMEDIATION
80.38: Response to a Release
80.39: Response to Leakage
80.40: Reportable Releases

CHANGE-IN-PRODUCT, OUT OF SERVICE SYSTEMS AND CLOSURE
80.41: Requirements for Change-in-product
80.42: Requirements for Taking an UST System Temporarily Out-of-service
80.43: Requirements for Removal and Permanent Closure In-place
80.44: Requirements for a Tank within a Tank
80.45: UST Systems Temporarily Out-of-service for over Five Years
80.46: Requirements for Previously Closed-in-place UST Systems
80.47: Standards for Cleaning and Closure

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Section: continued

DELIVERY PROHIBITION
80.48: Delivery Prohibition

THIRD-PARTY INSPECTIONS
80.49: Third-party Inspections

ENFORCEMENT AND APPEALS
80.50: Enforcement and Appeals

FINANCIAL RESPONSIBILITY
80.51: Definitions
80.52: Requirements for Amount and Scope of Financial Responsibility
80.53: Allowable Mechanisms and Combinations of Mechanisms
80.54: Requirements for Financial Responsibility Mechanisms
80.55: Requirements for a Standby Trust
80.56: Substitution of Financial Assurance Mechanisms by Owner or Operator
80.57: Cancellation or Nonrenewal by a Provider of Financial Assurance
80.58: Requirements for Reporting by Owner or Operator
80.59: Requirements for Recordkeeping
80.60: Requirements for Drawing on Financial Assurance Mechanisms
80.61: Release from Financial Responsibility Requirements
80.62: Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance
80.63: Requirements for Replenishment of Local Government Guarantees, Letters of Credit, or Surety Bonds

REQUIREMENTS FOR AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS
80.64: Requirements for Airport Hydrant Fuel Distribution Systems

GENERAL PROVISIONS

80.01: Authority

310 CMR 80.00 is promulgated by the Commissioner of the Department of Environmental Protection pursuant to the authority granted by M.G.L. c. 21O, § 5, M.G.L. c. 21C, M.G.L. c. 21E, § 6 and M.G.L. c. 21A, § 16.

80.02: Purpose

310 CMR 80.00 is intended to protect public health, safety and the environment by regulating the design, installation, testing, maintenance, operation, inspection and closure of underground storage tank (UST) systems and to prevent releases from UST systems.

80.03: Definitions

For the purposes of 310 CMR 80.00, the following terms shall have the following meanings:

Abandoned means an UST system that is not in operation for a continuous period of at least one year and is not temporarily out-of-service in accordance with 310 CMR 80.42 and is not in full compliance with the applicable requirements of 310 CMR 80.00.

Airport Hydrant Fuel Distribution System (also called airport hydrant system) means an UST system which supplies fuel to aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other fuel carrier.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.03: continued

Automatic Line Leak Detector means a mechanical or electronic device, but not a sump sensor, designed to detect regulated substance or pressure losses in a pressurized product line of a pressurized pumping system and that automatically restricts or shuts off flow in a pressurized piping system. All automatic line leak detectors shall be able to detect a leak of three gallons per hour at one pound per square inch line pressure within one hour with a 95% probability of detection and a 5% probability of false alarm. At UST facilities that are staffed 24 hours per day, seven days per week, 365 days per year, an automatic line leak detector may be a continuous alarm that alerts staff when there is regulated substance or pressure loss in a pressurized product line of a pressurized pumping system.

Business Day means a day of the week that the Department is open for business.

Cathodic Protection or Cathodic Protection System means a technique which inhibits the corrosion of a UST system either through sacrificial or galvanic anode or impressed current.

Cathodic Protection Tester means a person who is certified as follows:

(a) Certified at least at level CP1 - Cathodic Protection Tester by NACE: The Corrosion Society; or

(b) Certified as a Cathodic Protection Tester by the Steel Tank Institute (STI); or

(c) Certified in the UST Cathodic Protection category by the International Code Council (ICC).

CERCLA means the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. § 9601 *et seq*.

Certified UST System Tightness Tester means a person certified by the manufacturer of the testing equipment to test UST systems using only the testing equipment on which they are certified.

Change-in-product means changing the type of product in a UST system from a regulated substance to another regulated substance or to a non-regulated substance. Changing from one grade of gasoline to a different grade of gasoline is not a change-in-product.

Commissioner means Commissioner of the Department of Environmental Protection.

Commonwealth means the Commonwealth of Massachusetts.

Compatible means that two or more substances maintain their respective physical and chemical properties upon contact with one another under conditions encountered within or around an underground storage tank system for the design life of that system.

Consumptive Use means storing fuel oil exclusively for area heating and/or the heating of domestic water on the premises where stored. Waste oil used for heating is not considered consumptive use.

Continuous Monitoring means the use of a device capable of automatic, uninterrupted and unattended surveillance.

Corrosion Expert means a person who is accredited or certified as being qualified by NACE International as a Cathodic Protection Specialist or Corrosion Specialist. The corrosion expert shall follow applicable NACE International criteria.

Corrosion Protection means the use of a technology, material, or method of construction to prevent any metallic component of a UST system from corroding (*e.g*., cathodic protection or the use of fiberglass-reinforced plastic or other polymer resins when constructing tanks or piping).

Department means Massachusetts Department of Environmental Protection.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.03: continued

Dispenser Sump means an impermeable, liquid-tight basin installed beneath a regulated substance dispenser to contain leakage of regulated substance from the dispenser connections and piping.

Double-walled means a container or pipe with two complete shells which provide primary and secondary containment. The container shall have a continuous interstitial space between the primary and secondary shell.

Emergency Spill or Overflow Containment UST System means a tank used solely to contain accidental spills of a regulated substance which are unanticipated and unpredictable.

Emergency Engine means any stationary internal combustion engine which operates as an emergency or standby mechanical or electrical power source. A load shaving unit, peaking power production unit or a standby engine in an energy assistance program is not an emergency or standby engine under Emergency Engine.

Empty or Emptied means when all regulated substance has been removed from a tank using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3% by weight of the total capacity of the tank, remains in the tank.

European Suction System means an underground suction piping system which is sloped back to the tank and is equipped with only one check valve that is installed immediately below the pump so that the contents of the piping will drain back into the tank if there is a breach in the piping and the suction is released.

Farm means an operation engaged in Agriculture or Farming as defined in M.G.L. c. 128, § 1A.

Field-constructed Tank means an underground tank primarily fabricated and/or constructed on-site.

Flow-through Process Tank means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operations of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

Fuel Oil means any hydrocarbon oil as specified by the *American Society of Testing and Materials (ASTM) Standard D396 90, Specification for Fuel Oil*.

Hazardous Substances means regulated substances as defined in § 101(14) of CERCLA and 40 CFR Part 302. (Hazardous Substances does not include any substance regulated as a hazardous waste under Subtitle C of RCRA and 40 CFR Part 261).

Hydraulic Lift Tank means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices or equipment.

Intermediate Sump means an impermeable, liquid-tight basin, installed below grade to allow access to fittings and regulated substance piping or that is used to allow piping declines to tanks or to provide access at key points in the piping system. Intermediate Sumps shall be designed to cotain leakage of regulated substance and fluids and prevent a release into the environment. Intermediate Sumps do not include sumps that have only a single-walled siphon bars with no connections within the sump or only contain a European suction system, or sumps that do not contain any regulated substance piping connections.

Interstitial Monitoring means the continuous surveillance of the space between the walls of a double-walled tank or double-walled piping.

Interstitial Space means the space between the primary and secondary barriers of a secondarily contained system (*e.g.*, the space between the two walls of a double-wall tank).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.03: continued

Leakage means the escape of regulated substance from a UST system into a UST component not intended to store regulated substance including, but not limited to, interstitial spaces, a turbine sump, intermediate and dispenser sumps and containment areas.

Leak Detection means determining whether a release or leakage of a regulated substance has occurred from the UST system.

Lining or Lined means a liquid-tight non-corrodible material that is bonded firmly to the interior surface of a tank and that is compatible with any regulated substance stored in the tank.

Listed if referring to equipment or materials means a list published by a nationally recognized organization, including, but not limited to American Petroleum Institute (API), Steel Tank Institute (STI), Petroleum Engineering Institute (PEI), Underwriters Laboratories, Inc. and NACE: The Corrosion Society concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that equipment or materials meet appropriate standards or have been tested and found suitable for use in a specific manner.

Manufacturer's Specifications mean information provided or prescribed by the manufacturer of a UST system or UST component including, but not limited to, manuals, instructions, checklists, testing requirements and maintenance requirements.

Monitoring Device means an instrument that checks and keeps data and issues alerts and alarms.

NACE means NACE International, a globally recognized authority on corrosion control solutions.

Non-European Suction System means a piping system that conveys regulated substance under suction with a check valve in or at the top of the tank located so that the regulated substance stays in the line when the suction is released.

Operator means:

(a) In the case of a UST system in use on November 8, 1984, or brought into use after that date, any person in control of, or having responsibility for, the daily operation of a UST system used for the storage, use, or dispensing of regulated substances; or

(b) In the case of any UST system in use before November 8, 1984, but not in use at any time on or after that date, any person who owns the land on or in which such tank is or was located.

Owner means:

(a) In the case of a UST system in use on November 8, 1984, or brought into use after that date, any person who owns a UST system used for the storage, use, or dispensing of regulated substances; or

(b) In the case of any UST system in use before November 8, 1984, but not in use at any time on or after that date, any person who owned such tank immediately before the discontinuance of such use.

Person means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, the United States Government, state, municipality, commission, political subdivision of a state, interstate body, consortium, joint venture or commercial entity.

Pipe, Piping or Line means the hollow cylinder or the tubular conduit that is constructed of non-earthen materials.

Pressurized Piping System means a pressurized line system in which regulated substances are supplied to a point away from the tank by means of a pumping unit.

P.S.I. means pounds per square inch.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.03: continued

Prior to Commencing Operation means before the UST system or UST component is used for its intended purpose after installation or repair, or after being temporarily out-of-service.

RCRA means the Solid Waste Disposal Act, 42 U.S.C. § 6901 *et seq*., as revised by the Resource Conservation and Recovery Act, Pub. L. 94-580, 90 Stat. 2795 (1976).

Red Tag means a tag, device or mechanism affixed on the UST systems' fill pipes by the Department that clearly identifies a tank as ineligible for regulated substance delivery.

Regulated Substance means:

(a) Any substance defined in § 101(14) of CERLA. Regulated substance also includes waste oil, but does not include any other substance regulated as a hazardous waste under M.G.L. c. 21C; and

(b) Petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60°F and 14.7 p.s.i. absolute).

Regulated Substance Deliverer means any person who delivers or deposits regulated substance into a UST system. Regulated Substance Deliverer includes, but is not limited to, oil companies, jobbers, petroleum transportation companies, or other product delivery entities.

Regulated Substance Piping means piping that conveys regulated substance.

Release means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a UST system or UST component into the ground water, surface water, surface soil or subsurface soil.

Repair means any modification to the UST system or a UST component that is not routine maintenance including, but not limited to, modifications to the UST system or a UST component that has failed to function properly or has caused a release or leakage, and that restores the UST system to proper operating condition.

Replace or Replacement means the removal of existing tank or piping or an existing UST component and installation of another tank, piping or UST component. If part of the piping is being replaced, "replace" or "replacement" means removal and installation of more than 50% of the piping connected to a single UST system.

Residential means buildings or dwellings used primarily for human habitation, but not industrial and commercial structures.

Routine Maintenance means the normal operational upkeep of an UST system or UST component.

Secondary Containment means a release prevention system for a tank and/or piping where the tank and/or piping have an inner and outer barrier with a space in-between these two barriers for monitoring. Lining a tank or piping shall not constitute secondary containment.

Septic Tank means a watertight receptacle to receive sewage from a building sewer which is designed and constructed to allow for the separation of scum and sludge and the partial digestion of organic matter before discharge of the liquid portion to a soil absorption system or other intermediate structure in the treatment sequence.

Shear, Crash or Impact Valve means a listed, rigidly-anchored valve incorporating a fusible link or other thermally actuated device designed to close automatically in the event of a severe impact or exposure to fire.

Siphon Line means regulated substance piping that connects two tanks and is used to draw regulated substance from one tank into the other to maintain equal levels of regulated substance in each tank.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.03: continued

Spill Bucket means a containment device at the fill port used to catch, accumulate and prevent the release of regulated substance to the environment.

Statistical Inventory Reconciliation (SIR) means a process of evaluating the various sources of errors present in daily inventory records and capable of detecting a release or leakage from the UST system, including associated piping, of 0.20 gallons per hour with the probability of detection of 0.95 and probability of false alarm of 0.05 as determined by an independent testing laboratory using the U.S. Environmental Protection Agency's standardized test procedures at EPA 510-B-1-004, May 2019 or equivalent.

Storm Water or Wastewater Collection System means tank, piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

Surface Impoundment means a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

Tank means an underground structure that contains regulated substance. Tank shall not include any of the following:

(a) Any septic tank;
(b) Any pipeline facility, including gathering lines, which is regulated under:
  1. the Natural Gas Pipeline Safety Act of 1968;
  2. the Hazardous Liquid Pipeline Safety Act of 1979;
(c) Any surface impoundment, pit, pond, or lagoon;
(d) Any storm water or waste water collection system;
(e) Any flow through process tank;
(f) Any liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or
(g) Any storage tank situated in an underground area, including without limitation, a basement, cellar, or mineworking drift, shaft or tunnel, if the storage tank is situated upon or above the surface of the floor, and all sides of the tank are accessible and visible.

Temporarily Out-of-service means the temporary closure of a UST system for not more than five years that occurs when the UST system has been prepared for temporary closure and is maintained during such temporary closure in accordance with 310 CMR 80.42(4) and the Owner informs the Department of the temporary closure in accordance with 310 CMR 80.42(2).

Third-party Inspector means an individual certified to conduct third-party inspections in accordance with 310 CMR 80.49(4).

Third-party Inspection Report means the report prepared by the Third-party Inspector after completion of the third-party inspection in accordance with 310 CMR 80.49(2).

Turbine Sump means an impermeable, liquid-tight basin that contains a submersible pump installed below grade to allow access to piping, pumps, fittings and valves or to collect leakage of regulated substance to prevent its introduction into the environment.

UST Component means equipment serving the tank and piping (UST system) including, but not limited to, pumps, sumps, electrical devices, consoles, cathodic protection system, leak detection system, spill prevention equipment and overfill prevention equipment.

Underground Storage Tank (UST) Facility or Facility means the property on which one or more UST systems, associated UST components, and related above-ground structures are located.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.03: continued

Underground Storage Tank (UST) System means any one or combination of tanks including, without limitation, underground pipes connected thereto, and any containment system that is or was used to contain regulated substance, or is temporarily out-of-service, and the volume of which, including the volume of underground pipes connected thereto, is 10% or more beneath the surface of the ground. Underground Storage Tank (UST) System shall not include any of the following tanks or any pipes connected to any of the following:

(a) Any septic tank;

(b) Any pipeline facility, including gathering lines, which is regulated under 49 U.S.C. c. 601; or

(c) Any surface impoundment, pit, pond, or lagoon; or

(d) Any storm water or waste-water collection system; or

(e) Any flow through process tank; or

(f) Any liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

(g) Any storage tank situated in an underground area including, without limitation, a basement, cellar, or mineworking drift, shaft or tunnel, if the storage tank is situated upon or above the surface of the floor, and all sides of the tank are accessible and visible.

UST Facility Compliance Date means the triennial date by which an Owner or Operator shall ensure that a third-party inspection is completed and the third-party inspection report is submitted to the Department, as further defined in 310 CMR 80.49.

Waste Oil means used or unused waste oil (or any mixture thereof) that is not otherwise hazardous pursuant to 310 CMR 30.120 through 30.136, except that used waste oil with a flash point greater than or equal to 100°F and less than 140°F (solely through use) remains subject to regulation as used waste oil under 310 CMR 30.000: *Hazardous Waste*.

80.04: Applicability

(1) The requirements of 310 CMR 80.00 shall apply to:

(a) Owners and Operators of UST systems, except as provided in 310 CMR 80.04(5) through (13);

(b) If the UST system has a crash, shear or impact valve, the regulations apply to Owners and Operators of the UST system below the crash, shear or impact valve, except as provided in 310 CMR 80.04(5) through (13);

(c) Class A, B and C operators;

(d) Third-party inspectors; and

(e) Any person required by 310 CMR 80.00 to certify compliance with 310 CMR 80.00.

(2) Whenever any provision in 310 CMR 80.00 requires an action to be taken by an Owner or Operator, either may take the action, but both are responsible for ensuring that the proper action is taken, and both the Owner and Operator are jointly and severally liable.

(3) Schedule of UST System and UST Component Upgrade Requirements. Owners and Operators of the following UST systems shall comply with the Schedule of Upgrades in Table A:

(a) Pressurized piping installed before May 28, 1999;

(b) UST systems using a submersible pump that do not have a turbine sump;

(c) UST systems used to supply regulated substance to emergency engines installed before January 2, 2015; and

(d) Airport hydrant systems.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.04: continued

Table A: Schedule of Upgrades

Type of UST System	Section(s)	Effective Date
Pressurized piping installed before May 28, 1999	Leak Detection Requirements for Automatic Line Leak Detectors at 310 CMR 80.19(4)(b)2.	January 2, 2016
UST systems using a submersible pump that do not have a turbine sump	Requirement for Sumps at 310 CMR 80.20 and 80.27	January 1, 2019 or tank top upgrade, whichever is earlier.
UST systems used to supply fuel to emergency engines installed before January 2, 2015	Leak detection requirements at 310 CMR 80.26(3), (4), (5) or (6).	No later than October 13, 2022
Airport hydrant systems	310 CMR 80.64	*See* 310 CMR 80.64 for effective dates

(4) Financial Responsibility. The financial responsibility requirements at 310 CMR 80.51 through 80.63 shall apply to all Owners and Operators of UST systems except:

(a) As provided in 310 CMR 80.04(5) through (12); and

(b) State and Federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States government.

Owners and Operators shall have the burden of proof to demonstrate that they are not subject to 310 CMR 80.51 through 80.63.

(5) Owners and Operators of the following UST systems are exempt from all requirements of 310 CMR 80.00:

(a) UST systems holding hazardous wastes listed or identified under Subtitle C of RCRA, M.G.L. c. 21C or 310 CMR 30.000: *Hazardous Waste*, except UST systems holding waste oil.

(b) Equipment or machinery that contains regulated substances for operational purposes including, but not limited to, hydraulic lift tanks and electrical equipment tanks.

(c) UST systems that contain a *de minimis* concentration of regulated substance which means a concentration of regulated substance not exceeding the GW1 groundwater reportable concentrations in the Massachusetts Oil and Hazardous Materials List at 310 CMR 40.1600: *Massachusetts Oil and Hazardous Material List*. If a regulated substance is not listed at 310 CMR 40.1600: *Massachusetts Oil and Hazardous Material List*, the Owner and Operator shall demonstrate *de minimis* by demonstrating that the regulated substance does not display characteristics of ignitability, corrosivity, flammability and/or toxicity in order to be subject to this exemption. The Owner and Operator shall keep records of said demonstration in accordance with 310 CMR 80.36 until the Owner and Operator no longer claim the exemption.

(d) UST systems with a capacity of 110 gallons or less.

(e) UST systems that are part of a storm water or wastewater treatment facility regulated under § 402 or 307(b) of the Federal Clean Water Act or the State Clean Water Act at M.G.L. c. 21, §§ 26 through 53 including, but not limited, to industrial wastewater holding tanks and oil water separators.

(6) Owners and Operators of the following UST systems shall be subject only to the requirements at 310 CMR 80.04(7):

(a) UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954, 42 U.S.C. § 2011 *et al*.

(b) UST systems that are part of an emergency generator system at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria including, but not limited to, 10 CFR Part § 50,

(c) UST systems containing low level radioactive waste or its mixture with hazardous waste regulated by the Nuclear Regulatory Commission and the Department of Public Health.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.04: continued

(d) UST systems that are part of a storm water or wastewater treatment system not regulated under the Federal Clean Water Act § 402 or § 307(b) or the State Clean Water Act at M.G.L. c. 21, §§ 26 through 53.

(7) Owners and Operators of UST systems at 310 CMR 80.04(6) shall comply with the following requirements:

(a) Prevent releases due to corrosion or structural failure;

(b) Be cathodically protected against corrosion in accordance with 310 CMR 80.22 and 80.29, be constructed of non-corrodible material, be steel clad with a non-corrodible material, or be designed in a manner to prevent the release or threatened release of any stored regulated substance; and

(c) Be constructed or lined with material that is compatible with the stored regulated substance.

(8) Owners and Operators of UST systems with consumptive use tanks having a capacity of 1100 gallons or less shall be subject only to the following requirements:

(a) Tank Specifications at 310 CMR 80.17(3), if installed on or after March 21, 2008; and

(b) Response to a Release requirements at 310 CMR 80.38.

(9) Owners and Operators of UST systems with consumptive use tanks having a capacity of more than 1100 gallons installed on and after January 1, 1989 are subject only to the following requirements:

(a) Installation Requirements at 310 CMR 80.16, except 310 CMR 80.16(8);

(b) Tank Specifications at 310 CMR 80.17(1);

(c) Specifications for Regulated Substance Piping at 310 CMR 80.18;

(d) Leak Detection Requirements at 310 CMR 80.19(3)(a) and 80.26;

(e) Sump Requirements at 310 CMR 80.20 and 80.27;

(f) Spill Bucket and Overfill Prevention Requirements at 310 CMR 80.21 and 80.28;

(g) Corrosion Protection Requirements, if applicable, at 310 CMR 80.22 and 80.29;

(h) General Requirements at 310 CMR 80.24, except 310 CMR 80.24(4)

(i) Emergency Response Requirements at 310 CMR 80.25;

(j) Compatibility Requirements at 310 CMR 80.30;

(k) Repair and Replacement Requirements at 310 CMR 80.33;

(l) Leakage and Release: Response, Reporting and Remediation requirements at 310 CMR 80.38 through 80.40; and

(m) Closure Requirements at 310 CMR 80.41 through 80.47.

(10) Owners and Operators of UST systems with consumptive use tanks having a capacity of more than 1100 gallons installed before January 1, 1989 are subject only to the following requirements:

(a) Specifications for Regulated Substance Piping at 310 CMR 80.18(1);

(b) Sump Requirements at 310 CMR 80.20 and 80.27;

(c) Spill Bucket and Overfill Prevention Requirements at 310 CMR 80.21 and 80.28;

(d) General Requirements at 310 CNR 80.24, except 310 CMR 80.24(4);

(e) Emergency Response Requirements at 310 CMR 80.25;

(f) Compatibility Requirements at 310 CMR 80.30;

(g) Repair and Replacement Requirements at 310 CMR 80.33;

(h) Leakage and Release: Response, Reporting and Remediation requirements at 310 CMR 80.38 through 80.40; and

(i) Closure Requirements at 310 CMR 80.41 through 80.47.

(11) Owners and Operators of farm or residential tanks having a capacity of 1100 gallons or less used exclusively for the storage of motor fuel are subject to only the following requirements:

(a) Tank Specifications at 310 CMR 80.17(1); and

(b) Response to a Release requirements at 310 CMR 80.38.

(12) Owners and Operators of UST systems used solely for emergency spill or overflow containment of a regulated substance are subject to only the following requirements:

(a) Tank standards at 310 CMR 80.17(1);

(b) Registration requirements at 310 CMR 80.23(1);

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.04: continued

(c) Response to a Release requirements at 310 CMR 80.38; and
(d) Remove all regulated substance within 72 hours of the introduction of a regulated substance.
(e) If the substance contained in the emergency spill or overflow containment UST system is determined to be hazardous waste, the substance shall be subject to 310 CMR 30.000: *Hazardous Waste*.

(13) Owners and Operators of UST systems used to supply regulated substance to emergency engines are subject to all requirements of 310 CMR 80.00, except the Inventory Monitoring requirements at 310 CMR 80.31.

80.05: Rules of Construction

(1) No provision of 310 CMR 80.00 shall be construed to limit the Department's authority to take or arrange for, or to require any person to perform, any response action authorized by M.G.L. c. 21C or 21E which the Department deems necessary to protect public health, safety or the environment.

(2) The provisions of 310 CMR 80.00 are severable, and if any provision herein or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions hereof or applications thereof which can be given effect without the invalid provision or application.

(3) No provision of 310 CMR 80.00 shall be construed to relieve any person of the necessity of complying with all applicable federal, state or local laws.

80.06: Computation of Time

Unless otherwise specifically provided by law, 310 CMR 80.00, or any determination issued pursuant to 310 CMR 80.00, any time period prescribed or referred to in 310 CMR 80.00, or in any determination issued pursuant to 310 CMR 80.00, shall begin with the first day following the act which initiates the running of the time period, and shall include every calendar day, including the last day of the time period so computed. If the last day is a Saturday, Sunday, legal holiday, or any other day in which the offices of the Department are closed, the deadline shall run until the end of the next business day. If the time period prescribed or referred to is less than seven days, only days when the offices of the Department are open shall be included in the computation. If the time period is prescribed in hours, the computation is the exact number of hours from the start of the deadline without regard to whether the Department is open, unless the deadline requires delivery of information or documentation to the Department, in which case it is on the next business day after the running of the deadline if that deadline runs on a day when the Department is closed.

80.07: Accurate and Timely Submittals to the Department and Recordkeeping

(1) No person shall make any false, inaccurate, incomplete or misleading statement in any application, record, report, plan, log or statement which that person submits, or is required to submit, to the Department pursuant to M.G.L. c. 21O, 310 CMR 80.00, or any permit, order, certification or approval issued by the Department.

(2) Any application, record, report, plan or statement which any person is required to submit to the Department shall be submitted within the time period presented in M.G.L. c. 21O, 310 CMR 80.00, or any order issued by the Department, unless otherwise specified by the Department.

(3) No person shall make any false, inaccurate, incomplete or misleading statement in any application, record, report, plan, log or statement which that person keeps, or is required to keep, by the Department pursuant to M.G.L. c. 21O, 310 CMR 80.00, or by any permit, order, certification or approval issued by the Department.

80.08: Accurate and Complete Recordkeeping

Any recordkeeping which any person is required to perform shall be promptly, fully, and accurately performed and shall otherwise be in compliance with 310 CMR 80.00, and any permit, order, certification or approval issued by the Department.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.09: Accurate Monitoring

No person shall falsify, tamper with, or render inaccurate any monitoring device or method which any person maintains, or which is required to be maintained pursuant to M.G.L. c. 21O or 310 CMR 80.00. Any monitoring which any person is required to perform shall be promptly, fully and accurately performed and shall otherwise be in compliance with M.G.L. c. 21O, 310 CMR 80.00, or any permit, order, certification or approval issued by the Department.

80.10: Duty to Provide Information

For any of the purpose set forth in M.G.L. c. 21O or 310 CMR 80.00, any Owner or Operator of a UST system shall upon reasonable request of the Department furnish information relating to UST systems and UST components, conduct monitoring or testing, and permit the Department to have access to, and to copy all records relating to, such UST systems and UST components within the time specified in the Department's request.

80.11: Submittals to the Department

(1) Any person signing a document or form, required by 310 CMR 80.00 to be signed by the Owner or Operator, shall be signed by:

(a) If a sole proprietorship, the sole proprietor;

(b) If a partnership, a general partner with the authority to bind the partnership;

(c) If a trust, a trustee or any other natural person authorized:

1. to enter into contracts regarding the trust property;
2 to bind the trust; or
3. to encumber or dispose of the trust property;

(d) If a limited liability company, a person authorized pursuant to M.G.L. c. 156C, § 24 and the limited liability company's operating agreement to bind the company and all the members;

(e) If a corporation or a nonprofit corporation, a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function who has been duly authorized to bind the corporation pursuant to a corporate vote, or an employee of the corporation who has been duly authorized to bind the corporation pursuant to a corporate vote;

(f) If a municipality or other public agency, a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

(2) Unless otherwise required by law or 310 CMR 80.00, any person signing a document pursuant to 310 CMR 80.00, or when providing any other information ordered or requested by the Department in writing pursuant to 310 CMR 80.00, shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

80.12: Presumption of Irreparable Harm

Pursuant to M.G.L. c. 21O, § 8, any violation of any provision of M.G.L. c. 21O or 310 CMR 80.00 or of any order, permit, or approval adopted or issued thereunder shall be presumed to constitute irreparable harm to public health, safety and welfare, and to the environment. Such presumption may be rebutted by the introduction of competent evidence.

80.13: Department Access to UST Facilities and Records

(1) Reasonable Access.

(a) For purposes of implementing M.G.L. c. 21O and 310 CMR 80.00, personnel and/or representatives of the Department may, upon presentation of credentials, enter property containing or suspected of containing UST systems in order to:

1. Inspect or obtain samples from any UST system;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.13: continued

2. Conduct monitoring or testing of the tanks, associated equipment, contents of the tank or surrounding soils, air, surface water or ground water; and
3. Have access to, and copy all records, relating to such tanks.

(b) Said inspections shall be conducted during normal business hours or at other reasonable times, with or without prior notice, except that personnel or authorized representatives of the Department may enter a UST facility, at any time, if emergency conditions require immediate entry or to protect public health, safety or the environment.

(c) For announced inspections, the Department will notify the UST facility no less than 48 hours before the announced inspection.

(2) Duty to Comply.

(a) The Owner and Operator shall cooperate and assist Department personnel or authorized representative and in no way restrict, impede, or delay an inspection or any request for information by personnel or authorized representatives of the Department where such inspection or request is made pursuant to a reasonable request in accordance with 310 CMR 80.13(1), or in accordance with the conditions of any authorization, determination, modification, permit, or other approval, or pursuant to the terms of any order or other enforcement document, or as otherwise authorized by law.

(b) For announced inspections, the Owner or Operator shall provide the necessary personnel in order to provide access to UST records, systems and facilities including, but not limited to, the following:

1. Regulated substance fill port/spill bucket;
2. Automatic tank gauge port and console;
3. Turbine and intermediate sumps;
4. Underground piping/other access ports;
5. Dispenser cabinet/dispenser sump;
6. Audible and visual alarm equipment;
7. Overfill prevention equipment; and
8. Any other component of the UST System if the Department informs the Owner or Operator it needs access to the component at the time the inspection is announced, and excludes any UST system or UST component that would only be visible for inspection if they were excavated.

(3) Warrants. If the Department is denied full and complete access to the UST facility or requested information, or if after reasonable efforts, the Department cannot locate the Owner or Operator, the Department may seek, from a court, judge, justice or magistrate, a warrant authorizing personnel or authorized representatives of the Department to conduct a reasonable search of the UST facility or property. 310 CMR 80.13 shall not preclude the Department from gaining access through other legal means, including, but not limited to, a court order or injunctive relief.

DESIGN, CONSTRUCTION AND INSTALLATION REQUIREMENTS

80.14: General Requirements

Owners and Operators shall comply with all general and specific design, construction and installation requirements in 310 CMR 80.14 through 80.22, as applicable.

80.15: General Prohibitions

(1) All single-walled steel tanks in-service and temporarily out-of-service shall be permanently closed and removed from the ground or permanently closed in-place in compliance with 310 CMR 80.43 by August 7, 2017, except for the following tanks:

(a) Consumptive use tanks; and

(b) Tanks that were relined prior to August 8, 2007 in accordance with API 1631, 1983 Edition and the Owner or Operator has the following:

1. A permit and approval that was issued by the Head of the Fire Department for such relining; and
2. A current, legally valid warranty for said relining.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.16: Installation Requirements

(1) No UST system shall be installed except by a person who has been certified to install that type of UST system in writing by the UST system manufacturer. The installation shall include, but shall not be limited to, compliance with the manufacturer's specifications and all items on the manufacturer's checklist(s).

(a) The installer shall certify that the UST system was installed in accordance with the manufacturer's specifications and that the installer complied with all items on the manufacturer's installation checklist(s).

(b) The Owner or Operator shall maintain a copy of the certifications in 310 CMR 80.16(1) and 80.16(1)(a), manufacturer's specifications and completed checklist(s) in accordance with 310 CMR 80.36.

(c) The Owner shall submit the installer certification(s) from the manufacturer(s) and the installer's certification in 310 CMR 80.16(1)(a), in accordance with 310 CMR 80.23(1)(b).

(d) A new double-walled tank may be installed inside an existing tank, if the new double-walled tank meets the requirements of 310 CMR 80.17 and does not rely on the existing tank to provide structural integrity or as a tank wall and:

1. Prior to installing the new double-walled tank, the Owner or Operator shall have all the solid and liquid material removed from the existing UST system, in accordance with 310 CMR 80.47, have the existing UST system rendered inert and shall secure all openings. The Owner or Operator shall manage all solid and liquid material removed from the UST system in accordance with all applicable federal, state and local laws and regulations.

2. Conduct an assessment in accordance with 310 CMR 80.43(4) before the new double-walled tank is installed. If the assessment finds contamination requiring notification pursuant to 310 CMR 40.0000, *Massachusetts Contingency Plan*, the installation of the new tank shall not commence until the Owner or Operator has complied with the notification requirements contained in 310 CMR 40.0300: *Notification of Releases and Threats of Release of Oil and Hazardous Materials; Identification and Listing of Oil and Hazardous Materials*, as applicable, and any required response actions under 310 CMR 40.0000.

3. Notify the Department that a new double-walled tank is being installed inside an existing tank, in a format specified by the Department, within 30 days of the new tank being installed. A copy of the assessment in 310 CMR 80.43(4) shall be submitted with said form.

(2) The installation of all UST systems, including anchoring of the tank, shall be carried out in accordance with the manufacturer's specifications, listed engineering practices, and the provisions of 310 CMR 80.14 through 80.22. In *lieu* of the requirements at 310 CMR 80.16(9) through (16), Owners and Operators may use military construction criteria, such as Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel Facilities, when designing, constructing, and installing UST systems with field-constructed tanks over 50,000 gallons capacity.

(3) Any damage to the exterior of a tank or its coating shall be repaired before the tank is covered.

(4) The Tank and Piping Shall Pass the following Tests Prior to Burial.

(a) The tank and the interstitial space shall be tested by air pressure not less than three pounds and not more than five pounds per square inch. If the interstitial space contains liquid, testing shall comply with the manufacturer's specifications.

(b) The piping shall be hydrostatically tested (or by air pressure) to 150% of the maximum anticipated pressure of the piping system, but not less than 50 pounds per square inch gauge of the highest point of the piping system.

(c) The Owner shall provide the test results to the professional engineer conducting the inspection in accordance with 310 CMR 80.16(6).

(5) After installation, backfilling and surfacing to grade, the tank and piping shall pass a tightness test in accordance with 310 CMR 80.32.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.16: continued

(6) All UST systems shall be inspected by the person who prepares the drawings or as-built plans in accordance with 310 CMR 80.16(7), or their designated representative, prior to being backfilled, to ensure the UST system is installed in accordance with 310 CMR 80.14 through 80.22. If the person who prepares the drawing or as-built plans, or their designated representative, determines the UST system is not installed in accordance with 310 CMR 80.14 through 80.22, the UST system shall not be backfilled until the Owner or Operator of the UST system complies with all requirements at 310 CMR 80.14 through 80.22.

(7) The Owner or Operator shall maintain a scaled drawing or a set of as-built plans prepared by the installer who installed the UST system or a registered professional engineer until the UST system is removed or permanently closed in accordance with 310 CMR 80.43(2) or (3) and shall submit a copy of the as-built plans to the Department in accordance with 310 CMR 80.23(1). The scaled drawing or as-built plans shall include, but not be limited to:

(a) A locus plan or location map showing the location of the UST facility and the global positioning system (GPS) coordinates of the UST system(s). The plan or map shall include, but not be limited to, the location of any public well, private well, if readily ascertainable, and any body of surface water within 500 feet of the UST facility. All drinking water wells shall be clearly marked on the plan or map.

(b) A site plan of the UST facility including, but not limited to, the location of each UST system and all buildings.

(c) UST system details including, but not limited to, a list of UST components (including manufacturer and model number), schematics of the tanks, piping, and turbine, intermediate and dispenser sumps, elevations of each tank and related piping below the final surface grade and a materials list.

(d) A signed statement by the licensed professional engineer who signed and sealed the as-built plans that the UST system was installed in accordance with 310 CMR 80.00, the manufacturer's specifications and the manufacturer's checklist.

(8) The Owner shall submit a registration to the Department within 30 days of the initial introduction of regulated substance into an UST system on a form specified by the Department, in accordance with 310 CMR 80.23(1), except Owners of UST systems used solely for emergency spill or overflow containment shall submit a registration to the Department within 30 days of installation.

(9) If the manufacturer's specifications do not specify the type of backfill material, the Owner or Operator shall comply with one of the following:

(a) API Recommended Practice 1615, 6th Edition, April 2011, *Installation of Underground Petroleum Storage Systems*; or

(b) PEI Recommended Practice 100-17, 2017, *Recommended Practices for Installation of Underground Liquid Storage Systems*.

(10) At any fueling facilities where tanks are at an elevation which produces a gravity head on the dispensing unit, the tank outlet shall be equipped with a device, such as a solenoid valve, positioned adjacent to, and downstream from, the outlet of the tank that is installed and adjusted so that liquid cannot flow by gravity from the tank in case of piping or hose failure when the dispenser is not in use.

(11) Underground piping and underground vent lines shall be installed in a trench. If the manufacturer's specifications specify a different standard for installing piping and vent lines, the Owner and Operator may comply with the manufacturer's specification in *lieu* of 310 CMR 80.16(11). The Owner or Operator shall keep records of the standard in accordance with 310 CMR 80.36.

(12) A minimum six-inch-deep bed of well-compacted noncorrosive material such as clean washed sand or gravel shall be placed in a trench before the piping is installed, unless otherwise directed by the manufacturer's specifications. All trenches shall be wide and deep enough to permit at least six inches of noncorrosive backfill material surrounding all lines, unless otherwise directed by the manufacturer's specifications. The owner or Operator shall keep records of the Manufacturer's specification in accordance with 310 CMR 80.36.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.16: continued

(13) All piping shall lead from the tops of tanks, and the tops of all tanks shall be below the level of the lowest horizontal pipe used in the connection therein, except where the design specifically prevents a possible siphoning condition.

(14) All pipes used for the conveyance of flammable liquid shall decline to tanks without traps or pockets, and shall be protected against damage. Intermediate sumps installed to allow piping to decline to tanks shall not be considered a trap or pocket provided the intermediate sump is monitored for leakage and is accessible for repairs and inspections. Piping drops from submerged pumps to allow piping decline to the tank shall not be considered a trap. Siphon lines shall be exempt from 310 CMR 80.16(14).

(15) A double elbow swing joint or flexible connector listed for underground applications shall be installed at all locations where piping changes direction from horizontal to vertical or from vertical to horizontal. If the manufacturer's specifications specify a different standard, the Owner and Operator may comply with the manufacturer's specification in *lieu* of 310 CMR 80.16(15). The Owner or Operator shall keep records of the standard in accordance with 310 CMR 80.36.

(16) Pressurized systems shall be designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure in accordance with the manufacturer's specifications.

(17) A permanent dewatering well for the purpose of dewatering the tank grave in order to conduct repairs of the UST system may be installed if the well is seated in the tank grave and the well seals are designed and constructed to prevent migration of fluids from the ground surface into the borehole.

(a) The following seals are all required and shall be designed and constructed as follows:

1. Annular Seals.

a. Annular seals shall be placed in the annular space between the well casing and the borehole wall and above the divider seal.

b. Annular seals shall consist of a low permeability material that will serve to inhibit the vertical movement of fluids within the annular space.

c. An annular seal shall be composed of one or a combination of the following sealants: neat cement, bentonite/cement slurries, or equivalent sealing agents.

2. Divider Seals.

a. Divider seals shall consist of a layer of bentonite slurry or pellets designed to prevent the annular seal materials from plugging up the screened area of the well.

b. Divider seals shall be placed above the material surrounding the well screen and below the annular seal.

3. Surface (Apron) Seal.

a. A surface seal around the top of the well is required even if the annular seal is carried to the surface.

b. A surface seal shall be concrete.

c. A surface seal shall be shaped so that surface water flows away from the well casing.

d. Based on site conditions, the surface seal shall extend, at a minimum, to the bottom of the tank pad, and in no event less than one foot below grade to prevent frost-heaving of the apron.

(b) Dewatering wells and seals shall be maintained so as to prevent storm water and/or regulated substances from entering the subsurface as long as the dewatering well is in place.

(18) The Owner or Operator shall keep a copy of the installer's certifications, manufacturer's specifications and completed checklist(s), records of all testing results and inspections conducted during the installation and the accurate drawing or as-built plans in accordance with 310 CMR 80.36.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.17: Specifications for Tanks

(1) Tanks, except consumptive use tanks having a capacity of 1100 gallons or less, that are installed on and after January 1, 1989 shall be one of the following:
(a) Listed double-walled cathodically protected metal tanks;
(b) Listed double-walled fiberglass reinforced plastic tanks;
(c) Listed double-walled composite tanks;
(d) Listed double-walled jacketed steel tanks; or
(e) Listed tanks that are no less protective of human health and the environment than 310 CMR 80.17(1)(a) through (d), if the following requirements are met:
1. The Owner shall submit an application to the Department for approval demonstrating that the tank is equal to or more protective of human health and the environment than 310 CMR 80.17(1)(a) through (d). This demonstration shall include, but is not limited to, technical information that the tank is noncorrosive or corrosion resistant, and meets or exceeds the performance standards in 310 CMR 80.17(1)(a) through (d).
2. The Department, at its sole discretion, shall determine whether the Owner has made the demonstration required in 310 CMR 80.17(1)(e)1.
3. The Owner shall not install the tank unless and until it receives written approval from the Department.
(f) Listed "tank-within-a-tank" systems that are double-walled and do not rely on the existing tank to provide structural integrity or as a tank wall.

(2) Tanks that are installed or that become subject to 310 CMR 80.00, on and after January 1, 1989 shall be equipped with a metallic or nonmetallic striker plate attached to the bottom of the tank at each opening. Such striker plate shall be at least 12" x 12" in area and at least ¼" thick.

(3) Consumptive use tanks having a capacity of 1100 gallons or less that are installed on and after March 21, 2008 shall be one of the following:
(a) Listed double-walled fiberglass reinforced plastic using materials compatible with fuel oil and equipped with continuous interstitial monitoring.
(b) Listed double-walled metal tank with cathodic protection or bonded fiberglass coating and equipped with continuous interstitial monitoring.

80.18: Specifications for Regulated Substance Piping

(1) UST systems that contain regulated substance piping shall be installed with one of, or a combination of, the following piping systems:
(a) Pressurized piping system;
(b) European suction system; or
(c) Non-European suction system.

(2) In addition to complying with 310 CMR 80.18(1), regulated substance piping installed in UST systems between January 1, 1989 and January 2, 2015, shall meet the following requirements:
(a) Regulated substance piping shall be constructed of:
1. A non-corrodible material; or
2. Cathodically protected metal, including copper if the copper is adequately protected against physical damage and is secondarily contained.
(b) Regulated substance piping, except European suction systems and siphon lines between tanks, shall be installed with secondary containment which may include, but is not limited to, impervious liners if installed prior to January 2, 2015 or double-walled piping.

(3) All regulated substance piping installed after January 2, 2015 shall be:
(a) double-walled, except European suction systems and siphon lines between tanks;
(b) product compatible; and
(c) constructed of:
1. a non-corrodible material; or
2. cathodically protected metal, including copper if the copper is adequately protected against physical damage and is secondarily contained.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.19: Leak Detection

(1) Owners and Operators shall equip UST systems with leak detection equipment.

(2) The Owner or Operator shall install, calibrate, operate and maintain all leak detection equipment in accordance with 310 CMR 80.19 and 80.26, and the manufacturer's specifications.

(3) Requirements for Tanks.

(a) Tanks (except tanks used to supply regulated substance to emergency engines) installed on or after January 1, 1989, and tanks used to supply regulated substance to emergency engines installed on or after January 2, 2015, shall be equipped with a system that continuously monitors interstitial space.

1. The interstitial monitors shall be installed and operated in accordance with the manufacturers' specifications.
2. The system shall comply with 310 CMR 80.26(3).
3. The interstitial monitoring shall detect leakage through the inner wall of any tank.
4. For UST systems using continuous vacuum, pressure, or hydrostatic methods (including brine systems) of interstitial monitoring, the method shall be capable of detecting a breach in the inner and outer walls of the tank.

(b) Tanks, except tanks used to supply regulated substance to emergency engines, installed before January 1, 1989, shall be equipped with at least one of the leak detection methods listed 310 CMR 80.19(3)(b)1. through 4. No later than October 13, 2022, tanks used to supply regulated substance to emergency engines that were installed before January 2, 2015, shall be equipped with at least one of the leak detection methods listed at 310 CMR 80.19(3)(b)1. through 4.

1. A system that continuously monitors interstitial space.
   a. The sensors shall be installed in accordance with the manufacturers' specifications.
   b. The system shall comply with 310 CMR 80.26(3).
   c. The interstitial monitoring shall detect leakage through the inner wall of any tank.
2. An in-tank monitoring system that is used to test the tank at least once a month over the continuous period of time prescribed by the manufacturer's specifications to determine if there is a release or leakage. If the manufacturer's specifications do not prescribe a continuous period of time, the continuous period of time shall be six hours. The system shall be capable of detecting a release or leakage of 0.20 gallons per hour with the probability of detection of 0.95 and a probability of false alarm of 0.05 as determined by an independent testing laboratory using the U.S. Environmental Protection Agency Standard Test Procedures for Evaluating Leak Detection Methods (EPA-510-B-19-002, May 2019) or other equivalent test procedures and complies with 310 CMR 80.26(4).
3. A continuous in-tank monitoring system installed and operated in accordance with the manufacturers' specifications that is capable of detecting a release or leakage of 0.20 gallons per hour with the probability of detection of 0.95 and a probability of false alarm of 0.05 as determined by an independent testing laboratory using the U.S. Environmental Protection Agency Standard Test Procedures for Evaluating Leak Detection Methods (EPA-510-B-19-002, May 2019) or other equivalent test procedures and complies with 310 CMR 80.26(5).
4. An in-tank monitoring system installed, operated and maintained by a qualified person with inventory data analysis conducted by a trained statistical inventory reconciliation (SIR) vendor. The SIR testing or monitoring methods shall meet the following requirements:
   a. Report a quantitative result with a calculated leak rate;
   b. Be capable of detecting a release or leakage of 0.20 gallons per hour with the probability of detection of 0.95 and a probability of false alarm of 0.05 as determined by an independent testing laboratory using the U.S. Environmental Protection Agency Standard Test Procedures for Evaluating Leak Detection Methods (EPA/530/UST-90/006 510-B-19-002, May 2019) or other equivalent test procedures;
   c. Use a threshold that does not exceed ½ the minimum detectible leak rate; and

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.19: continued

d. Comply with U.S. Environmental Protection Agency Standard Test Procedures for Evaluating Leak Detection Methods (EPA 510-B-19-004, May 2019) or other equivalent test procedures and with 310 CMR 80.26(6).

(c) Until October 13, 2022, tanks used to supply fuel to emergency engines installed before January 2, 2015 shall comply with at least one of the following leak detection methods:

1. Leak detection requirements at 310 CMR 80.19(3)(b)1., 2. 3. or 4.;

2. If the tank has a capacity of 1000 gallons or less, weekly tank gauging in accordance with 310 CMR 80.26(7); or

3. If the tank has a capacity of more than 1000 gallons, monthly tank gauging in accordance with 310 CMR 80.26(8), and conduct an annual tightness test in accordance with 310 CMR 80.32.

(d) Owners and Operators of field-constructed tanks with a capacity greater than 50,000 gallons capacity may use one of the following methods of leak detection for each tank to satisfy the requirements of 310 CMR 80.19(1):

1. Conduct an annual bulk tank tightness test that can detect a release or leakage at 0.5 gallon per hour;

2. Use an in-tank monitor to perform leak detection at least every 30 days that can detect a release or leakage of less than or equal to one gallon per hour. This method shall be combined with a bulk tank tightness test that can detect a release or leakage of 0.2 gallon per hour and be performed at least every three years; or

3. Use an in-tank monitor to perform leak detection at least every 30 days that can detect a release or leakage of less than or equal to two gallons per hour. This method shall be combined with a bulk tank tightness test that can detect a release or leakage of 0.2 gallon per hour and be performed at least every two years.

4. Perform inventory control (conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures) at least every 30 days that can detect a release or leakage equal to or less than 0.5% of flow-through; and perform a tank tightness test that can detect a release or leakage of 0.5 gallon per hour at least every two years.

5. Maintain records of the testing conducted according to 310 CMR 80.19(3)(d) in accordance with 310 CMR 80.36.

(4) Requirements for Piping.

(a) UST systems installed on or after May 28, 1999 shall have the following requirements for regulated substance piping, except European suction systems and single-walled siphon lines between tanks:

1. All regulated substance piping shall have a system that continuously monitors interstitial space as follows:

a. Sensors shall be installed in the sump in accordance with the manufacturers' specification. If there is no manufacturer's specification, the sensors shall be placed at the lowest point in the sump.

b. The system shall comply with 310 CMR 80.26(3).

c. The system shall detect regulated substance in a sump that leaked through the inner wall in any portion of the piping that routinely contains regulated substance.

2. In addition to complying with 310 CMR 80.19(4)(a)1., pressurized piping systems shall be equipped with an automatic line leak detector that accurately detects a release or leakage of three gallons per hour at ten p.s.i. in line pressure within one hour with the probability of detection of 0.95 and probability of false alarm of 0.05. At UST facilities that are staffed 24 hours per day, seven days per week, 365 days per year, an automatic line leak detector may also be a continuous alarm that alerts staff when there is regulated substance or pressure loss in a pressurized product line of a pressurized pumping system.

3. European suction systems and siphon lines between tanks are not required to have leak detection.

(b) UST Systems installed between January 1, 1989 and May 28, 1999 shall have the following requirements for regulated substance piping, except European suction systems and single-walled siphon lines between tanks:

1. Owners or Operators of all regulated substance piping shall implement one of the following methods of leak detection:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.19: continued

a. A system that continuously monitors interstitial space in accordance with 310 CMR 80.19(4)(a)1.; or

b. Quarterly visual inspections of secondary containment ports and conduct of an annual tightness test of the product piping line in accordance with 310 CMR 80.32; or

c. An in-tank monitoring system that is maintained by a qualified person with inventory data analysis conducted by a qualified statistical inventory reconciliation (SIR) vendor. The SIR testing or monitoring methods shall:

i. Report a quantitative result with a calculated leak rate;

ii. Be capable of detecting a release or leakage of 0.20 gallons per hour with the probability of detection of 0.95 and a probability of false alarm of 0.05 as determined by an independent testing laboratory using the U.S. Environmental Protection Agency Standard Test Procedures for Evaluating Leak Detection Methods (EPA 510-B-19-0002, May 2019) or other equivalent test procedures;

iii. Use a threshold that does not exceed ½ the minimum detectible leak rate; and

iv. Comply with U.S. Environmental Protection Agency Standard Test Procedures for Evaluating Leak Detection Methods (EPA 510-B-19-004, May 2019) or other equivalent test procedures and with 310 CMR 80.26(6).

2. In addition to complying with 310 CMR 80.19(4)(b)1., pressurized piping systems shall be equipped with an automatic line leak detector that accurately detects a release or leakage of three gallons per hour at ten p.s.i. in line pressure within one hour with the probability of detection of 0.95 and probability of false alarm of 0.05. At UST facilities that are staffed 24 hours per day, seven days per week, 365 days per year, an automatic line leak detector may also be a continuous alarm that alerts staff when there is regulated substance or pressure loss in a pressurized product line of a pressurized pumping system.

3. European suction systems are not required to have leak detection.

(c) UST Systems installed before January 1, 1989 shall have the following requirements for regulated substance piping, except European suction systems and single-walled siphon lines between tanks:

1. Owners or Operators of all regulated substance piping shall implement one of the following methods of leak detection:

a. A system that continuously monitors interstitial space in accordance with 310 CMR 80.19(4)(a)1.; or

b. Quarterly visual inspections of secondary containment ports and conduct an annual tightness test of the product piping line in accordance with 310 CMR 80.32; or

c. An in-tank monitoring system that is maintained by a qualified person with inventory data analysis conducted by a trained statistical inventory reconciliation (SIR) vendor. The SIR testing or monitoring methods shall:

i. Report a quantitative result with a calculated leak rate;

ii. Be capable of detecting a release or leakage of 0.20 gallons per hour with the probability of detection of 0.95 and a probability of false alarm of 0.05 as determined by an independent testing laboratory using the U.S. Environmental Protection Agency Standard Test Procedures for Evaluating Leak Detection Methods (EPA 510-B-19-002, May 2019) or other equivalent test procedures;

iii. Use a threshold that does not exceed ½ the minimum detectible leak rate; and

iv. Comply with U.S. Environmental Protection Agency Standard Test Procedures for Evaluating Leak Detection Methods (EPA 510-B-19-004, May 2019) or other equivalent test procedures and with 310 CMR 80.26(6).

d. For single-walled pressurized piping systems and single-walled gravity piping systems, conduct an annual tightness test in accordance with 310 CMR 80.32; or

e. For Non-European suction systems that do not have secondary containment, conduct an annual tightness test in accordance with 310 CMR 80.32.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.19: continued

2. In addition to complying with 310 CMR 80.19(4)(c)1., pressurized piping systems shall be equipped with an automatic line leak detector that accurately detects a release or leakage of three gallons per hour at ten p.s.i. in line pressure within one hour with the probability of detection of 0.95 and probability of false alarm of 0.05. At UST facilities that are staffed 24 hours per day, seven days per week, 365 days per year, an automatic line leak detector may also be a continuous alarm that alerts staff when there is regulated substance or pressure loss in a pressurized product line of a pressurized pumping system.
3. European suction systems are not required to have leak detection.

80.20: Requirements for Turbine, Intermediate and Dispenser Sumps

(1) Dispenser Sumps.
(a) Regulated substance dispensers installed, repaired or replaced on or after October 1, 2021 shall be equipped with a dispenser sump that shall be continuously monitored for liquids utilizing a dispenser sump sensor(s). 310 CMR 80.20(1)(a) shall not apply in situations where only the product dispenser is repaired or replaced due to damage or malfunction, but shall apply to any replacement of both the product dispenser and dispenser components attaching the dispenser to the UST piping system at the dispenser.
(b) Regulated substance dispensers installed, repaired or replaced on or after March 21, 2008 and before October 1, 2021 shall be equipped with a dispenser sump that shall be continuously monitored for liquids utilizing a dispenser sump sensor(s). 310 CMR 80.20(1)(b) shall not apply in situations where only the product dispenser is repaired or replaced due to damage or malfunction, but shall apply to any replacement of both the product dispenser and the piping used to connect the product dispenser to the tank.

(2) Tanks utilizing a submersible pump, when the pump was installed on or after March 21, 2008, shall be equipped with a turbine sump. All turbine sumps, including intermediate sumps, shall be continuously monitored for liquids utilizing a sump sensor(s).

(3) All turbine sumps, intermediate sumps and dispenser sumps installed on or after March 21, 2008, except sumps that only contain a single-walled siphon line with no connections within the sump or only contain a European suction system or sumps that do not contain any regulated substance piping connections, shall be continuously monitored for liquids utilizing a sump sensor(s).

(4) Tanks using a submersible pump that do not have a turbine sump, shall be upgraded with a turbine sump by January 1, 2019 or when the tank top is upgraded, whichever is earlier, or that tank shall be removed or permanently closed in-place in accordance with 310 CMR 80.43(2) or (3).

(5) Turbine, intermediate and dispenser sumps, except sumps listed at 310 CMR 80.27(8), shall pass an integrity test at installation to ensure the sump is liquid tight by using a vacuum or hydrostatic test in accordance with PEI RPI 1200-19. The owner or Operator shall keep records of this test in accordance with 310 CMR 80.36.

(6) Turbine sump manhole covers installed on and after the January 2, 2015 shall be designed and installed with a final grade that channels storm water away from the turbine sump cover and turbine sump manhole covers installed on and after October 1, 2021 shall also be installed so that the paved surface is crowned as to protect the sump and equipment within from damage due to traffic.

(7) Turbine, intermediate and dispenser sumps shall be constructed so that they are accessible for repairs and inspections.

80.21: Requirements for Spill Buckets and Overfill Prevention Equipment

(1) All fill ports used to introduce regulated substance to a UST system shall be equipped with a spill bucket.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.21: continued

(a) Spill buckets, including replacement spill buckets, installed on or after January 2, 2015 shall have a minimum capacity of five gallons, unless it is not physically possible to replace a three-gallon spill bucket with a five-gallon spill bucket. "Not physically possible" means that the area where the three-gallon spill bucket is installed cannot be made to accommodate a five-gallon spill bucket by any physical means including, but not limited to, digging or jack hammering.

1. If it is not physically possible to replace a three-gallon spill bucket with a five-gallon spill bucket, the Owner or Operator shall certify to the Department that it is not physically possible in a letter signed in accordance with 310 CMR 80.11.

2. If it is not physically possible to replace a three-gallon spill bucket with a five-gallon spill bucket, the Owner or Operator shall install a spill bucket no smaller than three gallons.

(b) Spill buckets installed before January 2, 2015 shall have a minimum capacity of three gallons.

(c) All spill buckets shall pass an integrity test at installation to ensure the spill bucket is liquid tight by using a vacuum or hydrostatic test in accordance with PEI RPI 1200-19. The Owner or Operator shall keep records of this test in accordance with 310 CMR 80.36.

(d) Spill bucket covers installed on and after October 1, 2021 shall be designed and installed with a final grade that channels storm water away from the spill bucket and the paved surface is crowned as to protect the spill bucket and fill port from damage due to traffic.

(2) UST systems shall have an overfill prevention device that is designed to allow a tank tightness test and installed in accordance with the manufacturer's specifications.

(a) On or after January 2, 2015, new or replacement ball float valves are prohibited from being used as the primary overfill prevention device. Owners and Operators may continue to use ball float valves as a secondary overfill prevention device, unless the ball float valve interferes with the operation of the primary overfill prevention device. Ball float valves installed prior to January 2, 2015 may be used as the primary overfill prevention device until the ball float valve is replaced.

(b) All UST systems shall be equipped with one of the following:

1. An automatic shut off device that shall automatically and completely shut off flow into the tank when the tank is no more than 95% full.

2. A device which shall sufficiently alert the operator and regulated substance deliverer when the tank is at a maximum of 90% full by triggering a high-level alarm.

a. All high level alarms installed on and after January 2, 2015 shall be visible and audible to the regulated substance deliverer.

b. All high-level alarms shall be clearly labeled as a tank overfill alarm.

3. A ball float valve which shall alert the regulated substance deliverer by restricting the flow into the tank 30 minutes prior to overfilling, in accordance with 310 CMR 80.21(2)(a).

80.22: Requirements for Corrosion Protection

(1) All UST systems shall be protected from corrosion.

(2) Metal components of a UST system and UST components, excluding manhole covers, that are subject to corrosion and are in contact with the ground shall have continuous cathodic protection.

Riser and fill pipes may be coated, taped or clad with noncorrosive materials, such as fiberglass to comply with 310 CMR 80.22(2).

(3) If a tank or regulated substance piping is manufactured with cathodic protection, it shall comply with a listed standard.

(4) A field constructed cathodic protection system shall be designed by a corrosion expert.

(a) The cathodic protection system design plans, applications, surveys, drawings, test data and results, shall be reviewed and approved by a corrosion expert and bear the full name, signature, address, certification number and seal of the corrosion expert.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.22: continued

(b) The installation and repair of any cathodic protection system shall be completed under the direction of a corrosion expert. Cathodic protection systems shall be designed and installed in accordance with a listed standard and the manufacturer's specifications.

(c) For field-constructed cathodic protection systems installed on and after January 2, 2015, the Owner or Operator shall have as-built, scaled plans of the field-constructed cathodic protection system. Said plans shall be reviewed and approved by a corrosion expert and shall bear the full name, signature, address, certification number and seal of the corrosion expert and shall be retained in accordance with 310 CMR 80.36.

(5) Within six months of installation, a cathodic protection system shall be tested by a cathodic protection tester in accordance with the following standards to determine that the UST system or UST component is protected against corrosion.

(a) NACE Standard Test Method: NACE Standard TM0101-2012, *Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Tank Systems*"; or

(b) NACE Standard Test Method: NACE Standard TM0497-2012, *Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems*".

(6) The cathodic protection system shall pass the applicable test(s) at 310 CMR 80.22(5). The Owner or Operator shall keep a record of the passed test(s) in accordance with 310 CMR 80.36. If the cathodic protection system does not pass the test, the Owner or Operator shall comply with 310 CMR 80.29(5).

GENERAL OPERATING REQUIREMENTS

80.23: Requirements for Registration and Reporting

(1) Owners shall sign and submit to the Department, in a format specified by the Department, a registration for UST systems and UST facilities within 30 days of receiving regulated substance into the UST system, except Owners of UST systems used solely for emergency spill or overflow containment shall submit a registration to the Department within 30 days of installation or for existing emergency spill or overflow tanks on or before October 1, 2022. The Owner shall retain a copy of the current registration in accordance with 310 CMR 80.36 until the UST system is removed or permanently closed in-place in accordance with 310 CMR 80.43(2) or (3).

(a) The registration shall include, but not be limited to, the following categories of information:

1. Identity of and contact information for the Owner, Operator and Contact Person(s) including, but not limited to, name, title, address, telephone numbers and email address;
2. Description of the UST system(s) including, but not limited to, the location, date of installation, size, uses of the UST system(s) and type of facility;
3. Description of UST components including, but not limited to, leak detection, corrosion prevention, spill bucket and overfill prevention;
4. Description of the financial responsibility mechanism(s) including, but not limited to, the type, amount, expiration date and issuer; and
5. Description of the UST records received from the previous Owner(s) and Operator(s).

(b) The Owner shall submit with the registration for the installation of a new or replacement UST system, the following, in a format specified by the Department:

1. A copy of the certification from the UST system installer that:
   a. He or she was certified by the manufacturer of the UST system that was installed;
   b. The UST system was installed in accordance with the manufacture's specifications; and
   c. The installer complied with all items on the manufacturer's installation checklist(s).
2. A copy of the as-built plans pursuant to 310 CMR 80.16(7).

(c) Owners, or Operators if authorized by the Owner, shall update the registration if any information on the registration changes, and submit it to the Department within 30 days of the change.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.23: continued

(2) Owners, or Operators if authorized by the Owner, shall submit to the Department, in a format specified by the Department, notifications of the following including, but not limited to:

(a) A change in the product in accordance with 310 CMR 80.41:

1. Prior to the change, if the change is from a regulated substance to a non-regulated substance.

2. Within 30 days of the change, if the change is from a regulated substance to another regulated substance, except as provided in 310 CMR 80.23(2)(a)3.

3. At least 30 days prior to the change if the change is from a regulated substance to a regulated substance containing greater than 10% ethanol or greater than 20% biodiesel, in accordance with 310 CMR 80.30(3).

(b) Any UST system taken temporarily out-of-service, in accordance with 310 CMR 80.42, within 30 days of the change in status.

(c) Any temporarily out-of-service UST system brought back into service in accordance with 310 CMR 80.42, within 30 days after being brought back into service.

(d) Any UST system removed, within 30 days of removal, in accordance with 310 CMR 80.43(2).

(e) UST systems closed-in-place within 30 days of UST system being filled in accordance with 310 CMR 80.43(3)(c).

(f) UST systems closed because a new tank is installed inside an existing tank, in accordance with 310 CMR 80.44.

(3) The Owner or Operator shall submit to the Department, in a format specified by the Department, information including, but not limited to:

(a) Third-party inspection reports in accordance with 310 CMR 80.49(2).

(b) Assessment reports in accordance with 310 CMR 80.41(4)(b) and 80.43(3) and (4).

(c) Source and cause of reportable releases in accordance with 310 CMR 80.40.

(d) Compliance Certification in accordance with 310 CMR 80.34.

(4) Upon the sale of a UST system or UST facility, the Owner shall transfer installer certifications, as-built plans of UST systems, cathodic protection systems plans and specifications, and manufacturer's specifications, if they were required to be kept by the Owner, to the new Owner.

(5) A UST facility Owner, on or before the sale or transfer of a UST facility, shall provide the Department with the following information, in a format specified by the Department:

(a) Facility identification number;

(b) New Owner entity name and address; and

(c) New Owner entity contact's name, phone number and email address.

80.24: General Requirements

(1) Owners and Operators shall comply with all general and specific operating requirements in 310 CMR 80.23 through 80.36, as applicable.

(2) The Owner or Operator shall activate and keep in working condition all electrical equipment, components and alarms for UST systems and UST components.

(3) The Owner or Operator shall respond to every UST system alarm that may indicate the presence of leakage or a release, and document the response to each of those alarms in a report or log which shall include the date, the cause and any corrective action taken. The Owner or Operator shall keep records of such alarms in accordance with 310 CMR 80.36.

(4) The Owner or Operator shall ensure that fill pipe covers of tanks are painted and maintained in accordance API Recommended Practice 1637, 4th Edition, 2020, *Using the API Color-Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals*, if applicable.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.24: continued

(5) When all reg ulated substance is removed from a UST system, the Owner or Operator shall take the UST system temporarily out-of-service in accordance with 310 CMR 80.42 or remove or permanently close in-place the UST system in accordance with 310 CMR 80.43. When any regulated substance remains in a UST system, unless the concentration of regulated substance in the UST system meets the *de minimis* standard in 310 80.04(5)(c), the UST system shall comply with all applicable requirements of 310 CMR 80.00.

(6) After January 2, 2015, an Owner or Operator shall not line or reline any tank to extend the operating life of the UST system.

(a) Tanks that were internally lined on or before January 2, 2015 shall be internally inspected on or before 12 months after the October 1, 2021 and every five years thereafter, in accordance with a code of practice developed by a nationally recognized association to determine whether the tank is structurally sound and the lining still performing in accordance with the original design specifications.

(b) If the lining is determined to be no longer performing in accordance with original design specifications and cannot be repaired in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory or the tank is found to not be structurally sound, the tank shall be immediately taken temporarily out-of-service in accordance with 310 CMR 80.42 and removed or permanently closed in-place in accordance with 310 CMR 80.43 within 90 days of the determination.

80.25: Requirements for a UST System or UST Component Emergency Response

(1) The Owner or Operator shall post a sign at the UST facility indicating what steps to follow in the event of a UST system or UST component emergency including, but not limited to, the name and phone number of the person or persons to contact in the event of an emergency.

(a) The sign shall be written in large print so that employees can clearly see it from at least ten feet away, in languages that are commonly spoken at the UST facility and be prominently displayed at various locations.

(b) The emergency signage shall be updated when any information on the sign changes.

(2) The Owner or Operator shall develop, and update when necessary, a written procedure for how UST facility employees and contractors should respond in the event of a UST system or UST component emergency. The Owner or Operator shall keep the most recent copy of the written procedure in accordance with 310 CMR 80.36.

(a) The procedure shall include, but not be limited to, how to access the emergency shut-off for the tanks, how to locate the communication device and how to respond to alarms that indicate leakage or a release.

(b) The Owner or Operator shall inform all Class A, B and C operators where the procedure is located and train Class A, B and C operators on the emergency procedures.

80.26: Requirements for Leak Detection Systems

(1) The Owner or Operator shall equip UST systems with a leak detection system for tanks and piping in accordance with manufacturer's specifications and 310 CMR 80.19.

(2) The Owner or Operator shall operate and maintain leak detection systems at all times and in accordance with manufacturer's specifications and 310 CMR 80.26, as applicable. As applicable, the Owner or Operator shall inspect and test leak detection systems annually, as follows:

(a) For in-tank monitors and other controllers:

1. Test alarms;
2. Verify system configuration; and
3. Test battery backup.

(b) For probes and sensors:

1. Inspect for residual buildup and remove buildup as necessary;
2. Ensure floats move freely;
3. Ensure shaft is not damaged;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.26: continued

4. Ensure cables are free of kinks or breaks; and
5. Test alarm operability and communication with controller.

(c) For automatic line leak detector: test operation to meet criteria in 310 CMR 80.19(4)(a)2., 310 CMR 80.80.19(4)(b)2., and 310 CMR 80.19(4)(c)2., by simulating a leak.

(d) For vacuum pumps and pressure gauges: ensure proper communication with sensors and controller.

(e) Repair and replace leak detection systems and components, as necessary.

(f) Keep records of inspection results, repairs and replacements in accordance with 310 CMR 80.36.

(3) Requirements for UST systems that continuously monitor interstitial space in a double-walled tank and/or double-walled piping as its primary leak detection system are as follows:

(a) Sensors shall continuously monitor interstitial space and be maintained in good working order and shall be operated to perform their original design function in accordance with the manufacturer's specifications.

(b) Interstitial space shall be free of solid material, water and regulated substance. Water in 310 CMR 80.26(3)(b) does not include brine or condensation that occurs in a properly operating UST system.

(c) If a release or leakage is indicated by alarm or otherwise, the Owner or Operator shall immediately commence an investigation to determine whether there may be a release or leakage. The Owner or Operator shall conclude the investigation within 72 hours of the indication of release or leakage.

(d) If the Owner or Operator is unable to determine that there is not a release or leakage within 72 hours of the indication of release or leakage, he or she shall conduct a tightness test of the suspected tank or piping in accordance with 310 CMR 80.32 within 72 hours after the conclusion of the investigation.

1. If the tank or piping fails a tightness test pursuant to 310 CMR 80.32, the Owner or Operator shall comply the requirements at with 310 CMR 80.32(3), as applicable.
2. If the tank and the piping pass a tightness test pursuant to 310 CMR 80.32, the tank and the piping are considered tight, and the requirements for tightness testing are satisfied.
3. If the investigation or the tightness test indicates leakage, the Owner or Operator shall comply with 310 CMR 80.39.

(e) The Owner or Operator shall keep records of all investigations and monthly liquid status reports in hard copy if electronically (but not electronically in the leak detection system), in accordance with 310 CMR 80.36.

(4) Requirements for those UST systems that use an in-tank monitoring system as its primary leak detection system are as follows:

(a) At least once each calendar month, the Owner or Operator shall conduct a test using the in-tank monitor over a continuous period of time as prescribed by the manufacturer's specifications, during which no regulated substance shall be delivered to or taken from the tank, in order to determine whether there is a release or leakage of regulated substance. If the manufacturer's specifications do not prescribe a continuous period of time, the continuous period of time shall be six hours. A loss of 0.20 gallons per hour or more over the testing period with the probability of detection of 0.95 and a probability of false alarm of 0.05 shall indicate a release or leakage.

(b) If at the end of the calendar month, the tank has not passed a test in accordance with 310 CMR 80.26(4)(a), the Owner or Operator shall conduct a tightness test of the suspected tank and piping in accordance with 310 CMR 80.32 within 72 hours of the end of the calendar month.

1. If the tank or piping fails a tightness test pursuant to 310 CMR 80.32, the Owner or Operator shall comply with 310 CMR 80.32(3), as applicable.
2. If the tank and the piping pass a tightness test pursuant to 310 CMR 80.32, the tank and the piping are considered tight, and the requirements for tightness testing are satisfied.

(c) The Owner or Operator shall keep records of all investigations and passing monthly tests in hard copy or electronically (but not electronically in the leak detection system), in accordance with 310 CMR 80.36.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.26: continued

(5) Requirements for those UST systems that use a continuous in-tank detection system as its primary leak detection system are as follows:

(a) Throughout each calendar month, the Owner or Operator shall ensure that the continuous in-tank monitoring system is operating in accordance with the manufacturer's specifications.

(b) A loss of 0.20 gallons per hour with the probability of detection of 0.95 and a probability of false alarm of 0.05 shall indicate a release or leakage.

(c) If at the end of the calendar month, the continuous in-tank monitoring system indicates a release or leakage in accordance with 310 CMR 80.26(5)(b), the Owner or Operator shall conduct a tightness test of the suspected tank or piping pursuant to 310 CMR 80.32 within 72 hours of the end of the calendar month.

1. If the tank or piping fails a tightness test pursuant to 310 CMR 80.32, the Owner or Operator shall comply with 310 CMR 80.32(3), as applicable.

2. If the tank and the piping pass a tightness test pursuant to 310 CMR 80.32, the tank and the piping are considered tight, and the requirements for tightness testing are satisfied.

(d) If the continuous in-tank monitoring system does not produce sufficient data to obtain a conclusive result, the Owner or Operator shall within 24 hours of the end of the calendar month take the tank out of service to allow the continuous in-tank monitoring system the minimum sufficient quality test time in accordance with the manufacturer's specification.

(e) If after complying with 310 CMR 80.26(5)(d), the Owner or Operator is still unable to obtain a passing result, the Owner or Operator shall comply with 310 CMR 80.26(5)(c) within 96 hours of the end of the calendar month.

(f) The Owner or Operator shall keep records of all investigations and passing monthly tests in hard copy or electronically (but not electronically in the leak detection system), in accordance with 310 CMR 80.36.

(6) Requirements for an in-tank monitoring system that uses statistical inventory reconciliation (SIR) as its primary leak detection system are as follows:

(a) The Owner or Operator shall have an inventory analyses conducted by a qualified SIR vendor who analyzes inventory, delivery, and dispensing data collected over a calendar month to determine whether or not the UST system has a release or leakage.

(b) The Owner or Operator shall have equipment and procedures in place to assure that the data provided to the SIR vendor is accurate.

(c) If the SIR analysis is conclusive and identifies a release or leakage, the Owner or Operator shall conduct a tightness test of the suspected tank or piping pursuant to 310 CMR 80.32 within 72 hours of obtaining knowledge of the suspected release or leakage.

1. If the tank or piping fails a tightness test pursuant to 310 CMR 80.32, the Owner or Operator shall comply with 310 CMR 80.32(3), as applicable.

2. If the tank and the piping pass a tightness test pursuant to 310 CMR 80.32, the tank and the piping are considered tight, and the requirements for tightness testing are satisfied.

(d) If the SIR analysis is inconclusive, the Owner or Operator shall immediately, upon obtaining knowledge of the inconclusive result, commence an investigation to determine whether there is a release or leakage. the Owner or Operator shall conclude the investigation within 72 hours upon obtaining knowledge of the inconclusive result. If the Owner or Operator is unable to determine that there is not a release or leakage within 72 hours upon obtaining knowledge of the inconclusive result, he or she shall conduct a tightness test pursuant to 310 CMR 80.32 within 72 hours of the conclusion of the investigation.

1. If the tank or piping fails a tightness test pursuant to 310 CMR 80.32, the Owner or Operator shall comply with 310 CMR 80.32(3), as applicable.

2. If the tank and the piping pass a tightness test pursuant to 310 CMR 80.32, the tank and the piping are considered tight, and the requirements for tightness testing are satisfied.

(e) If the SIR analysis is conclusive and does not identify a release or leakage of regulated substance, the tank is considered tight.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.26: continued

(f) The Owner or Operator shall keep records of all investigations and SIR analyses in accordance with 310 CMR 80.36.

(7) Until October 13, 2022, UST systems having a capacity of 1000 gallons or less, installed before January 2, 2015, that supply regulated substance to emergency engines may conduct weekly tank gauging as its primary leak detection system are as follows:

(a) Manual tank gauging shall be conducted every seven days.

(b) Manual tank gauging shall be conducted as follows:

1. Tank liquid level measurements shall be taken and recorded, including date and time of measurements, at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;

2. Level measurements shall be based on an average of two consecutive stick readings at the beginning and the ending of the period;

3. The equipment used shall be capable of measuring the level of regulated substance over the full range of the tank's height to the nearest ⅛ of an inch;

4. A release or leakage shall be suspected if the variation between beginning and ending measurements exceeds the weekly or monthly standard in 310 CMR 80.26(7)(b)4.: *Table D*:

Table D

Nominal Tank Capacity	Weekly Standard (One Test)	Monthly Standard (Average of Four Tests)
500 gallons or less	10 gallons	5 gallons
501 through 1,000 gallons	13 gallons	7 gallons

(c) In the event of a suspected release or leakage, the Owner or Operator shall comply with 310 CMR 80.31(1)(e),(f) and (g).

(d) The Owner or Operator shall keep records of the results of weekly tank gauging accordance with 310 CMR 80.36.

(8) Until October 13, 2022, UST systems having a capacity of more than 1000 gallons, installed before January 2, 2015 that supply regulated substance to emergency engines may conduct monthly tank gauging as its primary leak detection system are as follows: (These UST systems shall also conduct an annual tightness test in accordance with 310 CMR 80.32).

(a) Manual tank gauging shall be conducted every 30 days.

(b) Manual tank gauging shall be performed as follows:

1. Tank liquid level measurements shall be taken and recorded, including date and time of measurements, at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;

2. Level measurements shall be based on an average of two consecutive stick readings at the beginning and the ending of the period;

3. The equipment used shall be capable of measuring the level of regulated substance over the full range of the tank's height to the nearest ⅛ of an inch;

4. A release or leakage shall be suspected if the variation between beginning and ending measurements exceeds the monthly standard in 310 CMR 80.26(8)(b)4.: *Table E*:

Table E

Nominal Tank Capacity	**Monthly Standard**
More than 1000 gallons	7 gallons plus 2 gallons for every additional 1000 gallons capacity

(c) In the event of a suspected release or leakage, the Owner or Operator shall comply with 310 CMR 80.31(1)(e), (f) and (g).

(d) The Owner or Operator shall keep records of the results of weekly tank gauging in accordance with 310 CMR 80.36.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.26: continued

(9) For piping installed before May 28, 1999, the Owner or Operator may conduct quarterly visual inspections of secondary containment ports and conduct an annual tightness test of the piping in accordance with 310 CMR 80.32. The Owner of Operator shall keep records of the visual inspections and the tightness tests in accordance with 310 CMR 80.36.

(10) Options for Owners and Operators of regulated substance piping installed before January 1,1989:

(a) Non-European suction piping, if it does not have secondary containment and continuous monitoring of interstitial space, shall comply with 310 CMR 80.49(4)(c)1.c. or e. The Owner and Operator shall maintain records of the tightness testing in accordance with 310 CMR 80.36.

(b) Single-walled pressurized piping systems and single-walled gravity piping systems shall comply with 310 CMR 80.19(4)(c)1.b., c. or d. The Owner and Operator shall maintain records of the tightness testing in accordance with 310 CMR 80.36.

(11) If the Owner or Operator cannot demonstrate that its European suction piping is sloped back to the tank and that its one check valve is located directly under the dispenser to the satisfaction of the Department including, but not limited to, an accurate drawing, as-built plans or installation records, it shall comply with the standards for non-European piping at 310 CMR 80.19(4)(a)1. 310 CMR 80.19(4)(b)1.(c)1., as applicable.

(12) The Owner or Operator shall test those components of the leak detection system that are repaired or replaced, prior to returning the leak detection system to service, to determine that they are operational. The Owner or Operator shall keep records of such tests in accordance with 310 CMR 80.36.

(13) All leak detection records required in 310 CMR 80.26(1) through (12) shall be kept in accordance with 310 CMR 80.36.

80.27: Requirements for Turbine, Intermediate and Dispenser Sumps

(1) Owners and Operators shall operate and maintain turbine, intermediate and dispenser sumps in accordance with 310 CMR 80.27.

(2) Turbine, intermediate and dispenser sumps shall be clean and free of solid and liquid material at all times.

(a) If a sensor or visual observation indicates that there is liquid in the sump, the liquid shall be removed immediately.

(b) If the liquid is a regulated substance, the Owner or Operator shall investigate the source of the regulated substance, shall investigate the path of entry to the sump, and shall make any necessary repairs in accordance with 310 CMR 80.33.

(c) The solid and liquid material that collects in a sump shall be removed, managed and disposed of in accordance with applicable local, state and federal laws and regulations.

(3) All sump sensors shall be placed in accordance with the manufacturer's specifications, or, if no such specifications exist, the sensors shall be placed at the lowest possible location in the sump, where it can feasibly be installed.

(4) All manhole covers shall prevent water infiltration to the sump. All sump covers shall be free of cracks and holes.

(5) All tanks using a submersible pump that do not have a turbine sump shall be inspected every 30 days.

(a) The Owner or Operator shall visually inspect the area around the submersible pump as follows:

1. Visually inspect the submersible pump for release of regulated substance(s); and
2. Visually inspect the submersible pump and other components for signs of corrosion, breakage and wear.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.27: continued

(b) The Owner or Operator shall repair or replace components as necessary in accordance with 310 CMR 80.33; and

(c) The Owner or Operator shall keep records of this inspection and any repairs or replacements to demonstrate compliance with 310 CMR 80.27(5) in accordance with 310 CMR 80.36.

(6) The Owner or Operator shall inspect turbine, intermediate and dispenser sumps, except sumps that only contain a single-walled siphon line with no connections within the sump or sumps that only contain a European suction system or sumps that do not contain any regulated substance piping connections, in accordance with the following and in accordance with 310 CMR 80.35(3) or (4), as applicable:

(a) Single-walled and double-walled sumps without continuous monitoring sensors in the sump shall be inspected every 90 days.

(b) Single-walled and double-walled sumps with correctly installed and operating continuous monitoring sensors in the sump shall be inspected annually.

(7) The Owner or Operator shall conduct an integrity test of turbine, intermediate and dispenser sumps, except sumps listed in 310 CMR 80.27(8), on or before January 2, 2017, on or before October 13, 2021, and once every three years thereafter as follows:

(a) Sumps with properly operating and installed sensors that are not used for interstitial monitoring of piping may be tested hydrostatically to the level that will activate the sensors. The sump passes the integrity test if the sensors are activated when they come in contact with the liquid.

(b) Dispenser sumps with properly operating and installed sensors used for interstitial monitoring of piping and that shuts off the dispenser when activated may be tested hydrostatically to the level that will activate the sensor, if the UST facility is always staffed when the pumps are operational. The sump passes the integrity test if the sensors are activated when they come in contact with the liquid and shut off the dispenser.

(c) Turbine sumps with properly operating and installed sensors that are used for interstitial monitoring of piping and that shuts off the submersible pump when activated may be tested hydrostatically to the level that will activate the sensor. The sump passes the integrity test if the sensors are activated when they come in contact with the liquid and shut off the submersible pump.

(d) Sumps that do not meet the requirements of 310 CMR 80.27(7)(a), (b) or (c) or do not have a sensor shall be integrity tested by vacuum or hydrostatic testing in accordance with PEI RP1200-19.

(8) The following sumps are not subject to the testing requirements in 310 CMR 80.27(7), 80.27(9) or 80.20(54):

(a) Sumps that only contain a single-walled siphon line with no connections within the sump or sumps that do not contain any regulated substance piping connections;

(b) Sumps that only contain a European suction system; and

(c) Double-walled sumps, if the integrity of both walls is monitored every 90 days or annually, as applicable under 310 CMR 80.27(6), by checking vacuum, pressure or liquid interstitial integrity indicators.

1. A sensor in a dry interstice does not meet the requirements of monitoring the integrity of both walls.

2. In order to claim the exemption from testing, the Owner or Operator shall keep documentation showing that the sump is double-walled and that the integrity of both walls is monitored every 90 days orf annually, as applicable under 310 CMR 80.27(6), in accordance with 310 CMR 80.36.

(9) If the sump fails a test, the Owner or Operator shall investigate the failure and shall make any necessary repairs in accordance with 310 CMR 80.33.

(a) The Owner or Operator shall keep records of the test and any repairs to demonstrate compliance with 310 CMR 80.27(7) and 310 CMR 80.33 including, but not limited to, the date of the test and the results, in accordance with 310 CMR 80.36.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

8.27: continued

(b) Turbine, intermediate and dispenser sumps that are repaired, except sumps listed in 310 CMR 80.27(8), shall pass an integrity test in accordance with 310 CMR 80.27(7) prior to commencing operation. The Owner or Operator shall keep records of such tests in accordance with 310 CMR 80.36.

(c) Repairs which do not affect the integrity of a sump to retain liquid including, but not limited to, a sump lid and gasket, do not require an integrity test prior to commencing service.

80.28: Requirements for Spill Buckets and Overfill Prevention Equipment

(1) Owners and Operators shall at all times operate and maintain spill buckets and overfill prevention equipment in accordance with 310 CMR 80.21 and 80.28(2) and (3).

(2) Requirements for the proper operation and maintenance of spill buckets and covers are as follows:

(a) The Owner or Operator shall keep spill buckets clean and free of solid and liquid material.

(b) The Owner or Operator shall maintain the spill bucket and cover so that they are free of cracks and holes at all times.

(c) The Owner or Operator shall remove and manage any solid or liquid material that collects within a spill bucket in accordance with local, state and federal laws and regulations.

(d) The Owner or Operator shall maintain spill buckets in accordance with the manufacturer's specifications.

(e) The Owner or Operator shall inspect spill buckets no less frequently than once every 30 days in accordance with 310 CMR 80.35.

(f) The Owner or Operator shall test spill buckets in accordance with 310 CMR 80.28(2)(g) on or before January 2, 2017, on or before October 13, 2022 and once every three years thereafter.

1. Double-walled spill buckets, if the integrity of both walls is monitored every 30 days by checking vacuum, pressure or liquid interstitial integrity indicators are exempt from the testing requirement in 310 CMR 80.28(2)(f).

2. A sensor in a dry interstice does not meet the requirements of monitoring the integrity of both walls.

3. In order to claim the exemption from testing, the Owner or Operator shall keep documentation showing that the spill bucket is double-walled and that the integrity of both walls is monitored at least every 30 days, in accordance with 310 CMR 80.36.

(g) The Owner or Operator shall conduct an integrity test on spill buckets in accordance with the schedule at 310 CMR 80.28(2)(f) and after repairs, in accordance with the following requirements:

1. Spill buckets shall pass an integrity test to ensure the spill bucket is liquid tight by using vacuum or hydrostatic test in accordance with PEI RP1200-19.

2. If the spill bucket fails the test, the Owner or Operator shall repair or replace the spill bucket in accordance with 310 CMR 80.33. Prior to commencing operation, the repaired spill bucket shall be retested in accordance with 310 CMR 80.27(2)(g)1.

3. Repairs which do not affect the integrity of a spill bucket to retain liquid or disturb the seal between the spill bucket and the riser do not require an integrity test prior to commencing operation.

(h) The Owner or Operator shall repair or replace spill buckets as necessary in accordance with 310 CMR 80.33. Prior to commencing operation, the repaired spill bucket shall be retested in accordance with 310 CMR 80.27(2)(g)1.

(i) If a spill bucket is equipped with sensors, the sensors shall be placed in accordance with the manufacturer’s specifications, or, if no such specifications exist, the sensors shall be placed at the lowest possible location in the spill bucket.

(j) The Owner or Operator shall keep the following spill bucket records in accordance with 310 CMR 80.36.

1. Records of spill bucket inspections to demonstrate compliance with 310 CMR 80.28(2)(e).

2. Records of spill bucket integrity tests to demonstrate compliance with 310 CMR 80.28(2)(f) and (g).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.28: continued

(3) Requirements for proper operation and maintenance of overfill prevention equipment are as follows:

(a) The Owner or Operator shall inspect and test the overfill prevention equipment annually to ensure that it is operational and will activate at the correct level in accordance with 310 CMR 80.21(2)(b).

1. Inspection and testing shall be conducted in accordance with requirements in the manufacturer's specifications, if the manufacturer has developed requirements for inspection and testing; or

2. Inspection and testing shall be conducted in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory.

(b) The Owner or Operator shall repair or replace components as necessary in accordance with 310 CMR 80.33. Prior to commencing operation, the overflow prevention equipment shall be tested to ensure that it will activate at the correct level in accordance with 310 CMR 80.21(2)(b).

(c) The Owner or Operator shall keep records of the following in accordance with 310 CMR 80.36:

1. Records of inspection and testing, in accordance with the manufacturer's specifications including, but not limited to, a copy of the manufacturer's specifications to demonstrate compliance with 310 CMR 80.28(3)(a)1.; or

2. Records of inspection and testing including, but not limited to the code of practice developed by a nationally recognized association or independent testing laboratory to demonstrate compliance with 310 CMR 80.28(3)(a)2.

(4) The Owner or Operator shall ensure that the volume available in the tank is greater than the volume of regulated substance to be transferred to the tank before the regulated substance transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

80.29: Requirements for Corrosion Protection

(1) Owners and Operators shall operate and maintain corrosion protection in accordance with 310 CMR 80.22 and 80.29.

(2) Sacrificial or galvanic anode cathodic protection systems shall be tested by a cathodic protection tester at the following recurring frequency and in accordance with the NACE standards at 310 CMR 80.29(3):

(a) If test results indicate a negative voltage of at least -0.90 volts or if the system passes the 100-mV cathodic polarization test as indicated in the NACE Standards at 310 CMR 80.29(3)(a) or (b), the system shall be tested at three-year intervals thereafter.

(b) If test results indicate a negative voltage of between -0.85 and -0.90 the system shall be tested annually thereafter.

(c) If test results indicate a negative voltage of less than -0.85 or if the system fails the 100-mV cathodic polarization test as indicated in the NACE Standard at 310 CMR 80.29(3)(a) or (b), the system shall be deemed inadequate and the Owner and Operator shall comply with 310 CMR 80.29(5).

(3) Sacrificial or galvanic anode cathodic protection systems shall be tested by a cathodic protection tester at the recurring frequency in 310 CMR 80.29(2) and in accordance with the following standards:

(a) NACE Standard Test Method: NACE Standard TM0101-2012, *Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Tank Systems*; or

(b) NACE Standard Test Method: NACE Standard TM0497-2012, *Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems*.

(4) Impressed current cathodic protection systems shall be tested every 12 months by a cathodic protection tester to determine whether the UST system is protected against corrosion.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.29: continued

(a) In addition to the annual testing, impressed current systems shall be inspected every 60 days by the Owner or Operator in accordance with the manufacturer's specifications or the NACE publications listed at 310 CMR 80.29(3)(a) or (b) to ensure the equipment is operating as designed.

(b) Acceptable system operating voltage and amperage ranges as determined by the corrosion expert shall be affixed to each rectifier.

1. System voltage and amperage readings shall be recorded every 60 days.
2. If the system voltage and amperage readings are outside the range determined to be acceptable by the cathodic protection tester, it is considered a failed test and the Owner or Operator shall comply with 310 CMR 80.29(5).

(c) Systems installed without voltage and/or amperage meters shall be retrofitted with meters upon the first annual test of the system after January 2, 2015.

(5) The Owner or Operator shall determine the cause of the failed cathodic protection test by retaining a corrosion expert within ten business days of obtaining knowledge of the failed test. If within ten business days of the failed test, the cathodic protection tester can make repairs, re-test and the result is a passing test, the Owner or Operator is not required to retain a corrosion expert.

(a) If necessary, the Owner or Operator shall repair or replace the cathodic protection system within 120 days of the date of the failed test.

(b) The Owner or Operator shall document the results of the corrosion expert's determination including, but not limited to, the date of the investigation and the results.

(c) If repairs to the cathodic protection system are not completed within 120 days of the date of the failed test, the Owner or Operator shall either take the UST system temporarily out-of-service in accordance 310 CMR 80.42, or remove or permanently close in-place the UST system in accordance with 310 CMR 80.43.

(6) All cathodic protection systems shall be tested by a cathodic protection tester for proper operation within 60 days following a repair to the cathodic protection system or an excavation at the UST system.

(7) The Owner or Operator shall keep the following records in accordance with 310 CMR 80.36:

(a) Documentation of corrosion experts determination in 310 CMR 80.29(5)(b);
(b) Records of testing of cathodic protection system(s); and
(c) Repairs of the cathodic protection system.

<u>80.30: Requirements for Compatibility</u>

(1) The Owner and Operator shall not introduce, or allow to be introduced, any regulated substance into a UST system that is not compatible with the UST system.

(2) The Owner or Operator shall ensure that all UST systems are compatible with the environment in which they are installed including, but not limited to, soil and groundwater.

(3) The Owner or Operator storing regulated substance containing greater than 10% ethanol or greater than 20% biofuel shall demonstrate compatibility of the tank, piping, sumps, pumping equipment, leak detection equipment, spill buckets and overfill prevention equipment with the regulated substance by complying with one of the following options:

(a) Certification or listing of UST system and UST components listed in 310 CMR 80.30(3) by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or

(b) Manufacturer’s approval, in writing, indicating an affirmative statement of compatibility, specifying the range of biofuel blends are compatible with the UST system and UST components.

(4) The Owner or Operator shall keep records of regulated substance compatibility as required by 310 CMR 80.30(3) and in accordance with 310 CMR 80.36.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.31: Requirements for Inventory Monitoring

(1) Daily Inventory Monitoring.

(a) The Owner or Operator of a tank that is not single-walled and does not have continuous monitoring in accordance with 310 CMR 80.19(3)(b)3. shall conduct inventory monitoring for abnormal regulated substance loss.

(b) The Owner or Operator of UST systems with tanks having a capacity of 111 to 1000 gallons may use manual tank gauging in accordance with 310 CMR 80.31(2) in order to satisfy the requirements of 310 CMR 80.31(1)(a).

(c) Inventory monitoring for abnormal regulated substance loss shall be performed as follows:

1. Take daily measurements and reconcile inventory data daily and monthly;
2. Measure the liquid in the tank using:
   a. A gauge stick or tape with water sensitive paste which shall be capable of measuring liquid in the tank to the nearest ⅛ of an inch; or
   b. An automatic tank gauging device of equivalent or better measuring accuracy.
3. At the close of each calendar month, determine, for that month and for each tank or combination of tanks, the number of days in which any amount of regulated substance was dispensed and the number of days in which a loss of regulated substance was recorded.
4. Record all daily measurements and monthly reconciliation information.

(d) An abnormal regulated substance loss from any tank or combination of tanks shall mean a loss not explainable by any spillage, temperature variations or other causes in excess of 1% of the volume plus 130 gallons of regulated substance dispensed over a period of a calendar month.

(e) In the event of abnormal regulated substance loss, the Owner or Operator shall take the following steps within the 72 hours following the discovery of the abnormal regulated substance loss:

1. Check the inventory input and output records for mathematical error; and
2. Check the inventory for an error in measurement.

(f) If the abnormal regulated substance loss cannot be reconciled in accordance with 310 CMR 80.31(1)(e)1. or. 2., the UST system shall be tested for tightness within 72 hours of the completion of 310 CMR 80.31(1)(e) in accordance with 310 CMR 80.32.

(g) If the tank fails a tightness test pursuant to 310 CMR 80.32, the Owner or Operator shall comply with 310 CMR 80.32(3).

(h) If the tank passes a tightness test pursuant to 310 CMR 80.32, the tank is considered tight, and the requirements for tightness testing in 310 CMR 80.32 are satisfied.

(2) Manual Tank Gauging for Small Tanks.

(a) Owners and Operators may use weekly manual tank gauging on tanks that have a capacity of 1000 gallons or less, in accordance with 310 CMR 80.31(2)(b) and (c), to satisfy the inventory monitoring requirements in 310 CMR 80.31(1)(a).

(b) Manual tank gauging shall be conducted every seven days as follows:

1. Tank liquid level measurements shall be taken and recorded, including date and time of measurements, at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;
2. Level measurements shall be based on an average of two consecutive stick readings at the beginning and the ending of the period;
3. The equipment used shall be capable of measuring the level of regulated substance over the full range of the tank's height to the nearest ⅛ of an inch;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.31: continued

4. A release or leakage shall be suspected if the variation between beginning and ending measurements exceeds the weekly or monthly standard in 310 CMR 80.31(2)(b)4.: *Table F*: **Table F**

Nominal Tank Capacity	Weekly Standard (One Test)	Monthly Standard (Average of Four Tests)
500 gallons or less	10 gallons	5 gallons
501 through 1,000 gallons	13 gallons	7 gallons

(c) In the event of a suspected release or leakage, the Owner and Operator shall comply with 310 CMR 80.31(1)(e) and (f).

(3) Abnormal Water Gain.

(a) Owners and Operators that are subject to the requirements of 310 CMR 80.31 shall also take daily measurements to determine if there is abnormal water gain in the tank.

(b) The measurement shall be taken using a method in 310 CMR 80.31(1)(c).

(c) All measurements shall be recorded.

(d) An abnormal gain of water inside the tank shall be a gain in the water level of more than one inch in a 24 hour period.

(e) The Owner or Operator shall have the water removed from the tank and managed in accordance with applicable local, state and federal laws and regulations.

(f) The Owner or Operator shall have the tank checked for water in accordance with 310 CMR 80.31(3)(b) through (d) within 24 hours of the removal of the water, during which time no regulated substance shall be added to the tank.

(g) In the event of any abnormal water gain, the Owner or Operator shall:

1. Within 72 hours of obtaining knowledge of the abnormal water gain, investigate the cause of the abnormal water gain and make repairs or replacements as necessary.

2. If the Owner or Operator cannot determine the cause of the abnormal water gain, the UST system shall be tested for tightness in accordance with 310 CMR 80.32.

a. If the tank fails a tightness test pursuant to 310 CMR 80.32, the Owner or Operator shall comply with 310 CMR 80.32(3) as applicable.

b. If the tank passes a tightness test pursuant to 310 CMR 80.32, the tank is considered tight, and the requirements for tightness testing in 310 CMR 80.32 are satisfied.

(4) Records. The Owner or Operator shall maintain all records of inventory monitoring including, but not limited to, sales receipts, weekly and monthly measurements, and records of monitoring for abnormal water gain found at 310 CMR 80.31(3), in accordance with 310 CMR 80.36.

(5) Waste Oil Tanks. Waste oil tanks that are subject to 310 CMR 80.31 and are connected to oil burning equipment shall be exempt from 310 CMR 80.31 during periods when oil burning equipment is in use.

80.32: Requirements for Tank and Pipe/Line Tightness Testing

(1) Tank and piping/line tightness testing shall be capable of detecting a release or leakage of 0.1 gallon per hour, accounting for the effects of thermal expansion or contraction of regulated substance, vapor pockets, tank deformation, evaporation, condensation, and the location of the water table. The probability of detection shall be no less than 95% and the probability of a false alarm shall be no more than 5%.

(2) Owners or Operators of all UST systems shall meet the following tightness test and reporting requirements:

(a) A tank or pipe/line tightness test shall be performed by a certified UST system tightness tester using the appropriate test for the particular tank or piping/line.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.32: continued

(b) When a tightness test is performed, the Owner or Operator shall compile a report or log that shall include, but not be limited to, the following:

1. Date the test was performed;
2. Facility name and address;
3. Facility Owner name and address;
4. Identification of the tank or piping/line that was tested;
5. Reason for the test including, but not limited to, the date when the Owner and Operator first discovered the need for the test;
6. Type of tightness test equipment used for the test;
7. Name of the certified UST system tightness tester, his/her certificate number and expiration date, and the name of any persons assisting in the test;
8. Data sheets with test readings recorded;
9. Calculations pertaining to the test method and test results;
10. Location of monitoring or observation well, if used in test procedure;
11. Description of method used to measure the water table, if required, and the result; and
12. Signature of the certified UST system tightness tester attesting to the accuracy of the information of the test result in accordance with 310 CMR 80.11(2).

(c) The report or log prepared pursuant to 310 CMR 80.32(2)(b) shall be kept in accordance with 310 CMR 80.36.

(3) Tightness Test Failures.

(a) A tank or piping/line fails a tightness test when the test results indicate a release or leakage from the UST system that exceeds the detection standards at 310 CMR 80.32(1), as applicable.

(b) If the tank or piping/line fails a tightness test, the certified UST system tightness tester shall immediately, but in no event later than 24 hours after obtaining knowledge of the failed test notify the Owner and Operator and the fire department in the city or town in which the UST system is located.

(c) The Owner or Operator shall comply with 310 CMR 80.33, 80.38 and 80.39 and 310 CMR 40.0300: *Notification of Releases and Threats of Release of Oil and Hazardous Materials; Identification and Listing of Oil and Hazardous Materials*, as applicable.

80.33: Requirements for Repairs and Replacements

(1) A tank that has released regulated substance shall immediately be emptied, but in no event shall be emptied later than 24 hours of obtaining knowledge of the release.

(a) The tank shall be permanently closed in-place or removed in accordance with 310 CMR 80.43(2) or (3), unless the manufacturer of the tank repairs and re-certifies or re-warranties the tank, in writing, and the tank passes a tightness test in accordance with 310 CMR 80.32 prior to commencing operation.

(b) The Owner and Operator shall comply with 310 CMR 40.0000: *Massachusetts Contingency Plan*, if applicable.

(2) A tank that has leakage of regulated substance shall be immediately emptied, but in no event shall be emptied later than 72 hours of obtaining knowledge of the leakage.

(a) The tank shall be permanently closed in-place or removed in accordance with 310 CMR 80.43(2) or (3), unless the manufacturer of the tank repairs and re-certifies or re-warranties the tank, in writing, and the tank passes a tightness test in accordance with 310 CMR 80.32 prior to commencing operation.

(b) The Owner and Operator shall comply with 310 CMR 40.0000: *Massachusetts Contingency Plan*, if applicable.

(3) Any piping or portion of piping that is the source of leakage or a release shall be immediately isolated and emptied of regulated substance. The piping shall remain empty until said piping or portion of piping is repaired or replaced or the UST system is permanently closed in-place or removed in accordance with 310 CMR 80.43(2) or (3).

(a) Metal piping, portions of metal piping, and fittings that have had leakage or a release as a result of corrosion or other damage shall be replaced.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.33: continued

(b) The Owner and Operator shall comply with 310 CMR 40.0000: *Massachusetts Contingency Plan*, if applicable.

(4) The Owner or Operator shall repair or replace UST systems and UST components within 30 days of the discovery of the need for repair or replacement, unless the UST system is taken temporarily out-of-service, removed or permanently closed in-place, in accordance with 310 CMR 80.42 or 80.43, within 30 days of the discovery of the need for the repair or replacement.

(a) If a longer timeframe for a repair is provided in a specific section of 310 CMR 80.00, the longer timeframe shall apply to that specific repair.

(b) The Owner or Operator shall document the discovery date of the need for repair or replacement. This documentation shall be retained in accordance with 310 CMR 80.36.

(c) If, due to circumstances beyond the Owner and Operator's control, the repair or replacement cannot be conducted within 30 days of the discovery of the need for said repair or replacement, the Owner or Operator shall notify the Department, in writing, within 30 days of the discovery of the need for a repair or replacement, information detailing the circumstances and a schedule for implementing the repairs or replacements.

(5) The Owner or Operator shall ensure that any repair of a UST system or UST component is performed by a qualified individual, in accordance with the manufacturer's specifications, 310 CMR 80.00 and applicable codes and standards.

(6) If a repair is made to the tank or the piping, the Owner or Operator shall ensure that the tank or piping is tightness tested in accordance with 310 CMR 80.32 within 30 days following the date of the completion of the repair.

(7) The Owner or Operator shall maintain records of every UST system or UST component repair, including, but not limited to, a description of the repair or replacement and the date of said repair, for the remaining operating life of the UST system in accordance with 310 CMR 80.36.

80.34: Requirements for Compliance Certification

(1) Certification Form. The Owner or Operator of a UST system shall submit, to the Department, a compliance certification in accordance with 310 CMR 70.00: *Environmental Results Program Certification*, no earlier than 16 months and no later than 18 months from the UST facility compliance date or the date of the most recent third-party inspection report submission, whichever is earlier. The compliance certification shall be submitted in a format specified by the Department. The Owner or Operator shall certify whether or not the Owner or Operator has complied with the following requirements:

(a) Financial responsibility obligations in accordance with 310 CMR 80.51 through 80.63;

(b) All testing requirements for leak detection, sumps, spill buckets, overfill prevention, and corrosion protection in accordance with 310 CMR 80.20 through 80.22 and 80.26 through 80.29;

(c) All registration, reporting and recordkeeping requirements in accordance with 310 CMR 80.23 and 80.36;

(d) Emergency procedure requirements in accordance with 310 CMR 80.25;

(e) That cathodic protection readings have been taken and recorded in accordance with 310 CMR 80.29(4)(b), as applicable;

(f) A demonstration that all Class A, B and C operators are certified in accordance with 310 CMR 80.37;

(g) For all sump, spill bucket and overfill prevention equipment inspections in accordance with 310 CMR 80.27 and 80.28;

(h) That all repairs and replacements have been completed in accordance with 310 CMR 80.33; and

(i) That the UST components and configuration of the UST system and UST components have not changed. If the UST system or UST component has changed, completion and submission of an amended registration form to the Department in accordance with 310 CMR 80.23(1).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.34: continued

(2) Return to Compliance. At the time of submission, if the Owner or Operator is out of compliance with any of the requirements on the Certification Form, the Owner or Operator shall submit a Return to Compliance (RTC) Plan with the Certification Form that details what the Owner or Operator will do to return to compliance and the date by which compliance will be achieved. The RTC Plan shall include, but not be limited to, actions the Owner or Operator has taken or will take to come into compliance and remain in compliance with the requirements of 310 CMR 80.00.

(a) The deficiencies identified in the RTC plan shall be corrected within 30 days of the submittal of the Certification Form, unless the RTC plan documents a reasonable basis for why more time is needed to correct the deficiencies and provides an anticipated completion date.

(b) If the Department determines that the proposed completion date is not reasonable, the Department shall notify the Owner or Operator that deficiencies shall be corrected by a date earlier than the proposed date.

(c) The Owner or Operator shall notify the Department, in a format specified by the Department, when the deficiencies are corrected.

(3) Certification for Temporarily Out-of-service UST System. The Owner or Operator of a UST system that is temporarily out-of-service shall certify compliance with the requirements at 310 CMR 80.42(4).

(4) New or Newly Regulated UST Facility. If a UST facility is installed or becomes subject to 310 CMR 80.00 after January 2, 2015, the compliance certification statement is due to Department no earlier than 16 months and no later than 18 months after the date of registration in accordance with 310 CMR 80.23.

(5) Certification Statement. The Owner or Operator shall comply with the Certification Statement requirements at 310 CMR 70.03(2): *Certification Statement*, except that 310 CMR 70.03(2)(b) and (c) shall not apply.

80.35: Requirements for Periodic Inspections

(1) Owners and Operators are responsible for ensuring that periodic visual inspections meeting the requirements in 310 CMR 80.35(2) through (4) are conducted at all underground storage tank systems. The Owner, Operator or certified Class A or B operator, or an individual under the direction of the Owner, Operator, or certified Class A or B Operator shall conduct the periodic visual inspections.

(2) Every 30 Day

(a) Inspect leak detection equipment and records as follows:

1. Verifying leak detection equipment is currently on and is operating with no alarms or other unusual operating conditions present;

2. Verify all indications of leakage or releases were responded to in accordance with 310 CMR 80.26 including, but not limited to, printing a report from the electronic system if applicable; and

3. Verify leak detection records are complete, accurate and current.

(b) Inspect each spill bucket and cover as follows:

1. Visually inspect to determine if there is solid or liquid material in the spill buckets, and remove and manage solid and liquid material in accordance with applicable federal, state and local laws and regulations;

2. Visually inspect spill buckets and covers for signs of corrosion, deterioration, cracks and holes and repair and replace as necessary;

3. Verify that sensors are set in accordance with the manufacturer's specifications, if applicable, or, if no such specifications exist, the sensors shall be placed at the lowest possible location in the spill bucket;

4. Check for and remove obstructions in the fill pipes;

5. Check the fill pipe caps to verify they are securely on the fill pipes; and

6. For double-walled spill buckets with interstitial monitoring, check for leakage in the interstitial area.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.35: continued

(c) Verify that grade level fill covers are properly color-coded to correctly reflect the regulated substance in the UST system in accordance with 310 CMR 80.24(4).

(3) Every 90 days inspect each turbine, intermediate and dispenser sump without continuous monitoring sensors, except sumps that only contain a single-walled siphon line with no connections within the sump and sumps that only contain European Suction Systems or sumps that do not contain any regulated substance piping connections, as follows:

(a) Visually inspect sumps, sump covers and manhole covers for damage, corrosion, breakage and wear, leaks to the containment areas and releases to the environment, and repair and replace as necessary;

(b) Remove solid and liquid material from the sumps in accordance with applicable federal, state and local laws and regulations; and

(c) For double-walled sumps, check for leakage in the interstitial area.

(4) Annually

(a) Inspect each turbine, intermediate and dispenser sump with continuous monitoring sensors, except sumps that only contain a single-walled siphon line with no connections within the sump and sumps that only contain European Suction Systems or sumps that do not contain any regulated substance piping connections, as follows:

1. Visually inspect sumps for damage, corrosion, breakage and wear, leaks to the containment areas and releases to the environment, and repair and replace as necessary;

2. Remove solid and liquid material from the sumps in accordance with applicable federal, state and local laws and regulations;

3. Verify that all sumps sensors are operating in accordance with the manufacturer's specifications and are placed in accordance with the manufacturer's specifications, or, if no such specifications exist, the sensors are placed at the lowest possible location in the sump; and

4. For double-walled sumps, with interstitial monitoring check for leakage in the interstitial area.

(b) For hand held release detection equipment, check devices such as tank gauge sticks for operability and serviceability.

(5) If the inspection indicates that any underground storage tank system components are not properly operating or are not being maintained in accordance with 310 CMR 80.00, manufacturer's specifications and applicable codes and standards, the Owner or Operator shall repair said component(s) in accordance with 310 CMR 80.33.

(6) Every requirement under 310 CMR 80.35(2) through (4) shall be recorded on an inspection report or log that contains at a minimum the following information:

(a) A list of each area and UST component inspected;

(b) Whether the USTcomponent is properly operating and being maintained; and

(c) Any repairs conducted on UST components designated as not operating or being maintained in accordance with 310 CMR 80.00, the manufacturer's specifications and all applicable codes and standards.

(7) The results of each inspection shall be recorded and retained in accordance with 310 CMR 80.36.

80.36: Requirements for Recordkeeping

(1) For a minimum of four years, the Owner or Operator shall maintain records in hard copy or electronically, and shall make them available to the Department as soon as possible following a request, but in no event more than seven business days after the request. The records shall include, but are not limited to:

(a) Results of all turbine, intermediate and dispenser sump integrity tests in accordance with 310 CMR 80.20(5), 80.28(7) and 80.27(9).

(b) Results of all spill bucket integrity tests in accordance with 310 CMR 80.21(1)(c) and 80.28(2).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.36: continued

(c) Results of all cathodic protection inspections and tests in accordance with 310 CMR 80.22(5) and 80.29(2), (4) and (6).
(d) Records to demonstrate the Owner or Operator responded to alarms in accordance with 310 CMR 80.24(3).
(e) Results of all leak detection inspections in accordance with 310 CMR 80.26(2), as applicable and tests in accordance with 310 CMR 80.26(12).
(f) Leak detection monitoring records and investigations as required by 310 CMR 80.26(3)(e), (4)(c), (5)(f), (6)(f), (7)(d), (8)(d), (9) and (10), and 310 CMR 80.19(3)(d).
(g) Results of inspections and testing of overfill prevention equipment in accordance with 310 CMR 80.28(3).
(h) Records for all inventory monitoring for abnormal regulated substance loss and abnormal water gain in accordance with 310 CMR 80.31(4), if applicable.
(i) Documentation of the date the need for the repair or replacement was discovered in accordance with 310 CMR 80.33(4)(b).
(j) Records to demonstrate compliance with change-in-product requirements at 310 CMR 80.41(6).
(k) Periodic inspection reports or logs in accordance with 310 CMR 80.35(6) and (7).

(2) The Owner or Operator shall maintain, in hard copy or electronically, the list of the current Class A, Class B an Class C operators of each UST system in accordance with 310 CMR 80.37(11) and records that demonstrate each designated Class A, Class B and Class C operator is certified in accordance with 310 CMR 80.37(7) through (9). The Owner or Operator shall make records available to the Department as soon as possible following a request, but in no event more than seven business days after the request.

(3) Until the UST system is removed or permanently closed in-place in accordance with 310 CMR 80.43(2) or (3), the Owner or Operator shall maintain the most current copy of the following records in hard copy or electronically, and shall make them available to the Department as soon as possible following a request, but in no event more than seven business days after the request.
(a) A copy of the registration in accordance with 310 CMR 80.23(1).
(b) A copy of the third-party inspection report pursuant to 310 CMR 80.49(2)(b)
(c) Records that the Owner and Operator complied with temporary closure requirements in accordance with 310 CMR 80.42, if applicable.
(d) Emergency procedures in accordance with 310 CMR 80.25.
(e) Compatibility records in accordance with 310 CMR 80.30.

(4) For the life of a cathodic protection system, the Owner or Operator shall maintain an as built, scaled plan of the cathodic protection system and manufacturer's specifications in accordance with 310 CMR 80.22(4)(c), in hard copy or electronically, and shall make them available to the Department as soon as possible following a request, but in no event more than seven business days after the request.

(5) Until the UST system is removed or permanently closed in-place in accordance with 310 CMR 80.43(2) or (3), the Owner or Operator shall maintain the following records in hard copy or electronically, and shall make them available to the Department as soon as possible following a request, but in no event more than seven business days after the request:
(a) Records of each equipment repair or replacement in accordance with 310 CMR 80.33.
(b) A copy of installation information including, but not limited to, the installer's certification and completed checklist(s), and manufacturers' specifications; testing results; inspections; and a copy of the as-built plans of the UST facility in accordance with 310 CMR 80.16.

(6) An Owner or Operator shall maintain the most current financial assurance mechanism(s) used to demonstrate financial responsibility in accordance with 310 CMR 80.59 for a UST system until released from the requirements in accordance with 310 CMR 80.61. The Owner or Operator shall keep the documentation in hard copy or electronically. Upon request from the Department, the Owner or Operator shall make the documentation available to the Department as soon as possible, but in no event more than seven business days after receiving the request.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.36: continued

(7) An Owner or Operator shall maintain documentation that a UST system holds a *de minimis* concentration of regulated substance, until the Owner and Operator no longer claim the exemption, in accordance with 310 CMR 80.04(5)(c). The Owner or Operator shall keep the documentation in hard copy or electronically. Upon request from the Department, the Owner or Operator shall make the documentation available to the Department as soon as possible, but in no event more than seven business days after receiving the request.

(8) The current Owner or Operator shall:

(a) Maintain documentation that demonstrates compliance with closure requirements in accordance with 310 CMR 80.43 for at least four years after removal of an UST system or closure in-place of an UST system; or

(b) Submit the documentation to the Department within 30 days of the UST system removal or closure-in-place.

(9) The Owner or Operator shall maintain documentation that a sump is double-walled and monitored in accordance with 310 CMR 80.27(6) as applicable, until the Owner and Operator no longer claims the exemption from testing, in accordance with 310 CMR 80.27(8)(c)2. The Owner or Operator shall keep the documentation in hard copy or electronically. Upon request from the Department, the Owner or Operator shall make the documentation available to the Department as soon as possible, but in no event more than seven business days after receiving the request.

(10) The Owner or Operator shall maintain documentation that a spill bucket is double-walled and is monitored in accordance with 310 CMR 80.28(2)(e), until the Owner and Operator no longer claim the exemption from testing, in accordance with 310 CMR 80.28(2)(f)3. The Owner or Operator shall keep the documentation in hard copy or electronically. Upon request from the Department, the Owner or Operator shall make the documentation available to the Department as soon as possible, but in no event more than seven business days after receiving the request.

(11) The Owner or Operator shall maintain tightness test results and reports, conducted in accordance with 310 CMR 80.32 until the next tightness test is conducted. The Owner or Operator shall keep the documentation in hard copy or electronically. Upon request from the Department, the Owner or Operator shall make the documentation available to the Department as soon as possible, but in no event more than seven business days after receiving the request.

OPERATOR TRAINING

80.37: Class A, B and C Operator Requirements and Certifications

(1) Effective August 8, 2012, every Owner and Operator shall ensure that at least one Class A, B and C operator certified in accordance with 310 CMR 80.37 is designated to each underground storage tank system.

(a) An individual may be designated by an Owner and Operator as a Class A, Class B, or Class C operator or any combination of the three Classes.

(b) An individual Class A, Class B, or Class C operator may be designated by an Owner and Operator for more than one UST system or UST facility.

(2) Except as provided in 310 CMR 80.37(2), the Owner or Operator shall ensure that a designated Class A, B or C operator is present when the UST system(s) is in operation. At unmanned UST systems including, but not limited to, emergency generators at telecommunication towers and card lock/card access facilities, there shall be Class A, B and C operators designated as responsible for operation and maintenance activities at such systems and responding to emergencies, and they shall be certified in accordance with 310 CMR 80.37(7) through (9), respectively.

(3) If a different Class A, B, or C operator needs to be designated for any reason including, but not limited, to resignation or termination, the Owner or Operator shall designate the appropriate Class A or B operator within 30 days of the position being vacated, or Class C operator within ten days of the position being vacated, and the Owner or Operator shall ensure that said Class A, B, or C operator is certified in accordance with 310 CMR 80.37(7), (8) or (9).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.37: continued

(4) Class A Operator Requirements.

(a) A Class A operator shall have general knowledge and understanding of underground storage tank systems and applicable state regulatory requirements that apply to underground storage tank systems, including, but not limited to:

1. Tanks and piping;
2. Regulated substances stored;
3. Leak detection;
4. Spill prevention;
5. Overfill prevention;
6. Corrosion protection;
7. Emergency response procedures;
8. Product compatibility;
9. Financial responsibility documentation requirements;
10. Registration and other notification requirements;
11. Reporting and recordkeeping requirements;
12. UST testing requirements;
13. Temporary and permanent closure requirements; and
14. The Class B operator qualifications, training and examination requirements and Class C operator qualifications and training requirements.

(b) A Class A operator shall ensure that appropriate individuals:

1. Properly operate and maintain the underground storage tank system.
2. Maintain required records.
3. Are trained to operate and maintain the underground storage tank system and keep records.
4. Properly respond to alarms and emergencies caused by leaks or releases from underground storage tank systems.
5. Make financial responsibility documents available to the Department as required.

(5) Class B Operator Requirements.

(a) A Class B operator shall have in-depth knowledge and understanding of operation and maintenance requirements and applicable state regulatory requirements that apply to underground storage tank systems including, but not limited to:

1. Tanks and piping;
2. Regulated substance stored;
3. Leak detection;
4. Spill prevention;
5. Overfill prevention;
6. Corrosion protection;
7. Emergency response procedures;
8. Product compatibility;
9. Financial responsibility documentation requirements;
10. Registration and other notification requirements;
11. Reporting and recordkeeping requirements;
12. UST testing requirements;
13. Temporary and permanent closure requirements; and
14. The Class C operator qualification and training requirements.

(b) A Class B operator shall ensure implementation of the day-to-day aspects of operation and maintenance of, and recordkeeping for, underground storage tank systems and shall have general and site specific knowledge of the following:

1. Components of underground storage tank systems.
2. What material the underground storage tank system components are constructed of.
3. Methods of release detection and release prevention applied to the underground storage tank system.

(6) Class C Operator Requirements.

(a) A Class C operator shall have specific knowledge of the layout of the UST system(s), emergency procedures and how to respond to alarms.

(b) A Class C operator shall immediately and properly respond to alarms or other indications of emergencies in accordance with the emergency procedures.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.37: continued

(c) A Class C operator shall be the Owner or Operator of the underground storage tank facility or an employee of the Owner or Operator, but not all employees of the Owner or Operator are necessarily Class C operators.

(7) Certification Requirements for Class A Operators.

(a) The Owner or Operator shall ensure that Class A operators are certified within 30 days after being designated by the Owner or Operator to assume responsibility for an underground storage tank system.

(b) Requirements to be certified as a Class A operator:

1. Obtain training in accordance with 310 CMR 80.37(7)(c) and (d) which may include on-the-job training; and

2. Take and pass an operator examination in accordance with 310 CMR 80.37(7)(e) through (g).

(c) The Owner or Operator shall ensure that Class A operators are trained on the type(s) of UST system(s) for which they are designated. Said training shall cover subject matters in 310 CMR 80.37(4) and shall include those systems for which the Class A operator is designated. Said training shall include, but not be limited to:

1. Types of tanks, piping, regulated substances stored, overfill prevention, leak detection and corrosion protection.

2. Operation and maintenance schedules and requirements.

3. Testing, reporting and recordkeeping requirements.

4. Financial responsibility requirements and the financial responsibility instruments that are in place for each UST system.

5. General emergency response procedures and requirements.

(d) The Owner or Operator shall document that Class A operators have received training that complies with 310 CMR 80.37(7)(b)1. and (c). The Owner or Operator shall keep the documentation, in hard copy or electronically, in accordance with 310 CMR 80.36. Upon request from the Department, the Owner or Operator shall make the documentation available to the requestor as soon as possible, but in no event more than seven business days after the request.

(e) Class A operators shall demonstrate knowledge of UST systems in general and all applicable state regulations by taking and passing an operator examination, as required by the Department.

(f) Upon passing the operator examination, the Class A operator shall receive a certificate indicating passage of the operator examination and the Owner or Operator shall keep a copy of the certificate, in hard copy or electronically, in accordance with 310 CMR 80.36. Upon request from the Department, the Owner or Operator shall make the documentation available to the requestor as soon as possible, but in no event more than seven business days after the request.

(g) Any individual who takes and fails any operator examination three times within six months of the first examination shall be prohibited from taking any operator examination for six months from the date of the third failure.

(h) A Class A operator with a current Class A certification from another state may be certified in Massachusetts as a Class A operator if the operator is trained in accordance with 310 CMR 80.37(7)(c), and the Class A operator passes the Massachusetts-specific portion of the operator examination.

(8) Certification Requirements for Class B Operators.

(a) The Owner or Operator shall ensure that Class B operators are certified within 30 days after being designated by the Owner or Operator to assume operation and maintenance responsibilities of the underground storage tank system.

(b) Requirements to be certified as a Class B operator:

1. Obtain training in accordance with 310 CMR 80.37(8)(c) and (d) which may include on-the-job training; and

2. Take and pass an operator examination in accordance with 310 CMR 80.37(8)(e) through (g).

(c) The Owner or Operator shall ensure that Class B operators are trained on the specific UST system(s) for which they are designated. Said training shall cover subject matters in 310 CMR 80.37(5) and shall include those systems for which the Class B operator is designated. Said training shall include, but not be limited to:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.37: continued

1. Types of tanks, piping, regulated substances stored, overfill prevention, leak detection and corrosion protection.
2. Operation and maintenance of the underground storage tank system.
3. Testing, reporting and recordkeeping requirements.
4. Financial responsibility documentation requirements.
5. Emergency response procedures and requirements.

(d) Owners or Operators shall document that Class B operators have received training that complies with 310 CMR 80.37(8)(b)1. and (c). The Owner and Operator shall keep the documentation, in hard copy or electronically, in accordance with 310 CMR 80.36. Upon request from the Department, the Owner or Operator shall make the documentation available to the requestor as soon as possible, but in no event more than seven business days after the request.

(e) Class B operators shall demonstrate knowledge of UST systems in general and all applicable state regulations by taking and passing an operator examination, as required by the Department.

(f) Upon passing the operator examination, the Class B operator shall receive a certificate indicating passage of the operator examination and the Owner or Operator shall keep a copy of the certificate, in hard copy or electronically, in accordance with 310 CMR 80.36. Upon request from the Department, the Owner or Operator shall make the documentation available to the requestor as soon as possible, but in no event more than seven business days after the request.

(g) Any individual who takes and fails any operator examination three times within six months of the first examination shall be prohibited from taking any operator examination for six months from the date of the third failure.

(h) A Class B operator with a current Class B certification from another state may be certified in Massachusetts as a Class B operator if the operator is trained in accordance with 310 CMR 80.37(8)(c), and the Class B operator passes the Massachusetts-specific portion of the operator examination.

(9) Certification Requirements for Class C Operators.

(a) A Class C operator shall be certified before being designated by the Owner and Operator.

(b) In order to be certified as a Class C operator, the Owner or Operator shall document that an individual was trained by a Class A or B operator. The training shall be site specific and shall include, at a minimum, the actions to take in response to alarms or other indications of emergencies caused by leaks or releases from an underground storage tank system.

(c) When the training is complete, the trainer and the Class C operator shall each sign and date the training log for the UST facility documenting that the training was completed in accordance 310 CMR 80.37(9)(b) and (c). The trainer shall also document the underlying reason for the re-training in accordance with 310 CMR 80.37(9)(d). The Owner or Operator shall maintain the log for at least two years after the Class C operator is no longer designated, in hard copy or electronically. Upon request from the Department, the Owner or Operator shall make the log available to the requestor as soon as possible, but in no event more than seven business days after the request.

(d) The Owner or Operator shall ensure that the Class C operator is re-trained and shall document the re-training and the underlying reason for the re-training in accordance with 310 CMR 80.37(9)(c) when:

1. Emergency procedures change at a facility;
2. The type or location of the leak detection alarm system changes; or
3. The type or location of the emergency shut-off switch changes.

(10) Temporary Transfers of Class C Operators. Prior to the Class C operator assuming designation at a UST facility to which the Class C operator is temporarily transferred, the Owner or Operator shall ensure that such Class C operator is trained on the site-specific emergency procedures of the UST facility in accordance with 310 CMR 80.37(9).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.37: continued

(11) The Owner or Operator shall maintain a current list of the designated Class A, B and C operator(s) for each UST system or facility, in hard copy or electronically. Upon request from the Department, the Owner or Operator shall make the documentation available to the requestor as soon as possible, but in no event more than seven business days after the request. This list shall include, but not be limited to, the name of the operator, operator classification, operator certificate number, as applicable, the date of the operator's training and the date of designation.

(12) Without limitation, if the Department determines that a UST system is out of compliance with the applicable requirements of 310 CMR 80.00, the Department may require that the Owner or Operator provide re-training for one or more Class A, B or C operator(s) and/or require that one or more Class A or B operator(s) re-take and pass the operator examination.

LEAKAGE AND RELEASE: RESPONSE, REPORTING AND REMEDIATION

80.38: Response to a Release

(1) Nothing in 310 CMR 80.00 shall affect the Owner or Operator notification obligations under 310 CMR 40.0000: *Massachusetts Contingency Plan*.

(2) In the event of a release from a tank, the Owner or Operator shall empty the tank immediately, but in no event later than 24 hours of obtaining knowledge of the release and comply with 310 CMR 80.33, 80.42 or 80.43, as applicable.

(3) In the event of a release from piping, the Owner or Operator shall immediately empty and isolate the section of pipe determined to have had the release and comply with 310 CMR 80.33, 80.42 or 80.43, as applicable.

80.39 Response to Leakage

(1) In the event of leakage, whether determined by testing, visual inspection or otherwise, the following steps shall be taken:

(a) If testing, visual inspection or other information has confirmed that the source of the leakage is the piping, the Owner or Operator shall immediately:

1. Isolate and empty the section of the pipe determined to have leakage until the section is repaired or replaced; or
2. Take that UST system temporarily out-of-service in accordance with 310 CMR 80.42; or
3. Remove or permanently close in-place the UST system in accordance with 310 CMR 80.43.

(b) If testing has confirmed that the source of the leakage is a particular tank, the Owner or Operator shall immediately, but in no event later than 72 hours of obtaining the test results, empty the UST system; and:

1. Repair the tank in accordance with 310 CMR 80.33(2); or
2. Remove the tank in accordance with 310 CMR 80.43(2); or
3. Permanently close-in-place the tank in accordance with 310 CMR 80.43(3).

80.40: Reportable Releases

For each reportable release pursuant to 310 CMR 40.0000: *Massachusetts Contingency Plan*, the Owner or Operator shall provide the following information to the Department, in a format provided by the Department, in accordance with 310 CMR 80.23(3)(c):

(a) The source of each reportable release from a UST system, *i.e*. the UST component or piece of equipment that failed, if known; and

(b) The cause of each reportable release from a UST system, *i.e*. the reason for the failure, if known.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

CHANGE-IN-PRODUCT, OUT-OF-SERVICE SYSTEMS AND CLOSURE

80.41: Requirements for Change-in-product

(1) Owners and Operators shall comply with all requirements in 310 CMR 80.41.

(2) A UST system once used for non-food grade regulated substances shall not be reused to store food products or drinking water.

(3) The Owner shall notify the Department, in a format specified by the Department, of a change-in-product in accordance with 310 CMR 80.23(2)(a) and the following timeframes:

(a) If the change-in-product is from a regulated substance to a different regulated substance, within 30 days of executing the change; except if the different regulated substance contains greater than 10% ethanol or greater than 20% biofuel, then at least 30 days prior to executing the change, in accordance with 310 CMR 80.30(3).

(b) If the change-in-product is from a regulated substance to a non-regulated substance, prior to executing the change.

(c) If the change-in-product is from a non-regulated substance to a regulated substance, within 30 days of receiving regulated substance into the UST system, in accordance with 310 CMR 80.23(1).

(4) If the change-in-product is from a regulated substance to a non-regulated substance:

(a) Before executing a change-in-product, the Owner or Operator shall remove all solid and liquid material in accordance with 310 CMR 80.47. The Owner or Operator shall manage the solid and liquid material removed from the UST system in accordance with all applicable federal, state and local laws and regulations.

(b) The UST system will no longer be subject to 310 CMR 80.00, except that the Owner and Operator shall continue to be responsible for remediating any releases of regulated substances that occurred. The Owner or Operator shall conduct an assessment in accordance with 310 CMR 80.43(4), after notifying the Department of the change-in-product, but before the change-in-product is executed.

(c) Records of the change-in-product shall be kept in accordance with 310 CMR 80.36.

(5) If the change-in-product is from a regulated substance to another regulated substance, before executing the change-in-product, the Owner or Operator shall empty the tank. The Owner or Operator shall manage and dispose of the solid and liquid material removed from the UST system in accordance with all applicable federal, state and local laws and regulations.

(6) Owners or Operators shall demonstrate compliance with the requirements for change-in-product by maintaining records/documentation, in accordance with 310 CMR 80.36.

80.42: Requirements for Taking a UST System Temporarily Out-of-service

(1) Owners and Operators shall comply with all requirements in 310 CMR 80.42.

(2) Within 30 days after a UST system is taken temporarily out-of-service, the Owner shall notify the Department in a format specified by the Department in accordance with 310 CMR 80.23(2)(b).

(3) The Owner or Operator shall not take a UST system temporarily out-of-service for more than five years.

(a) If a temporarily out-of-service UST system is not put back into service at the end of five years, the Owner or Operator shall remove or permanently close in-place the UST system in accordance with 310 CMR 80.43, unless 310 CMR 80.45 applies.

(b) A single-walled steel tank that is temporarily out-of-service on August 7, 2017, shall comply with the requirements at 310 CMR 80.15.

(4) When a UST system is taken temporarily out-of-service, the Owner or Operator shall comply only with the following requirements of 310 CMR 80.00 during the entire time period the UST system is temporarily out-of-service:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.42: continued

(a) Remove all solid and liquid material from the UST system and have the UST system rendered inert in accordance with 310 CMR 80.47;

The Owner or Operator shall manage the solid and liquid material removed from the UST system in accordance with all applicable federal, state and local laws and regulations;

(b) Cap, lock and secure all fill lines and fill pipes against tampering;

(c) Keep the vent lines open and operable for the entire period that the UST system is temporarily out-of-service;

(d) Continue operation and maintenance of corrosion protection in accordance with 310 CMR 80.29, if applicable;

(e) Continue to comply with the third-party inspection requirements in accordance with 310 CMR 80.49;

(f) Comply with the Compliance Certification requirements for temporarily out-of-service UST systems in accordance with 310 CMR 80.34(3); and

(g) Maintain financial responsibility in accordance with 310 CMR 80.51 through 80.63.

(5) Prior to commencing operation, the Owner or Operator shall have the tank and piping tightness tested and shall ensure that the UST system components are calibrated and operating in accordance with the manufacturer's specifications.

(6) Within 30 days after returning the UST system to service, the Owner or Operator shall notify the Department in a format specified by the Department in accordance with 310 CMR 80.23(2)(c).

(7) Owners or Operators shall demonstrate compliance with the requirements of temporarily out-of-service by maintaining records/documentation in accordance with 310 CMR 80.36.

80.43: Requirements for Removal and Permanent Closure In-place

(1) Owners and Operators shall comply with the requirements in 310 CMR 80.43.

(2) Requirements for Removal of a UST System.

(a) Prior to removal of a UST system, the Owner or Operator shall have all the solid and liquid material removed from the UST system, in accordance with 310 CMR 80.47, have the UST system rendered inert and shall secure all openings. The Owner or Operator shall manage and dispose of all solid and liquid material removed from the UST system in accordance with all applicable federal, state and local laws and regulations.

(b) The Owner or Operator shall conduct an assessment in accordance with 310 CMR 80.43(4) within 24 hours after the UST system is removed, but prior to backfill of the excavation area.

(c) The Owner shall notify the Department, in a format specified by the Department, that the UST system was removed, within 90 days of removal in accordance with 310 CMR 80.23(2)(d). A copy of the assessment in 310 CMR 80.43(4) shall be submitted with said form.

(3) Requirements for Permanent Closure-in-place.

(a) No Owner or Operator shall permanently close a UST system in-place unless it is determined to be located under a building and cannot be removed from the ground without first removing the building, or is so located that it cannot be removed from the ground without endangering the structural integrity of another UST system, structure, underground piping or underground utilities.

1. Such a determination shall be made by a licensed professional civil or structural engineer, and shall be signed, sealed and submitted to the Department with supporting documentation prior to the UST system Owner or Operator commencing UST system closure activities. The determination shall include, at a minimum, sketches, photos, a scaled site plan, a scope of work for the environmental assessment to be conducted pursuant to 310 CMR 80.43(4), a detailed, written determination of why the UST system cannot be removed, and a schedule for completion.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.43: continued

2. If the Department does not notify the Owner within 30 days, the Owner or Operator may proceed with the closure-in-place if it has complied with 310 CMR 80.43(3)(a)1.

3. The Owner or Operator shall have all solid and liquid material removed from the tank, in accordance with 310 CMR 80.47 and shall have the tank filled with clean sand, concrete slurry mix or another inert material if such other material is approved by the Department in writing prior to filling the tank. The Owner or Operator shall manage the solid and liquid material removed from the tank in accordance with all applicable federal, state and local laws and regulations.

(b) Before permanent closure-in-place commences, the Owner or Operator shall conduct an assessment in accordance with 310 CMR 80.43(4). If the assessment finds contamination requiring notification pursuant to 310 CMR 40.0000: *Massachusetts Contingency Plan*, the filling of the UST system for permanent closure-in-place shall not commence until the Owner or Operator has complied with the notification requirements contained in 310 CMR 40.0300: *Notification of Releases and Threats of Release of Oil and Hazardous Materials; Identification and Listing of Oil and Hazardous Materials*, as applicable, and any required response actions under 310 CMR 40.0000.

(c) The Owner shall notify the Department in accordance with 310 CMR 80.23(2)(e), in a format specified by the Department that the UST system was closed-in-place, within 90 days of the UST system being filled. A copy of the assessment in 310 CMR 80.43(4) shall be submitted with said form.

(4) Assessment.

(a) The Owner or Operator shall measure for the presence of a release of regulated substances where contamination is most likely to be present in the subsurface. To determine sampling location(s), sample types, field screening techniques and analytical methods, the Owner or Operator shall consider the regulated substance stored in the UST system and its characteristics; the type of backfill in the area; the depth to groundwater and direction of ground water flow, the distance to surface water bodies. and any other factors appropriate for identifying the presence of a release.

(b) A photo ionization detector (PID) or flame ionization detector (FID) shall be employed in the field to detect for the presence of a release, if the regulated substance can be detected by a PID or FID.

(c) If the Owner or Operator obtains knowledge of a release, the Owner or Operator shall comply with the notification requirements contained in 310 CMR 40.0300: *Notification of Releases and Threats of Release of Oil and Hazardous Materials; Identification and Listing of Oil and Hazardous Materials*, as applicable and any required response actions under 310 CMR 40.0000: *Massachusetts Contingency Plan*.

(5) The Department may require removal or permanent closure in-place of a UST system at any time that it determines the UST system is abandoned or poses a threat to public health, safety or the environment.

(6) Owners and Operators shall demonstrate compliance with the requirement for permanent closure by maintaining records/documentation in accordance with 310 CMR 80.36.

(7) The Owner or Operator may need to obtain a permit from the fire department in which the UST system is located for closure or relocation of a UST system pursuant to M.G.L. c. 21O, § 1. It is the responsibility of the Owner or Operator to obtain any required permit(s).

80.44: Requirements for a Tank within a Tank

If a new tank is installed inside an existing tank, the Owner shall:

(1) Prior to installing the new tank, the Owner or Operator shall have all the solid and liquid material removed from the existing UST system, in accordance with 310 CMR 80.47, have the existing UST system rendered inert and shall secure all openings. The Owner or Operator shall manage and dispose of all solid and liquid material removed from the UST system in accordance with all applicable federal, state and local laws and regulations.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.44: continued

(2) Conduct an assessment in accordance with 310 CMR 80.43(4) before the new tank is installed. If the assessment finds contamination requiring notification pursuant to 310 CMR 40.0000: *Massachusetts Contingency Plan*, the installation of the new tank shall not commence until the Owner or Operator has complied with the notification requirements contained in 310 CMR 40.0300: *Notification of Releases and Threats of Release of Oil and Hazardous Materials; Identification and Listing of Oil and Hazardous Materials*, as applicable, and any required response actions under 310 CMR 40.0000.

(3) Notify the Department that a new tank is being installed inside an existing tank, in a format specified by the Department, within 30 days of the new tank being installed. A copy of the assessment in 310 CMR 80.43(4) shall be submitted with said form.

80.45: UST Systems Temporarily Out-of-service for over Five Years

(1) A new Owner that acquires a UST system that has been temporarily out-of-service for more than five years may bring the UST system back into service within 90 days after the acquisition is final, if the UST system and UST components comply with the most current tank, piping, leak detection, sump, spill bucket, overfill protection and corrosion protection standards in 310 CMR 80.00 and the Owner:

(a) Determines that the UST system and all UST components are operable;
(b) Passes a tightness test in accordance with 310 CMR 80.32;
(c) Has a third-party inspection performed in accordance with 310 CMR 80.49(7); and
(d) Performs any necessary repairs in accordance with 310 CMR 80.33.

(2) After the Owner has completed the requirements in accordance with 310 CMR 80.45(1), the Owner shall notify the Department that the UST system meets the requirements of 310 CMR 80.45(1) when the Owner registers the UST system in accordance with 310 CMR 80.23(1).

80.46: Requirements for Previously Closed-in-place UST Systems

If, at the sole discretion of the Department, the Department determines that a tank or UST system permanently closed-in-place before December 22, 1988, may pose a current or potential threat to human health and the environment, the Owner or Operator of such a tank or UST system shall upon notice from the Department conduct a site assessment in accordance with 310 CMR 80.43(4).

80.47: Standards for Cleaning and Closure

(1) The Owner or Operator shall follow the applicable cleaning and closure procedures to comply with 310 CMR 80.41(4)(a), 80.42(4)(a) and 80.43(2)(a) and (3)(a)3.:

(a) American Petroleum Institute (API) Recommended Practice 1604, 3rd Edition, March 1996 *Closure of Underground Petroleum Storage Tanks*, Sections 1, 3, and 4.1 through 4.5; and
(b) United States Environmental Protection Agency standards for RCRA hazardous debris found at 40 CFR 268.45.

DELIVERY PROHIBITION

80.48: Delivery Prohibition

(1) The Department shall issue a delivery prohibition order to an Owner or Operator of a UST system after written notice to the Owner or Operator if one or more of the following conditions exist:

(a) Failure to install spill prevention equipment in accordance with 310 CMR 80.21(1);
(b) Failure to install overfill protection equipment in accordance with 310 CMR 80.21(2);
(c) Failure to install leak detection equipment in accordance with 310 CMR 80.19; or
(d) Failure to install corrosion protection equipment in accordance with 310 CMR 80.22.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.48: continued

(2) Upon learning of any of the conditions in 310 CMR 80.48(1)(a) through (d), the Owner or Operator shall immediately, but in no event more than 24 hours after learning of the conditions in 310 CMR 80.48(1)(a) through (d), inform the Department of the violation.

(3) The Department may issue a delivery prohibition order to an Owner or Operator of a UST system after written notice to the Owner or Operator if one or more of the following conditions exist:

(a) Spill prevention is not operating in accordance with 310 CMR 80.28(1) and (2);
(b) Overfill protection is not operating in accordance with 310 CMR 80.28(1) and (3);
(c) Leak detection equipment is not operating in accordance with 310 CMR 80.26;
(d) Corrosion protection equipment is not operating in accordance with 310 CMR 80.29;
(e) The Owner or Operator fail to demonstrate or maintain financial responsibility in accordance with 310 CMR 80.51 through 80.63; or
(f) Any other violation of 310 CMR 80.00 that poses a significant threat to public health, safety or the environment, as determined by the Department at its sole discretion.

(4) After written notice to the Owner or Operator, the delivery prohibition shall become effective immediately when the Department serves a written delivery prohibition order in accordance with 310 CMR 80.50(3) prohibiting the delivery of product to the UST system(s). The delivery prohibition order shall be issued no sooner than 24 hours after written notice to the Owner or Operator.

(5) After the delivery prohibition order is served, the Department shall have the authority to lock the fill pipe and affix a red tag to the fill pipe of the UST system(s) that are subject to said order.

(6) No person shall deliver, cause to be delivered, accept for delivery or cause to be accepted for delivery any regulated substance to a UST system that is subject to a delivery prohibition order that has been served and has a red tag affixed to the fill pipe.

(7) No person shall remove, deface, alter or otherwise tamper with the lock or red tag affixed to a UST system or UST component, except in accordance with 310 CMR 80.48(10).

(8) Upon notification from the Owner or Operator that the violations identified in the delivery prohibition order have been corrected, the Department shall, confirm that the violations have been corrected.

(9) If the Department confirms that the violation(s) have been corrected, the Department shall terminate the delivery prohibition order in writing and remove the lock and red tag from the UST system.

(10) In the event that the Department does not inspect a UST system within 24 hours after receipt of the notification from the Owner or Operator that the violation(s) identified in the delivery prohibition order have been corrected, a third-party inspector may remove the 'red tag' after providing a certification to the Department, in a format specified by the Department, that the violation(s) has been corrected. Both the Owner or Operator and the third-party inspector shall sign the certification prior to submission to the Department.

(11) Notwithstanding a delivery prohibition order, the Department may authorize the delivery of product to a UST system that has received a delivery prohibition order in emergency situations, or for compliance testing purposes, as determined by the Department in its sole discretion.

(12) Any person subject to a delivery prohibition order shall have the right to an adjudicatory appeal in accordance with 310 CMR 80.50. An adjudicatory appeal shall not stay the effectiveness of a delivery prohibition order.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

THIRD-PARTY INSPECTIONS

80.49: Third-party Inspections

(1) The third-party inspection program operates on a three year cycle that began on August 8, 2007. Every Owner and Operator was required to have every UST system inspected by a third-party inspector by August 8, 2010, and have every UST system inspected by a third-party inspector every three years thereafter.

(2) The Owner and Operator shall have all UST systems at each UST facility inspected by a third-party inspector and submit the third-party inspection report to the Department on or before the UST facility compliance date established in 310 CMR 80.49(2)(a) through (g).

(a) The date the third-party inspection was performed between August 8, 2007 and August 8, 2010 establishes the UST facility compliance date for the triennial third-party inspection, except as determined in 310 CMR 80.49(2)(e) and (g).

(b) The Owner or Operator shall submit a truthful, accurate and complete third-party inspection report that contains all the information required in 310 CMR 80.49(7) on or before the UST facility compliance date.

(c) The Owner or Operator shall submit the third-party inspection report to the Department no later than 60 days after the commencement of the third-party inspection in accordance with 310 CMR 80.49(7)(c)1., 2., or 3.

(d) A late submittal shall not alter the UST facility compliance date for future third-party submittals, unless the Department changes the UST facility compliance date in accordance with 310 CMR 80.49(2)(g).

(e) A submittal more than 30 days before the UST facility compliance date shall establish a new UST facility compliance date for future submittals, unless the Department changes the UST facility compliance date in accordance with 310 CMR 80.49(2)(g).

(f) If an Owner registers a new UST facility after January 2, 2015, the Department will assign the UST facility a UST facility compliance date. If an Owner or Operator installs a new or replacement UST system or tank at an existing UST facility, such installation shall not alter the UST facility compliance date.

(g) The Department may change the UST facility compliance date for any UST facility provided the Department gives the Owner and Operator 90 days prior written notice. The Department's decision to change the UST facility compliance date shall not be subject to M.G.L. c. 30A, or any other law governing adjudicatory proceedings.

(3) Third-party inspections shall only be performed by third-party inspectors certified in accordance with 310 CMR 80.49(4).

(4) Certification Requirements for a Third-party Inspector.

(a) Individuals who seek to become third-party inspectors and who meet the requirements of 310 CMR 80.49(4)(b) and (c) shall submit an application to the Department, in a format specified by the Department, for consideration.

1. If the Department determines the individual meets the certification requirements in 310 CMR 80.49(4)(b) and (c), the individual shall be issued a third-party inspector number and shall be certified as a third-party inspector.

a. All certifications shall be for a fixed term of three years from the date the Department issued the third-party inspector number and certification, unless suspended or revoked.

b. In order to renew a certification, the third-party inspector shall re-apply in a format specified by the Department at least 90 days before the certification expires.

i. To renew a certification, the third-party inspector shall demonstrate he or she is in compliance with the requirements at 310 CMR 80.49(4)(d).

ii. Any certification which is scheduled to expire shall be automatically extended if the third-party inspector files an application for renewal at least 90 days before the scheduled expiration date. This automatic extension shall remain in effect until:

(i) The Department issues a new certification to the third-party inspector; or

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.49: continued

(ii) The Department denies the application for renewal and all opportunities for adjudicatory hearing in accordance with M.G.L. c. 30A, § 13, before the Department have been exhausted, in which case the extended certification shall be deemed expired; or

(iii) The Department suspends or revokes the extended certification and all opportunities for adjudicatory hearing, if any, in accordance with M.G.L. c. 30A, § 13, before the Department have been exhausted.

2. If the Department determines the individual does not meet the certification requirements in 310 CMR 80.49(4)(b) and (c), the individual's application shall be denied in writing.

a. Upon receiving a denial from the Department, the individual may submit a letter to the Department requesting that the Department reconsider its decision. Said letter shall be postmarked or delivered to the Department within 30 days of the date of the denial letter from the Department.

b. The Department shall respond to the individual in writing within 30 days of receiving the request for reconsideration.

c. If, upon reconsideration, the Department determines the individual does not meet the certification requirements, it shall notify the individual in writing and the individual may file an administrative appeal of the Department's decision in accordance with 310 CMR 80.50.

d. An individual may only file such a request for adjudicatory hearing in accordance with 310 CMR 80.50 if the individual timely requests reconsideration of the denial in accordance with 310 CMR 80.49(4)(a)2.a. and is denied after reconsideration.

3. Upon receipt of a third-party inspector number from the Department, the third-party inspector is certified and may conduct third-party inspections provided the third-party inspector meets the performance standards in accordance with 310 CMR 80.49(5).

(b) In order to be certified as a third-party inspector, an individual shall:

1. Take and pass Department required examination(s) that tests individuals on their knowledge of 310 CMR 80.00, and installation, operation and maintenance, and closure and temporary closure of UST systems and UST components, which may include a field component.

2. Demonstrate experience by one of the following:

a. Possess at least three years of field experience in the areas of UST system installation and/or operation and maintenance:

b. Participate in at least ten inspections with a certified third-party inspector to obtain hands-on, practical experience with third-party inspections. Said inspections shall be conducted within the three years immediately prior to submitting an application in accordance with 310 CMR 80.49(4)(a); or

c. Hold a current UST third-party inspector certification from another state, and have performed a minimum of ten UST third-party inspections in that state within the past three years.

(c) A third-party inspector who is registered with the Department under 527 CMR 9.00: *Tanks and Containers* as of January 2, 2015 and is not certified by January 1, 2018, does not have to meet the requirements of 310 CMR 80.49(4)(b)2. to become a certified third-party inspector, provided that:

1. The third-party inspector has conducted at least ten third-party inspections since August 8, 2007; and

2. On or before January 1, 2019, the third-party inspector takes and passes the Department required examination pursuant to 310 CMR 80.49(4)(b)1.

(d) In order to maintain and renew certification, the third-party inspector shall:

1. Complete annual training as required by the Department, which may include a field component.

2. Complete at least six third-party inspections within the three-year certification period.

(5) Performance Standards.

(a) A third-party inspector shall have the continuing duty to meet the following performance standards:

1. Be a certified third-party inspector before conducting any third-party inspections.

2. Not transfer or assign the certification to any other individual.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.49: continued

3. Personally conduct and complete third-party inspections they sign and certify.
4. Conduct and complete third-party inspections in accordance with 310 CMR 80.49(7)(a).
5. Provide an accurate and complete third-party inspection report.
6. Not make any false, inaccurate or misleading statements in the third-party inspection report.
7. Provide any information regarding third-party inspections to the Department upon request, as soon as possible, but in no event more than seven business days following the request.
8. If a third-party inspector identifies one or more conditions in accordance with 310 CMR 80.48(1), at a UST system the third-party inspector shall:
a. Immediately, but in no event later than 24 hours after obtaining knowledge of the condition, advise the Owner or Operator of the one or more conditions described at 310 CMR 80.48(1) and the Owner or Operator's obligation to notify the Department of the condition(s) in accordance with 310 CMR 80.48(2); and
b. Notify the Department of the violation no later than 48 hours after informing the Owner or Operator, unless the third-party inspector receives written confirmation from the Owner or Operator that it notified the Department.

(6) Prohibitions. At the time of a third-party inspection and for the year immediately preceding the third-party inspection, a third-party inspector shall not be:
(a) An Owner or Operator of the UST system the third-party inspector is inspecting;
(b) The spouse, parent, child, brother or sister by blood, marriage or adoption of an Owner or Operator of the UST system who has performed work on the UST system, or the spouse, parent, child, brother or sister by blood, marriage or adoption of an employee or contractor of the Owner or Operator of the UST system who has performed work on the UST system that the third-party inspector is inspecting;
(c) An employee of the Owner or Operator he or she is inspecting or an individual who has performed work at the UST facility he or she is inspecting, under contract or otherwise, other than a contractor who is the third-party inspector;
(d) The designated Class A, B or C operator of the UST system the third-party inspector is inspecting; or
(e) A person, or employee of a person, having any financial interest in or daily on-site responsibility for the UST system that the third-party inspector is inspecting.

(7) Inspection Requirements.
(a) A third-party inspector shall conduct a third-party inspection in accordance with 310 CMR 80.49(7)(a) through observation during the inspection and a review of the records compiled and maintained since the most recent third-party inspection, and shall determine, at a minimum, the following for each UST system and UST components:
1. Whether the Owner or Operator submitted required documentation to the Department in accordance with 310 CMR 80.23.
2. Whether leak detection equipment has been installed, tested, maintained and is fully operational in accordance with 310 CMR 80.19 and 80.26 and the manufacturer's specifications.
3. Whether corrosion protection, if applicable, has been installed, tested, maintained, and is fully operational in accordance with 310 CMR 80.22 and 80.29 and the manufacturer's specifications.
4. Whether turbine, intermediate and dispenser sumps and sump sensors have been installed, inspected, tested and maintained in accordance with 310 CMR 80.20 and 80.27 and the manufacturer's specifications.
5. Whether spill buckets have been installed, inspected, tested and maintained in accordance with 310 CMR 80.21(1) and 80.28(1) and (2) and the manufacturer's specifications.
6. Whether overfill protection has been installed, inspected, tested, maintained, and is fully operational in accordance with 310 CMR 80.21(2) and 80.28(1) and (3) and the manufacturer's specifications.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.49: continued

7. Whether inventory monitoring, if applicable, has been performed and recorded in accordance with 310 CMR 80.31.
8. Whether tightness tests were conducted in accordance with 310 CMR 80.32.
9. Whether the Compliance Certification has been completed and submitted to the Department in accordance with 310 CMR 80.34.
10. Whether repairs and replacements have been conducted in accordance with 310 CMR 80.33.
11. Whether periodic inspections have been conducted and recorded in accordance with 310 CMR 80.35.
12. Whether the emergency response postings and written procedures are in compliance with 310 CMR 80.25.
13. Whether alarms have been responded to and the responses documented in accordance with 310 CMR 80.24(3).
14. Whether visual and/or olfactory observations indicate the presence of leakage or release related to the UST system or UST components.
15. Whether UST systems that changed product in the UST system complied with 310 CMR 80.41.
16. Whether financial responsibility is current, valid and documented in accordance with 310 CMR 80.51 through 80.63.
17. Whether UST systems that are temporarily out-of-service are being maintained and documented in accordance with 310 CMR 80.42.
18. Whether UST systems that were removed or permanently closed in-place were properly documented in accordance with 310 CMR 80.43.
19. Whether documentation for Class A, B and C operators is current and maintained in accordance with 310 CMR 80.37.
20. Whether required records are kept in accordance with 310 CMR 80.36.

(b) The Owner or Operator shall provide the third-party inspector with all necessary records to complete the inspection in accordance with 310 CMR 80.49(7)(a).

(c) A third-party inspector shall record the results of a third-party inspection on a third-party inspection report specified by the Department, shall sign and date such report in accordance with the certification at 310 CMR 80.49(7)(d), and shall provide the report to the Owner or Operator.

1. If the third-party inspection does not identify any deficiencies, the Owner or Operator shall sign and date the third-party inspection report in accordance with the certification at 310 CMR 80.49(7)(e), and shall submit the third-party inspection report to the Department on or before the UST facility compliance date in accordance with 310 CMR 80.49(7)(f).
2. If the third-party inspection identifies deficiencies, the Owner or Operator shall correct any deficiencies, if possible, in accordance with 310 CMR 80.00, sign and date the third-party inspection report in accordance with the certification at 310 CMR 80.49(7)(e), and submit the report to the Department on or before the UST facility compliance date.
   a. Before the third-party inspection report is submitted, the Owner or Operator shall have the third-party inspector determine whether each deficiency is corrected and the third-party inspector shall record their findings on the third-party inspection report.
   b. A third-party inspector shall document the findings of the facility's re-inspection in the "Re-inspection" section of the third-party inspection report, sign and date the report in accordance with the certification at 310 CMR 80.49(7)(d), and provide the third-party inspection report to the Owner or Operator.
   c. The Owner or Operator shall sign and date the third-party inspection report in accordance with the certification at 310 CMR 80.49(7)(e), and submit the third-party inspection report to the Department on or before the UST facility compliance date in accordance with 310 CMR 80.49(7)(f).
3. In the event that the Owner or Operator is unable to correct the deficiencies identified in the third-party inspection by the UST facility compliance date, the Owner or Operator shall sign and date the third-party inspection report in accordance with the certification at 310 CMR 80.49(7)(e) and submit the third-party inspection report with a return to compliance (RTC) plan to the Department, in a format specified by the Department, on or before the UST facility compliance date in accordance with 310 CMR 80.49(7)(f).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.49: continued

a. The RTC plan shall:

i. Identify each deficiency that was not corrected;

ii. Detail what the Owner or Operator will do to correct each identified deficiency; and

iii. Include the following statement: "I, [name of Owner or Operator], attest under the penalties of law: 1. that I have personally examined and am familiar with the information contained in this return to compliance plan, including any and all documents accompanying this certification statement; 2. that, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is to the best of my knowledge, true, accurate, and complete; and 3. that I am fully authorized to make this attestation on behalf of this UST system or facility. I am aware that there are significant penalties, including, but not limited to possible fines and imprisonment, for submitting false, inaccurate, or incomplete information."

b. The deficiencies identified in the RTC plan shall be corrected and the Owner or Operator shall submit a RTC completion report to the Department, in a format specified by the Department, within 30 days of the submittal of the third-party inspection report. If the RTC plan documents a reasonable basis for a proposed alternative completion due date by which the deficiencies will be corrected and the required RTC completion report submitted, the RTC completion report shall be submitted by this alternative completion due date.

c. If, upon review, the Department determines that the proposed alternative completion due date is not reasonable, the Department shall notify the Owner or Operator that deficiencies shall be corrected and the RTC completion report submitted to the Department by a date earlier than the proposed alternative date.

d. Before the RTC completion report is submitted, the Owner or Operator shall have a third-party inspector determine whether each deficiency is corrected and the third-party inspector shall record their findings on the RTC completion report.

e. The third-party inspector shall sign and date the RTC completion report in accordance with the certification at 310 CMR 80.49(7)(d), and provide the RTC completion report to the Owner or Operator.

f. The Owner or Operator shall sign and date the RTC completion report in accordance with the certification at 310 CMR 80.49(7)(e), and submit the RTC completion report to the Department on or before the RTC completion due date.

(d) A third-party inspector who performs a third-party inspection shall sign and date the third-party inspection report with the following certification:

"I attest under the penalties of law: (i) that I am a certified third-party inspector in compliance with 310 CMR 80.49(4); (ii) that I personally performed this inspection of the UST facility in accordance with the 310 CMR 80.49(7), and having fully completed this report, believe the contents of this report and all attachments to be true and accurate as of the time of the inspection; and (iii) that all the information provided to me by the Owner and Operator necessary to complete this report is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties including, but not limited to, possible fines and imprisonment for submitting false, inaccurate, or incomplete information."

(e) The Owner or Operator shall sign, date and submit a third-party inspection report to the Department with the following certification:

"I attest under the penalties of law: (i) that I am the Owner or Operator of this UST facility; (ii) that I have personally read this inspection report and understand the contents, including all attachments, deficiencies and recommendations; (iii) that all the information provided by me to the third-party inspector is, to the best of my knowledge, true, accurate, and complete; (iv) that I have not altered, added or deleted any information in this inspection report; and (v) that I am fully authorized to make this attestation on behalf of this UST facility. I am aware that there are significant penalties including, but not limited to, possible fines and imprisonment for submitting false, inaccurate, or incomplete information."

(f) The Owner or Operator shall ensure that the third-party inspection report is hand delivered, postmarked or submitted electronically to the Department by the UST facility compliance date set forth in 310 CMR 80.49(2).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.49: continued

(g) The Owner and Operator shall not alter or delete any information in the third-party inspection report.

(8) Nothing contained in 310 CMR 80.49 shall be construed or interpreted to limit the authority of the Department to conduct inspections of UST systems or facilities or to take any enforcement or other actions with respect to such systems and facilities as is authorized by 310 CMR 80.00 or by any other statute, regulation or other legal authority.

(9) If the Department determines that a third-party inspector has not complied with any provision of 310 CMR 80.49, the Department may take enforcement against the third-party inspector in accordance with 310 CMR 80.50.

(10) The Department may deny, suspend or revoke the application or certification of any individual or third-party inspector if the Department determines that the individual or third-party inspector has not complied with any provision of 310 CMR 80.48(10) or 80.49. Such action by the Department shall be subject to opportunity for an adjudicatory hearing pursuant to 310 CMR 80.50(5). In an adjudicatory hearing held pursuant to 310 CMR 80.50, the only issue to be adjudicated is whether the Department's decision to deny, suspend or revoke the application or certification of an individual or third-party inspector was reasonable in light of the particular facts and circumstances available to the Department at the time of its decision.

(11) Any individual whose application is denied or any third-party inspector whose certification is revoked shall be barred from re-applying to become a third-party inspector for up to two years.

ENFORCEMENT AND APPEALS

80.50: Enforcement and Appeals

(1) General. Any failure to comply with M.G.L. c. 21O, 310 CMR 80.00, or the terms and conditions of any order, permit, authorization, determination, certification, prohibition or approval issued under 310 CMR 80.00 shall constitute a violation of M.G.L. c. 21O and 310 CMR 80.00. Nothing in 310 CMR 80.00, or in any order issued pursuant thereto, shall be construed to limit any right of the Department to take enforcement action pursuant to any other authority.

(2) Action by the Department. Whenever the Department has cause to believe that a violation has occurred, it may:

(a) Order the Owner and Operator of the UST system or facility, or any other person responsible for the violation, to cease immediately or at a specified date, all illegal activity and to comply with the provisions of M.G.L. c. 21O, 310 CMR 80.00, or any permit, authorization, determination, registration, certification or approval issued thereunder. Any person who or which is the subject of said order has the right to request an adjudicatory hearing in accordance with the terms of 310 CMR 80.50(5);

(b) Issue an order to the Owner and Operator of the UST system or facility, in accordance with 310 CMR 80.48. Any person who or which is the subject of said order has the right to request an adjudicatory hearing in accordance with the terms of 310 CMR 80.50(5);

(c) Issue a notice of noncompliance pursuant to M.G.L. c. 21A, § 16 and 310 CMR 5.00: *Administrative Penalty*, which is not subject to the right to request an adjudicatory hearing in accordance with the terms of 310 CMR 5.00: *Administrative Penalty*;

(d) Issue a penalty assessment notice pursuant to M.G.L. c. 21A, § 16 and 310 CMR 5.00: *Administrative Penalty*, which is subject to the right to request an adjudicatory hearing in accordance with the terms of 310 CMR 5.00: *Administrative Penalty*; or

(e) Take such other action provided by 310 CMR 80.00 or other applicable statutory or regulatory authority as the Department deems appropriate.

(3) Service of Administrative Orders. Service of an order issued in accordance with M.G.L. c. 21O or 310 CMR 80.00 by the Department shall be according to one of the following procedures except for processes, notices, and orders issued in the course of an adjudicatory hearing which are governed by the provisions of 310 CMR 1.00: *Adjudicatory Proceedings*:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.50: continued

(a) Service of an order is complete when it is delivered in-hand by an employee or agent of the Department to the person to be served or to any officer, employee, or agent of that person. The fact and date of service is established by the return receipt or affidavit of the person making service.

(b) Service of an order when made by any form of mail requiring the return of a receipt signed by the person to be served is complete upon delivery to the person or to any officer, employee, or agent of that person. The fact and date of service is established by the returned receipt.

(c) The Department may make service of an order in an alternative manner, including any form of electronic mail, facsimile or other electronic communications, national overnight carrier, regular mail to the last known address, publication in a newspaper of general circulation, or other method of notification that is reasonably calculated to give notice of the order to the person to be served. The Department may use such alternative or substitute methods of service when the person to be served has declined to accept receipt by the other methods of service specified in 310 CMR 80.50(3)(a) and (b). The fact of service in such cases is established by such records as may be available. The date of service shall be the date on which the Department initiates electronic transmission, the date of publication, one day after the date of overnight mailing or three days after the date of regular mailing.

(4) Service of Other Enforcement Documents. Service of Notices of Noncompliance, Penalty Assessment Notices and any other enforcement document shall be in accordance with M.G.L. c. 21A, § 16 and 310 CMR 5.00: *Administrative Penalty*.

(5) Right to Adjudicatory Hearing.

(a) The following parties shall have the right to an adjudicatory hearing:

1. A person who is the subject of an order issued pursuant to 310 CMR 80.50(2)(a) or (b) has the right to request a hearing on the terms and issuance of such order.

2. An individual whose application to be certified as a third-party inspector is denied by the Department has the right to request a hearing on such denial in accordance with 310 CMR 80.49(4)(a)2.c. and d.

3. A third-party inspector whose certification is denied, suspended or revoked by the Department has the right to request a hearing on such denial, suspension or revocation in accordance with 310 CMR 80.49(10)..

(b) Any right to an adjudicatory hearing concerning assessment of a civil administrative penalty and the procedures for requesting such hearing shall be governed by the provisions of 310 CMR 5.00: *Administrative Penalty*.

(6) Waiver of Right to Adjudicatory Hearing.

(a) Any person who has the right to an adjudicatory hearing in accordance with 310 CMR 80.50(2), shall be deemed to have waived their right to an adjudicatory hearing, unless the person delivers to the Department a request for an adjudicatory hearing in writing within 21 days of the date of issuance in accordance with 310 CMR 80.50(6)(c) that complies with the requirements for content of filings set forth in 310 CMR 1.01(4): *Filings* and that is filed in accordance with the methods and procedures set forth in 310 CMR 1.01(3)(a): *Timely Filing*.

(b) The request for an adjudicatory hearing shall be submitted to the Department in the manner specified in the appealable document.

(c) The date of issuance of an order, denial, suspension or revocation shall be:

1. The date on which the Department hand delivers the document;

2. The date of receipt if the Department sends the document by certified mail;

3. Three days after the Department initiates transmission of the document by other methods of notification specified in 310 CMR 80.50(3); or

4. Three days after the Department publishes the document in a newspaper of general circulation.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

FINANCIAL RESPONSIBILITY

80.51: Definitions

The following definitions shall apply only to 310 CMR 80.51 through 80.63. Note: The definitions in 310 CMR 80.51 are intended to assist in the understanding of 310 CMR 80.00 and are not intended either to limit the meaning of the terms in a way that conflict with standard insurance usage or to prevent the use of other standard insurance terms in place of defined terms.

Accidental Release means any sudden or nonsudden release of a regulated substance from a UST system that results in a need for corrective action and/or compensation for bodily injury or property damage neither expected nor intended by the tank Owner or Operator.

Bodily Injury means substantial impairment of the physical condition including, but not limited to, any burn, fracture of any bone, subdural hematoma, injury to any internal organ, or any injury which occurs as the result of repeated harm to any bodily function or organ, including human skin, however, Bodily Injury shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

Chief Financial Officer means, in the case of local government Owners and Operators, the individual with the overall authority and responsibility for the collection, disbursement, and use of funds by the local government.

Controlling Interest means direct ownership of at least 50% of the voting stock of an entity.

Financial Reporting Year means the latest consecutive 12-month period for which any of the following reports used to support a financial test is prepared:

(a) a 10-K report submitted to the SEC;

(b) an annual report of tangible net worth submitted to Dun and Bradstreet; or

(c) annual reports submitted to the Energy Information Administration or the Rural Electrification Administration.

Financial Reporting Year may thus comprise a fiscal or a calendar year period.

General Purpose Local Government means a local government entity that does not perform a single function or limited range of functions. A General Purpose Local Government, includes, but is not limited to, municipalities, counties, townships, towns, villages and parishes.

Guarantor means any person, other than a person liable pursuant to M.G.L. c. 21E, § 5, who provides evidence of financial responsibility pursuant to M.G.L. c. 21O.

Legal Defense Cost means any expense that an Owner or Operator or provider of financial assurance incurs in defending against claims or actions brought:

(a) By the Environmental Protection Agency (EPA) or the Commonwealth to require corrective action or to recover the costs of corrective action;

(b) By or on behalf of a third party for bodily injury or property damage caused by an accidental release; or

(c) By any person to enforce the terms of a financial assurance mechanism.

Local Government means:

(a) Cities, municipalities and towns, separately chartered and operated special districts (including, but not limited to. local government public transit systems and redevelopment authorities), and independent school districts authorized as governmental bodies by state charter or constitution in the Commonwealth; and

(b) Special districts and independent school districts established by cities, municipalities or towns, and other general purpose governments to provide essential services.

Occurrence means an event, including continuous or repeated exposure to conditions, which results in a release from a UST system.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.51: continued

Property Damage means injury to real or personal property. Property Damage shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage shall not include corrective action associated with releases from tanks which are covered by the policy.

Provider of Financial Assurance means an entity that provides financial assurance to an Owner or Operator of a UST system through one of the mechanisms listed in 310 CMR 80.54(1) through (11), including a guarantor, local government guarantor, insurer, risk retention group, surety, issuer of a letter of credit, the Underground Storage Tank Petroleum Product Cleanup Fund, or the Commonwealth.

Substantial Business Relationship means the extent of a business relationship necessary under Massachusetts state law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the Owner or Operator.

Substantial Governmental Relationship means the extent of a governmental relationship necessary under Massachusetts state law to make an added guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from a clear commonality of interest in the event of a UST release such as coterminous boundaries, overlapping constituencies, common ground-water aquifer, or other relationship other than monetary compensation that provides a motivation for the guarantor to provide a guarantee.

Termination means only those changes that could result in a gap in coverage such as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

80.52: Requirements for Amount and Scope of Financial Responsibility

(1) All Owners or Operators of UST systems shall maintain and demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from UST systems. Failure to maintain and/or demonstrate financial responsibility shall subject the Owner or Operator to enforcement including, but not limited to, delivery prohibition in accordance with 310 CMR 80.48.

(2) An Owner or Operator shall maintain and demonstrate financial responsibility in at least the following per-occurrence amounts:

(a) For Owners and Operators of UST systems that handle an average of more than 10,000 gallons of regulated substance per month based on annual throughput for the previous calendar year: $1 million.

(b) For all other Owners and Operators of UST systems: $500,000.

(3) An Owner or Operator of UST systems shall maintain and demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of UST systems in at least the following annual aggregate amounts:

(a) For Owners and Operators of 1 to 100 tanks, $1 million; and

(b) For Owners and Operators of 101 or more tanks, $2 million.

(4) The amounts of assurance required under 310 CMR 80.52, excludes legal defense costs.

(5) If an Owner or Operator uses separate mechanisms or separate combinations of mechanisms to satisfy the financial responsibility requirements, the financial mechanisms in total shall be in the full amount specified in 310 CMR 80.52(2) and (3).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.52: continued

(6) If an Owner or Operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different UST systems, the annual aggregate required shall be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.

(7) An Owner or Operator shall review the amount of their annual aggregate coverage whenever additional tanks are acquired or installed. If the number of tanks for which assurance must be provided exceeds 100, the Owner or Operator shall demonstrate financial responsibility in the annual aggregate amount of at least $2 million within 60 days of installing or acquiring the tank(s) that exceeds 100.

(8) The required per-occurrence and annual aggregate coverage amounts do not in any way limit the liability of the Owner and Operator.

80.53: Allowable Mechanisms and Combinations of Mechanisms

(1) An Owner or Operator, including a local government Owner or Operator, may use any one or combination of the mechanisms listed at 310 CMR 80.54(2) through (5) and (10) and (11) to demonstrate financial responsibility for one or more UST systems.

(2) In addition to the mechanisms listed at 310 CMR 80.54(2) through (5) and (10) and (11), an Owner or Operator that is not a local government Owner or Operator of a UST system that stores petroleum may use the mechanism listed at 310 CMR 80.54(1) to demonstrate financial responsibility for one or more UST systems.

(3) In addition to the mechanisms listed at 310 CMR 80.54(2) through (5) and (10) and (11), a local government Owner or Operator may use any one or combination of the mechanisms listed at 310 CMR 80.54(6) through (9) to demonstrate financial responsibility for one or more UST systems.

80.54: Requirements for Financial Responsibility Mechanisms

(1) Underground Storage Tank Petroleum Product Cleanup Fund. An Owner or Operator may satisfy the requirements of 310 CMR 80.52 by obtaining coverage from the Underground Storage Tank Petroleum Product Cleanup Fund at M.G.L. c. 21J, if the Owner or Operator complies with M.G.L. c. 21J and 503 CMR 2.00: *Underground Storage Tank Petroleum Product Cleanup Fund Regulations Implementing M.G.L. c. 21J*.

(2) Insurance and Risk Retention Group Coverage.

(a) An Owner or Operator may satisfy the requirements of 310 CMR 80.52 by obtaining liability insurance that conforms to the requirements of 310 CMR 80.54(2) from a qualified insurer or risk retention group. Such insurance may be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

(b) Each insurance policy must be amended by an endorsement worded as specified in 310 CMR 80.54(2)(b)1., or evidenced by a certificate of insurance worded as specified in 310 CMR 80.54(2)(b)2., except that italicized instructions in brackets must be replaced with the relevant information and the brackets deleted:

1. Endorsement.

Name: [*name of each covered location*]
_____
_____

Address: [*address of each covered location*]
_____
_____

Policy Number: _____

Period of Coverage: [*current policy period*]
_____
_____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Name of [*Insurer or Risk Retention Group*]:
_____
_____

Address of *[Insurer or Risk Retention Group*]:
_____
_____

Name of Insured: _____
Address of Insured: _____
_____
_____

Endorsement:
1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following tanks:

[*List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the DEP tank number provided in the registration submitted in accordance with 310 CMR 80.23(1), and the name and address of the facility*.]

For [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases"] or "accidental releases"; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; [*if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location*] arising from operating the UST(s) identified above.

The limits of liability are [*insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different USTs or locations, indicate the amount of coverage for each type of coverage and/or for each UST or location*], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under [*policy number*]. The effective date of said policy is [*date*].

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with 310 CMR 80.54(2)(a)2.a. through e. are hereby amended to conform with 310 CMR 80.54(2)(a)2.a. through e.;

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" *or* "Group"] of its obligations under the policy to which this endorsement is attached.

b. The ["Insurer" *or* "Group"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["Insurer" *or* "Group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 310 CMR 80.54.

c. The Owner and Operator agree to furnish to the Massachusetts Department of Environmental Protection (the Department) a signed duplicate original of the policy and all endorsements upon request.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

d. Cancellation or any other termination of the insurance by the ["Insurer" *or* "Group"], except for non-payment of premium or misrepresentation by the insured, shall be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for non-payment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of ten days after a copy of such written notice is received by the insured.

[*Insert for the following paragraph for claims-made policies*]:

e. The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" *or* "Group"] within six months of the effective date of cancellation or non-renewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

I hereby certify that the wording of this instrument is identical to the wording in 310 CMR 80.54(2)(b)1. and that the ["Insurer" *or* "Group"] is [*choose applicable language* "licensed to transact the business of insurance" *or* "eligible to provide insurance as an excess or surplus lines insurer in one or more states"].

[*Signature of authorized representative of Insurer or Risk Retention Group*]

[*Name of person signing*]

[*Title of person signing*], Authorized Representative of [*name of Insurer or Risk Retention Group*]

[Address of Representative]

2. Certificate of Insurance.

Name: [*name of each covered location*]
_____
_____

Address: [*address of each covered location*]
_____
_____

Policy Number:_____
Endorsement (if applicable):_____

Period of Coverage: [*current policy period*]
_____

Name of [*Insurer or Risk Retention Group*]:
_____
_____

Address of [*Insurer or Risk Retention Group*]:
_____
_____
Name of Insured: _____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Address of Insured:

_____

_____

_____

Certification:

1. [Name of Insurer or Risk Retention Group], [the "Insurer" *or* "Group"], as identified above, hereby certifies that it has issued liability insurance covering the following UST(s):

[*List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the DEP tank number provided in the registration submitted in accordance with 310 CMR 80.23(1) and the name and address of the facility.*]

For [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases"]; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; [*if coverage is different for different tanks or locations*], indicate the type of coverage applicable to each tank or location] arising from operating the UST(s) identified above.

The limits of liability are [*insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's or Group's liability; if the amount of coverage is different for different types of coverage or for different USTs or locations, indicate the amount of coverage for each type of coverage and/or for each UST or location*], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under *[policy number*]. The effective date of said policy is [*date*].

2. The ["Insurer" *or* "Group"] further certifies the following with respect to the insurance described in Paragraph one:

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" *or* "Group"] of its obligations under the policy to which this certificate applies.

b. The ["Insurer" *or* "Group"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["Insurer" *or* "Group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 310 CMR 80.54.

c. The Owner and Operator agree to furnish to the Department a signed duplicate original of the policy and all endorsements upon request.

d. Cancellation or any other termination of the insurance by the ["Insurer" *or* "Group"], except for non-payment of premium or misrepresentation by the insured, shall be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for non-payment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of ten days after a copy of such written notice is received by the insured.

[Insert *the following paragraph for claims-made policies*]:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

e. The insurance covers claims otherwise covered by the policy that are reported to the ["Insurer" *or* "Group"] within six months of the effective date of cancellation or non-renewal of the policy, except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.

I hereby certify that the wording of this instrument is identical to the wording in 310 CMR 80.54(2)(b)2. and that the ["Insurer" or "Group"] is [*choose applicable language* "licensed to transact the business of insurance ", or "eligible to provide insurance as an excess or surplus lines insurer, in the Commonwealth of Massachusetts"].

[*Signature of authorized representative of Insurer or Risk Retention Group*]

[Type name]

[*Title*], Authorized Representative of [*name of Insurer or Risk Retention Group*]

[*Address of Representative*]

(c) Each insurance policy shall be issued by an insurer or a risk retention group that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in the Commonwealth of Massachusetts.

(3) Surety Bond.

(a) An Owner or Operator may satisfy the requirements of 310 CMR 80.52 by obtaining a surety bond that conforms to the requirements of 310 CMR 80.54(3). The surety company issuing the bond shall be among those listed as acceptable sureties on federal bonds in the latest Circular 570 of the U.S. Department of the Treasury.

(b) The surety bond must be worded as follows, except that italicized instructions in brackets must be replaced with the relevant information and the brackets deleted:

Performance Bond.

Date bond executed: _____

Effective date: _____

Period of coverage: _____

Principal: [*legal name and business address of person obtaining the surety bond, i.e. Owner or Operator*]

_____

Type of organization: [*insert* "individual," *or* "joint venture," *or* "partnership," *or* "corporation" *or* "*limited liability company" or limited liability partnership*" *or* "trust'']

_____

State of incorporation (if applicable):

_____

Surety(ies): [*name(s) and business address(es)*]

_____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Scope of Coverage: [*List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the DEP tank number provided in the registration submitted in accordance with 310 CMR 80.23(1), and the name and address of the facility. List the coverage guaranteed by the bond*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases"] "arising from operating the tank".

Penal sums of bond:
Per occurrence $_____
Annual aggregate $_____
Surety's bond number:_____

Know All Persons by These Presents, that we, the Principal and Surety(ies), hereto are firmly bound to the Massachusetts Department of Environmental Protection (the Department), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sums only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required in accordance with 310 CMR 80.51 through 80.63, to provide financial assurance for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases"; *if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location*] arising from operating the tanks identified above, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully ["take corrective action, in accordance with M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan*, other applicable laws and regulations and the Department's instructions for," *and/or* "compensate injured third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" or "nonsudden accidental releases" *or* "accidental releases"] arising from operating the tank(s) identified above, or if the Principal shall provide alternate financial assurance in accordance with 310 CMR 80.57, and obtain the Department's written approval of such assurance within 120 days after receipt of the notice of termination by the Principal and the Department (if the dates of receipt are different, the later date shall control) from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect. The Surety(ies) shall also become liable on this bond obligation when:

(a) There is the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Principal as debtor; or
(b) The Principal, if it has a legal existence, has failed to maintain said legal existence and no successor has assumed its legal obligations in accordance with 310 CMR 80.00.
Such obligation does not apply to any of the following:

1. Any obligation of [*insert* "owner" *or* "operator"] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
2. Bodily injury to an employee of [*insert* "owner" *or* "operator"] arising from, and in the course of, employment by [*insert* "owner" *or* "operator"];

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

3. Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
4. Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [*insert* "owner" *or* "operator"] that is not the direct result of a release from a petroleum UST; or
5. Bodily injury or property damage for which [*inser*t "owner" *or* "operator"] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 310 CMR 80.52.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Department that the Principal has failed to [*insert* "take corrective action, in accordance with M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan*, other applicable laws and regulations and the Department's instructions," *and/or* "compensate injured third parties"] as guaranteed by this bond, the Surety(ies) shall either perform [*insert* "corrective action in accordance with M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan*, other applicable laws and regulations and the Department's instructions," *and/or* "third-party liability compensation"] or place funds in an amount up to the annual aggregate penal sum into the standby trust fund as directed by the Department in accordance with 310 CMR 80.60.

Upon notification by the Department that the Principal has failed to provide alternate financial assurance as specified in 310 CMR 80.57 and has failed to obtain the Department's written approval of such assurance within 60 days after the date the notice of cancellation is received by both the Principal and the Department (if the dates of receipt are different, the later date shall control) from the Surety(ies), the Surety(ies) shall place the total penal sum of the bond guaranteed for the tanks into the standby trust fund as directed by the Department in accordance with 310 CMR 80.60.

The Surety(ies) hereby waive(s) notification of amendments to applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the annual aggregate to the penal sum shown on the face of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said annual aggregate penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal, and to the Department at the addresses provided herein; provided, however, that cancellation shall not take effect until at least 120 days after the date of receipt of the notice of cancellation by both the Principal, and the Department as shown by the later return receipt.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization by the Department for termination of the bond.

In Witness Thereof, the Principal and Surety(ies) have executed this Bond [*insert if a corporation*: "and have affixed their seals on the date set forth above."]

The individuals whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 310 CMR 80.54(3)(b) as in effect on the date this bond was executed.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Principal

[*Signature(s)*]

[*Names(s)*]

[*Title(s)*]

[*Corporate seal if a corporation*]

Corporate Surety(ies)

[*Name and address*]

State of Incorporation: _____

Liability limit: $_____

[*Signature(s)*]

[*Names(s) and title(s)*]

[*Corporate seal if a corporation*]

[*For every co-surety, provide signature(s), corporate seal (if applicable) and other information in the same manner as for Surety above*.]

Bond premium: $_____

(c) Under the terms of the bond, the surety will become liable on the bond obligation when the Owner or Operator fail to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the per-occurrence and annual aggregate penal sums.

(d) The Owner or Operator who uses a surety bond to satisfy the requirements of 310 CMR 80.52 shall establish a standby trust fund in accordance with 310 CMR 80.55 when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund in accordance with instructions from the Department in accordance with 310 CMR 80.60.

(4) Letter of Credit.

(a) An Owner or Operator may satisfy the requirements of 310 CMR 80.52 by obtaining an irrevocable standby letter of credit that conforms to the requirements 310 CMR 80.54(4). The institution issuing the letter of credit shall be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by The Massachusetts Commissioner of Banks, or the institution shall be a national bank (federally chartered).

(b) The letter of credit shall be worded as follows, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted:

Irrevocable Standby Letter of Credit

[*Name and address of issuing institution*]

Commissioner

Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108
Attn: UST Program

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Dear Sir or Madam: We hereby establish our Irrevocable Standby Letter of Credit No. ___ in your favor, at the request and for the account of [*owner name or operator name*] of [*address*] up to the aggregate amount of [*in words*] U.S. dollars ($[*insert dollar amount*]), available upon presentation by you or your designee, of (1) your or your designee's sight draft, bearing reference to this letter of credit, No. ___, and (2) your or your designee's signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of Massachusetts General Laws Chapter 21O."

This letter of credit may be drawn on to cover the following conditions:

1. [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" or "accidental releases"] arising from operating the tank(s) identified below in the amount of [*in words*] $[*insert dollar amount*] per occurrence and [*in words*] $[*insert dollar amount*] annual aggregate:
[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the DEP tank number provided in the registration submitted in accordance with 310 CMR 80.23(1), and the name and address of the facility.]; or
2. There is the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Principal as debtor; or
3. [*owner name or operator name*], if it has a legal existence, has failed to maintain said legal existence and no successor has assumed its legal obligations in accordance with 310 CMR 80.00.

The letter of credit may not be drawn on to cover any of the following:
(a) Any obligation of [*insert* "owner" *or* "operator"] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
(b) Bodily injury to an employee of [*insert* "owner" *or* "operator"] arising from, and in the course of, employment by [*insert* "owner" *or* "operator"];
(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [*insert* "owner" *or* "operator"] that is not the direct result of a release from a petroleum UST; or
(e) Bodily injury or property damage for which [*insert "owner" or "operator"*] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 310 CMR 80.52.

This letter of credit is effective as of [*date*] and shall expire on [*date at least one year later*], but such expiration date shall be automatically extended for a period of [at least one year] on [*date*] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [*owner's name or operator's name*] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your or your designee's sight draft within 120 days after the receipt of notification by both you and [*insert owner's name or operator's name*], as shown on the later of the signed returned receipts.

Whenever this letter of credit is drawn on, under, and in compliance with the terms of this letter of credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of *[owner's name or operator's name*] in accordance with you or your designee's instructions.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

We certify that the wording of this letter of credit is identical to the wording specified in 310 CMR 80.54(4)(b). as such regulations were constituted on the date shown immediately below.

[*Signature(s) and title(s) of official(s) of issuing institution*]

[*Date*]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," *or* "the Uniform Commercial Code"].

(c) An Owner or Operator who uses a letter of credit to satisfy the requirements of 310 CMR 80.52 shall also establish a standby trust fund in accordance with 310 CMR 80.55 when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Department will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Department in accordance with 310 CMR 80.60.

(d) The letter of credit shall be irrevocable with a term specified by the issuing institution. The letter of credit shall provide that credit be automatically renewed for the same term as the original term, unless, at least 120 days before the current expiration date, the issuing institution notifies the Owner or Operator by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days will begin on the date when the Owner or Operator receives the notice, as evidenced by the return receipt.

(5) Trust Fund.

(a) An Owner or Operator may satisfy the requirements of 310 CMR 80.52 by establishing a trust fund in accordance with the terms of 310 CMR 80.54(5) and 80.55. The trustee shall be a bank or other financial institution which has the authority to act as a trustee and whose trust operations are regulated and examined by the Massachusetts Commissioner of Banks, or the trustee shall be a national bank.

(b) The wording of the trust agreement shall be identical to the wording specified in 310 CMR 80.55(2), and the trust agreement shall be accompanied by a formal certification of acknowledgement identical to the wording specified in 310 CMR 80.55(3).

(c) The trust fund, when established, shall be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining required coverage.

(d) If the value of the trust fund is greater than the required amount of coverage, the Owner or Operator may submit a written request to the Department for release of the excess.

(e) If other financial assurance as specified in 310 CMR 80.54 is substituted for all or part of the trust fund, the Owner or Operator may submit a written request to the Department for release of the excess.

(f) Within 60 days after receiving a request from the Owner or Operator for release of funds as specified in 310 CMR 80.54(5)(d) or (e), the Department shall instruct the trustee to release to the Owner or Operator such funds as the Department specifies in writing.

(6) Local Government Bond Rating Test.

(a) A Local Government Owner or Operator may satisfy the requirements of 310 CMR 80.52 by meeting the Local Government Bond Rating Test in 310 CMR 80.54(6).

(b) A general purpose local government Owner or Operator and/or local government serving as a guarantor may have a current outstanding issue or issues of general obligation bonds of $1 million or more, excluding refunded obligations, with a Moody's rating of Aaa, Aa, A, or Baa, or a Standard & Poor's rating of AAA, AA, A, or BBB. Where a local government has multiple outstanding issues, or where a local government's bonds are rated by both Moody's and Standard and Poor's, the lowest rating shall be used to determine eligibility. Bonds that are backed by credit enhancement other than municipal bond insurance may not be considered in determining the amount of applicable bonds outstanding.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(c) A local government Owner or Operator or local government serving as a guarantor that is not a general-purpose local government and does not have the legal authority to issue general obligation bonds may have a current outstanding issue or issues of revenue bonds of $1 million or more, excluding refunded issues, and by also having a Moody's rating of Aaa, Aa, A, or Baa, or a Standard & Poor's rating of AAA, AA, A, or BBB as the lowest rating for any rated revenue bond issued by the local government. Where bonds are rated by both Moody's and Standard & Poor's, the lower rating for each bond must be used to determine eligibility. Bonds that are backed by credit enhancement may not be considered in determining the amount of applicable bonds outstanding.

(d) The local government Owner or Operator and/or guarantor shall maintain a copy of its bond rating published within the last 12 months by Moody's or Standard & Poor's.

(e) To demonstrate that it meets the local government bond rating test, the chief financial officer of a general purpose local government Owner or Operator and/or guarantor shall sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter from Chief Financial Officer.

I am the chief financial officer of [*insert: name and address of local government owner or operator or guarantor*]. This letter is in support of the use of the bond rating test to demonstrate financial responsibility for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage"] caused by [*insert*: "sudden accidental releases" *and/or* "nonsudden accidental releases"] in the amount of at least [insert: dollar amount] per occurrence and [*insert*: dollar amount] annual aggregate arising from operating (an) UST(s).

UST systems at the following facilities are assured by this bond rating test: [*List for each facility: the name and address of the facility where tanks are assured by the bond rating test*].

The details of the issue date, maturity, outstanding amount, bond rating, and bond rating agency of all outstanding bond issues that are being used by [name of local government owner or operator, or guarantor] to demonstrate financial responsibility are as follows: [*complete table*]

Issue Date	**Maturity Date**	**Outstanding Amount**	**Bond Rating**	**Rating Agency**
				[*insert:* “Moody's” *or* “Standard & Poor's”]

The total outstanding obligation of [insert amount], excluding refunded bond issues, exceeds the minimum amount of $1 million. All outstanding general obligation bonds issued by this government that have been rated by Moody's or Standard & Poor's are rated as at least investment grade (Moody's Baa or Standard & Poor's BBB) based on the most recent ratings published within the last 12 months. Neither rating service has provided notification within the last 12 months of downgrading of bond ratings below investment grade or of withdrawal of bond rating other than for repayment of outstanding bond issues.

I hereby certify that the wording of this letter is identical to the wording specified in 310 CMR 80.54(6)(e) as such regulations were constituted on the date shown immediately below.

[Date]_____
[Signature]_____
[Name]_____
[Title]_____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(f) To demonstrate that it meets the local government bond rating test, the chief financial officer of local government Owner or Operator and/or guarantor other than a general purpose government shall sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter from Chief Financial Officer.

I am the chief financial officer of [*insert: name and address of local government owner or operator, or guarantor*]. This letter is in support of the use of the bond rating test to demonstrate financial responsibility for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage"] caused by ["sudden accidental releases" *and/or* "nonsudden accidental releases"] in the amount of at least [*insert: dollar amount*] per occurrence and [*insert: dollar amount*] annual aggregate arising from operating (an) UST(s). This local government is not organized to provide general governmental services and does not have the legal authority under state law or constitutional provisions to issue general obligation debt.

UST systems at the following facilities are assured by this bond rating test: [*List for each facility: the name and address of the facility where tanks are assured by the bond rating test*].

The details of the issue date, maturity, outstanding amount, bond rating, and bond rating agency of all outstanding revenue bond issues that are being used by [name of local government owner or operator, or guarantor] to demonstrate financial responsibility are as follows: [*complete table*]

Issue Date	**Maturity Date**	**Outstanding Amount**	**Bond Rating**	**Rating Agency**
				[*insert:* "Moody's" or "Standard & Poor's"]

The total outstanding obligation of [insert amount], excluding refunded bond issues, exceeds the minimum amount of $1 million. All outstanding revenue bonds issued by this government that have been rated by Moody's or Standard & Poor's are rated as at least investment grade (Moody's Baa or Standard & Poor's BBB) based on the most recent ratings published within the last 12 months. The revenue bonds listed are not backed by third-party credit enhancement or are insured by a municipal bond insurance company. Neither rating service has provided notification within the last 12 months of downgrading of bond ratings below investment grade or of withdrawal of bond rating other than for repayment of outstanding bond issues.

I hereby certify that the wording of this letter is identical to the wording specified in 310 CMR 80.54(6)(f) as such regulations were constituted on the date shown immediately below.

[*Date*]_____
[*Signature*]_____
[*Name*]_____
[*Title*]_____

(g) The Department may require reports of financial condition at any time from the local government Owner or Operator, and/or local government guarantor. If the Department finds, on the basis of such reports or other information, that the local government Owner or Operator, and/or guarantor, no longer meets the local government bond rating test requirements of 310 CMR 80.54(6)(b) through (e), the local government Owner or Operator shall obtain alternative coverage within 30 days after notification of such a finding.

(h) If a local government Owner or Operator using the bond rating test to provide financial assurance finds that it no longer meets the bond rating test requirements, the local government Owner or Operator shall obtain alternative coverage within 150 days of the change in status.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(7) Local Government Fund.

(a) A local government Owner or Operator may satisfy the requirements of 310 CMR 80.52 by establishing a dedicated fund account that conforms to the requirements of 310 CMR 80.54(7). Except as specified 310 CMR 80.54(7)(a)2., a dedicated fund may not be commingled with other funds or otherwise used in normal operations. A dedicated fund will be considered eligible if it meets one of the following requirements:

1. The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of UST systems and is funded for the full amount of coverage required under 310 CMR 80.52, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining coverage; or

2. The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order as a contingency fund for general emergencies, including taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of UST systems, and is funded for five times the full amount of coverage required under 310 CMR 80.52, or funded for five times a portion of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining coverage. If at any time, other than during the pay-in-period defined in 310 CMR 80.54(7)(a)3. the fund is funded for less than five times the amount of coverage required under 310 CMR 80.52, the amount of financial responsibility demonstrated by the fund may not exceed one-fifth the amount in the fund; or

3. The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance or order to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of UST systems. A payment is made to the fund once every year for seven years until the fund is fully-funded. This seven-year period is hereafter referred to as the "pay-in-period". The amount of each payment must be determined by this formula:

$$\frac{TF-CF}{Y}$$

Where TF is the total required financial assurance for the Owner or Operator, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in-period, and;

a. The local government Owner or Operator has available bonding authority, approved through voter referendum (if such approval is necessary prior to the issuance of bonds), for an amount equal to the difference between the required amount of coverage and the amount held in the dedicated fund. This bonding authority shall be available for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs; or

b. The local government Owner or Operator has a letter signed by the appropriate state attorney general stating that the use of the bonding authority will not increase the local government's debt beyond the legal debt ceilings established by the relevant state laws. The letter shall also state that prior voter approval is not necessary before use of the bonding authority.

(b) To demonstrate that it meets the requirements of the local government fund, the chief financial officer of the local government Owner or Operator and/or guarantor must sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Letter from Chief Financial Officer.

I am the chief financial officer of [*insert: name and address of local government owner or operator, or guarantor*]. This letter is in support of the use of the local government fund mechanism to demonstrate financial responsibility for [insert: "taking corrective action" *and/o*r "compensating third parties for bodily injury and property damage"] caused by [*insert*: "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least *[insert: dollar amount*] per occurrence and [*insert: dollar amount*] annual aggregate arising from operating (an) UST(s).

UST systems at the following facilities are assured by this local government fund mechanism: [*List for each facility: the name and address of the facility where tanks are assured by the local government fund*].

[*Insert*: "The local government fund is funded for the full amount of coverage required under 310 CMR 80.52, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining coverage" *or* "The local government fund is funded for ten times the full amount of coverage required under 310 CMR 80.52, or funded for part of the required amount of coverage and used in combination with other mechanisms(s) that provide the remaining coverage" *or* "A payment is made to the fund once every year for seven years until the fund is fully-funded and [*name of local government owner or operator*] has available bonding authority, approved through voter referendum, of an amount equal to the difference between the required amount of coverage and the amount held in the dedicated fund" *or* "A payment is made to the fund once every year for seven years until the fund is fully-funded and I have attached a letter signed by the State Attorney General stating that (1) the use of the bonding authority will not increase the local government's debt beyond the legal debt ceilings established by the relevant state laws and (2) that prior voter approval is not necessary before use of the bonding authority".]

The details of the local government fund are as follows:

Amount in Fund (market value of fund at close of last fiscal year): _____

[If fund balance is incrementally funded as specified in 310 CMR 80.54(7)(a)3., insert:

"Amount added to fund in the most recently completed fiscal year: _____

Number of years remaining in the pay-in period: _____"]

A copy of the state constitutional provision, or local government statute, charter, ordinance or order dedicating the fund is attached.

I hereby certify that the wording of this letter is identical to the wording specified in 310 CMR 80.54(7)(b) as such regulations were constituted on the date shown immediately below.

[*Date*]

[*Signature*]

[*Name*]

[*Title*]

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(8) Local Government Financial Test.

(a) A Local Government Owner or Operator may satisfy the requirements of 310 CMR 80.52 by passing the financial test specified at 310 CMR 80.54(8). To be eligible to use the financial test, the local government Owner or Operator shall have the ability and authority to assess and levy taxes or to freely establish fees and charges. To pass the local government financial test, the Owner or Operator shall meet the criteria of 310 CMR 80.54(8)(b) and (c) based on year-end financial statements for the latest completed fiscal year.

(b) The local government Owner or Operator shall have the following information available, as shown in the year-end financial statements for the latest completed fiscal year:

1. Total Revenues: Consists of the sum of general fund operating and non-operating revenues including net local taxes, licenses and permits, fines and forfeitures, revenues from use of money and property, charges for services, investment earnings, sales (property, publications, *etc*.), intergovernmental revenues (restricted and unrestricted), and total revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity. For purposes of this test, the calculation of total revenues shall exclude all transfers between funds under the direct control of the local government using the financial test (interfund transfers), liquidation of investments, and issuance of debt.

2. Total Expenditures: Consists of the sum of general fund operating and non-operating expenditures including public safety, public utilities, transportation, public works, environmental protection, cultural and recreational, community development, revenue sharing, employee benefits and compensation, office management, planning and zoning, capital projects, interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues. For purposes of this test, the calculation of total expenditures shall exclude all transfers between funds under the direct control of the local government using the financial test (interfund transfers).

3. Local Revenues: Consists of total revenues (as defined in 310 CMR 80.54(8)(b)1.) minus the sum of all transfers from other governmental entities, including all monies received from Federal, state, or local government sources.

4. Debt Service: Consists of the sum of all interest and principal payments on all long-term credit obligations and all interest-bearing short-term credit obligations. Includes interest and principal payments on general obligation bonds, revenue bonds, notes, mortgages, judgments, and interest bearing warrants. Excludes payments on non-interest-bearing short-term obligations, interfund obligations, amounts owed in a trust or agency capacity, and advances and contingent loans from other governments.

5. Total Funds: Consists of the sum of cash and investment securities from all funds, including general, enterprise, debt service, capital projects, and special revenue funds, but excluding employee retirement funds, at the end of the local government's financial reporting year. Includes Federal securities, Federal agency securities, state and local government securities, and other securities such as bonds, notes and mortgages. For purposes of this test, the calculation of total funds shall exclude agency funds, private trust funds, accounts receivable, value of real property, and other non-security assets.

6. Population consists of the number of people in the area served by the local government.

(c) The local government's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion or a disclaimer of opinion. The local government cannot have outstanding issues of general obligation or revenue bonds that are rated as less than investment grade.

(d) The local government Owner or Operator shall have a letter signed by the chief financial officer worded as specified in 310 CMR 80.54(8)(e).

(e) To demonstrate that it meets the financial test under 310 CMR 80.54(8)(b), the chief financial officer of the local government Owner or Operator, shall sign, within 120 days of the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Letter from Chief Financial Officer.

I am the chief financial officer of [*insert: name and address of the owner or operator*]. This letter is in support of the use of the local government financial test to demonstrate financial responsibility for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage"] caused by [*insert*: "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least [*insert*: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating (a) UST(s).

UST systems at the following facilities are assured by this financial test [*List for each facility: the name and address of the facility where tanks assured by this financial test are located. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test by the tank identification number provided in the registration submitted in accordance with 310 CMR 80.23(1*).]

This ["Owner" *or* "Operator"] has not received an adverse opinion, or a disclaimer of opinion from an independent auditor on its financial statements for the latest completed fiscal year. Any outstanding issues of general obligation or revenue bonds, if rated, have a Moody's rating of Aaa, Aa, A, or Baa or a Standard and Poor's rating of AAA, AA, A, or BBB; if rated by both firms, the bonds have a Moody's rating of Aaa, Aa, A, or Baa and a Standard and Poor's rating of AAA, AA, A, or BBB.

Worksheet for Municipal Financial Test

Part I: Basic Information

1. Total Revenues
   a. Revenues (dollars) _____
   Value of revenues excludes liquidation of investments and issuance of debt. Value includes all general fund operating and non-operating revenues, as well as all revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity.
   b. Subtract interfund transfers (dollars)_____
   c. Total Revenues (dollars)_____
2. Total Expenditures
   a. Expenditures (dollars) _____
   Value consists of the sum of general fund operating and non-operating expenditures including interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues.
   b. Subtract interfund transfers (dollars)_____
   c. Total Expenditures (dollars)_____
3. Local Revenues
   a. Total Revenues (from 1c) (dollars) _____
   b. Subtract total intergovernmental transfers (dollars)_____
   c. Local Revenues (dollars)_____
4. Debt Service
   a. Interest and fiscal charges (dollars)_____
   b. Add debt retirement (dollars)_____
   c. Total Debt Service (dollars)_____
5. Total Funds (Dollars)_____

(Sum of amounts held as cash and investment securities from all funds, excluding amounts held for employee retirement funds, agency funds, and trust funds)

6. Population (Persons)_____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Part II: Application of Test

7. Total Revenues to Population
   a. Total Revenues (from 1c)_____
   b. Population (from 6)_____
   c. Divide 7a by 7b _____
   d. Subtract 417_____
   e. Divide by 5,212_____
   f. Multiply by 4.095_____
8. Total Expenses to Population
   a. Total Expenses (from 2c)_____
   b. Population (from 6)_____
   c. Divide 8a by 8b _____
   d. Subtract 524 _____
   e. Divide by 5,401_____
   f. Multiply by 4.095_____
9. Local Revenues to Total Revenues
   a. Local Revenues (from 3c)_____
   b. Total Revenues (from 1c)_____
   c. Divide 9a by 9b _____
   d. Subtract .695_____
   e. Divide by .205_____
   f. Multiply by 2.840 _____
10. Debt Service to Population
   a. Debt Service (from 4d) _____
   b. Population (from 6)_____
   c. Divide 10a by 10b _____
   d. Subtract 51 _____
   e. Divide by 1,038_____
   f. Multiply by -1.866_____
11. Debt Service to Total Revenues
   a. Debt Service (from 4d)_____
   b. Total Revenues (from 1c)_____
   c. Divide 11a by 11b _____
   d. Subtract .068 _____
   e. Divide by .259 _____
   f. Multiply by -3.533 _____
12. Total Revenues to Total Expenses
   a. Total Revenues (from 1c)_____
   b. Total Expenses (from 2c)_____
   c. Divide 12a by 12b_____
   d. Subtract .910 _____
   e. Divide by .899 _____
   f. Multiply by 3.458 _____
13. Funds Balance to Total Revenues
   a. Total Funds (from 5) _____
   b. Total Revenues (from 1c)_____
   c. Divide 13a by 13b _____
   d. Subtract .891 _____
   e. Divide by 9.156_____
   f. Multiply by 3.270 _____
14. Funds Balance to Total Expenses
   a. Total Funds (from 5)_____
   b. Total Expenses (from 2c)_____
   c. Divide 14a by 14b_____
   d. Subtract .866 _____
   e. Divide by 6.409 _____
   f. Multiply by 3.270 _____

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

15. Total Funds to Population _____
    a. Total Funds (from 5) _____
    b. Population (from 6)_____
    c. Divide 15a by 15b _____
    d. Subtract 270 _____
    e. Divide by 4,548 _____
    f. Multiply by 1.866 _____
16. Add 7f + 8f + 9f + 10f + 11f + 12f + 13f + 14f + 15f + 4.937_____

I hereby certify that the financial index shown on line 16 of the worksheet is greater than zero and that the wording of this letter is identical to the wording specified in 310 CMR 80.54(8)(e) as such regulations were constituted on the date shown immediately below.

[*Date*]

[*Signature*]

[*Name*]

[*Title*]

(f) If a local government Owner or Operator using the test to provide financial assurance finds that it no longer meets the requirements of the financial test based on the year-end financial statements, the Owner or Operator shall obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

(g) The Department may require reports of financial condition at any time from the local government Owner or Operator. If the Department finds, on the basis of such reports or other information, that the local government Owner or Operator no longer meets the financial test requirements of 310 CMR 80.54(8)(b) and (c), the Owner or Operator shall obtain alternate coverage within 30 days after notification of such a finding.

(h) If the local government Owner or Operator fails to obtain alternate assurance within 150 days of finding that it no longer meets the requirements of the financial test based on the year-end financial statements or within 30 days of notification by the Department that it no longer meets the requirements of the financial test, the Owner or Operator shall notify the Department of such failure within ten days.

(9) Local Government Guarantee.

(a) A local government Owner or Operator may satisfy the requirements of 310 CMR 80.52 by obtaining a guarantee that conforms to the requirements 310 CMR 80.54(9). The guarantor must be either the state in which the local government Owner or Operator is located or a local government having a "substantial governmental relationship" with the Owner or Operator and issuing the guarantee as an act incident to that relationship. A local government acting as the guarantor shall:

1. Demonstrate that it meets the bond rating test requirement of 310 CMR 80.54(6)and deliver a copy of the chief financial officer's letter as contained in 310 CMR 80.54(6)(d) to the local government Owner or Operator; or

2. Demonstrate that it meets the local government fund requirements of 310 CMR 80.54(7)(a)1., 2. or 3. and deliver a copy of the chief financial officer's letter as contained in 301 CMR 80.54(7)(b) to the local government Owner or Operator; or

3. Demonstrate that it meets the worksheet test requirements of 310 CMR 80.54(8) and deliver a copy of the chief financial officer's letter as contained in 310 CMR 80.54(8)(e) to the local government Owner or Operator.

(b) If the local government guarantor is unable to demonstrate financial assurance under 310 CMR 80.54(6), 80.54(7)(a)1., 2. or 3., or 80.54(8), at the end of the financial reporting year, the guarantor shall send by certified mail, before cancellation or non-renewal of the guarantee, notice to the Owner or Operator and the Department. The guarantee will terminate no less than 120 days after the date the Owner or Operator and the Department receives the notification, as evidenced by the later return receipt. The Owner or Operator shall obtain alternative coverage as specified in 310 CMR 80.57.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(c) The guarantee agreement shall be worded as specified in 310 CMR 80.54(9)(d) or (e) depending on which of the following guarantee arrangements is selected.

1. If, in the default or incapacity of the Owner or Operator, the guarantor guarantees to fund a standby trust as directed by the Department, the guarantee shall be worded as specified in 310 CMR 80.54(9)(d).

2. If, in the default or incapacity of the Owner or Operator, the guarantor guarantees to make payments as directed by the Department for taking corrective action or compensating third parties for bodily injury and property damage, the guarantee shall be worded as specified in 310 CMR 80.54(9)(e).

(d) If the guarantor is a state, the local government guarantee with standby trust shall be worded exactly as follows, except that instructions in brackets are to be replaced with relevant information and the brackets deleted:

Local Government Guarantee with Standby Trust Made by a State

Guarantee made this [*date*] by *[name of state*], herein referred to as guarantor, to the Massachusetts Department of Environmental Protection (the Department) and to any and all third parties, and obliges, on behalf of [*name of local government owner or operator*].

Recitals

(1) Guarantor is a state.

(2) [*name of local government owner or operator*] [“owns” *and/or* “operates”]; the following UST system(s) covered by this guarantee: [*List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the DEP tank identification number provided in the registration submitted in accordance with 310 CMR 80.23(1), and the name and address of the facility*.] This guarantee satisfies 310 CMR 80.52 requirements for assuring funding for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; *if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location*] arising from operating the above-identified UST(s) in the amount of [*insert* dollar amount] per occurrence and [insert dollar amount] annual aggregate.

(3) Guarantor guarantees to the Department and to any and all third parties that:

In the event that [*name of local government owner or operator*] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the Department has determined or suspects that a release has occurred at a UST system covered by this guarantee, the guarantor, upon instructions from the Department shall fund a standby trust fund in accordance with the provisions of 310 CMR 80.60, in an amount not to exceed the coverage limits specified above.

In the event that the Department determines that *[name of local government owner or operator*] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan* and other applicable laws and regulations, the guarantor upon written instructions from the Department shall fund a standby trust fund in accordance with the provisions of, 310 CMR 80.60 in an amount not to exceed the coverage limits specified above.

If [*name of local government owner or operator*] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" *and/or* "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the Department, shall fund a standby trust in accordance with the provisions of 310 CMR 80.60 to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(4) Guarantor agrees to notify [*name of local government owner or operator*] and the Department by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within ten days after commencement of the proceeding.

(5) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [*name of local government owner or operator*] pursuant to 310 CMR 80.00.

(6) Guarantor agrees to remain bound under this guarantee for so long as [*name of local government owner or operator*] shall comply with the applicable financial responsibility requirements of 310 CMR 80.51 through 80.63 for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [*name of local government owner or operator*] and the Department, such cancellation to become effective no earlier than 120 days after receipt of such notice by [*name of local government owner or operator*] and the Department, as evidenced by the later return receipt.

(7) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [*name of local government owner or operator*] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [*name of local government owner or operator*] arising from, and in the course of, employment by [*name of local government owner or operator*];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaded to, in the care, custody, or control of, or occupied by [*name of local government owner or operator*] that is not the direct result of a release from a UST system;

(e) Bodily damage or property damage for which [*name of local government owner or operator*] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 310 CMR 80.52.

(8) Guarantor expressly waives notice of acceptance of this guarantee by the Department, by any or all third parties, or by [*name of local government owner or operator*],

I hereby certify that the wording of this guarantee is identical to the wording specified in 310 CMR 80.54(9)(d) as such regulations were constituted on the effective date shown immediately below.

Effective date:_____

[*Name of guarantor*]

[*Authorized signature for guarantor*]

[*Name of person signing*]

[*Title of person signing*]

[*Signature of witness or notary*]

(e) If the guarantor is a local government, the local government guarantee with standby trust must be worded exactly as follows, except that instructions in brackets are to be replaced with relevant information and the brackets deleted:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Local Government Guarantee with Standby Trust Made by a Local Government

Guarantee made this [*date*] by [*name of guaranteeing entity*], a local government organized under the laws of Massachusetts, herein referred to as guarantor, to the Massachusetts Department of Environmental Protection (the Department) and to any and all third parties, and obliges, on behalf of [*name of local government owner or operator*].

Recitals

(1) Guarantor meets or exceeds [*select one*: "the local government bond rating test requirements 310 CMR 80.54(6)", *or* "the local government financial test requirements of 310 CMR 80.54(8)", *or* the local government fund under 310 CMR 80.54(7)(a)1., 2. or 3].

(2) [*name of local government owner or operator*] ["owns" *or* "operates] the following UST system(s) covered by this guarantee: [*List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the DEP tank identification number provided in the registration submitted in accordance with 310 CMR 80.23(1), and the name and address of the facility*.] This guarantee satisfies 310 CMR 80.51 through 80.63 for assuring funding for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases"; *if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location*] arising from operating the above-identified UST(s) in the amount of *[insert dollar amount*] per occurrence and [*insert dollar amount*] annual aggregate.

(3) Incident to our substantial governmental relationship with [*name of local government owner or operator*], guarantor guarantees to the Department and to any and all third parties and obliges that:

In the event that [*name of local government owner or operator*] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the Department has determined or suspects that a release has occurred at a UST covered by this guarantee, the guarantor, upon instructions from the Department shall fund a standby trust fund in accordance with the provisions of 310 CMR 80.60, in an amount not to exceed the coverage limits specified above.

In the event that the Department determines that [*name of local government owner or operator*] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan* and other applicable laws and regulations, the guarantor upon written instructions from the Department shall fund a standby trust fund in accordance with the provisions of 310 CMR 80.60, in an amount not to exceed the coverage limits specified above.

If [*name of local government owner or operator*] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" *and/or* "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the Department, shall fund a standby trust in accordance with the provisions of 310 CMR 80.60 to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

(4) Guarantor agrees that, if at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet or exceed the requirements of the financial responsibility mechanism specified in paragraph (1), guarantor shall send within 120 days of such failure, by certified mail, notice to [*name of local government owner or operator*] and the Department, as evidenced by the return receipt.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(5) Guarantor agrees to notify [*name of local government owner or operator*] and the Department by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within ten days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [*name of local government owner or operator*] pursuant to 310 CMR 80.00.

(7) Guarantor agrees to remain bound under this guarantee for so long as [*name of local government owner or operator*] shall comply with the applicable financial responsibility requirements of 310 CMR 80.51 through 80.63 for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [*name of local government owner or operator*] and the Department, such cancellation to become effective no earlier than 120 days after receipt of such notice by [*name of local government owner or operator*], as evidenced by the later return receipt.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [*name of local government owner or operator*] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [*name of local government owner or operator*] arising from, and in the course of, employment by [*name of local government owner or operator*];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [*name of local government owner or operator*] that is not the direct result of a release from a UST system;

(e) Bodily damage or property damage for which [*name of local government owner or operator*] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 310 CMR 80.52.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the Department, by any or all third parties, or by [*name of local government owner or operator*].

I hereby certify that the wording of this guarantee is identical to the wording specified in 310 CMR 80.54(9)(e) as such regulations were constituted on the effective date shown immediately below.

Effective date:_____

[*Name of guarantor*]

[*Authorized signature for guarantor*]

[*Name of person signing*]

[*Title of person signing*]

[*Signature of witness or notary*]

_____

(f) If the guarantor is a state, the local government guarantee without standby trust must be worded exactly as follows, except that instructions in brackets are to be replaced with relevant information and the brackets deleted:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Local Government Guarantee without Standby Trust Made by a State

Guarantee made this [date] by Massachusetts, herein referred to as guarantor, to the Massachusetts Department of Environmental Protection (the Department) and to any and all third parties, and obliges, on behalf of [*name of local government owner or operator*].

Recitals

(1) Guarantor is a state.

(2) [*name of local government owner or operator*] [“owns” *or* “operates” the following UST system(s) covered by this guarantee: [*List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the DEP tank identification number provided in the registration submitted in accordance with 310 CMR 80.23(1), and the name and address of the facility*.] This guarantee satisfies 310 CMR 80.52 requirements for assuring funding for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases"; *if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location*] arising from operating the above-identified UST(s) in the amount of [*insert dollar amount*] per occurrence and [*insert dollar amount*] annual aggregate.

(3) Guarantor guarantees to the Department and to any and all third parties and obliges that:

In the event that [*name of local government owner or operator*] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the Department has determined or suspects that a release has occurred at a UST system covered by this guarantee, the guarantor, upon written instructions from the Department shall make funds available to pay for corrective actions and compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

In the event that the Department determines that [*name of local government owner or operator*] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan* and other applicable laws and regulations, the guarantor upon written instructions from the Department shall make funds available to pay for corrective actions in an amount not to exceed the coverage limits specified above.

If [*name of local government owner or operator*] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" *and/or* "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the Department, shall make funds available to compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

(4) Guarantor agrees to notify [*name of local government owner or operator*] and the Department by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within ten days after commencement of the proceeding.

(5) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [*name of local government owner or operator*] pursuant to 310 CMR 80.00.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(6) Guarantor agrees to remain bound under this guarantee for so long as [*name of local government owner or operator*] shall comply with the applicable financial responsibility requirements of 310 CMR 80.51 through 80.63 for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [*name of local government owner or operator*] and the Department, such cancellation to become effective no earlier than 120 days after receipt of such notice by [*name of local government owner or operator*] and the Department, as evidenced by the later return receipt. If notified of a probable release, the guarantor agrees to remain bound to the terms of this guarantee for all charges arising from the release, up to the coverage limits specified above, notwithstanding the cancellation of the guarantee with respect to future releases.

(7) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [*name of local government owner or operator*] under a workers' compensation disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [*name of local government owner or operator*] arising from, and in the course of, employment by [*name of local government owner or operator*];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaded to, in the care, custody, or control of, or occupied by [*name of local government owner or operator*] that is not the direct result of a release from a UST system;

(e) Bodily damage or property damage for which [*name of local government owner or operator*] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 310 CMR 80.52.

(8) Guarantor expressly waives notice of acceptance of this guarantee by the Department, by any or all third parties, or by [*name of local government owner or operator*].

I hereby certify that the wording of this guarantee is identical to the wording specified in 310 CMR 80.54(9)(f) as such regulations were constituted on the effective date shown immediately below.

Effective date:_____

[*Name of guarantor*]

[*Authorized signature for guarantor*]

[*Name of person signing*]

[*Title of person signing*]

[*Signature of witness or notary*]

(g) If the guarantor is a local government, the local government guarantee without standby trust must be worded exactly as follows, except that instructions in brackets are to be replaced with relevant information and the brackets deleted:

Local Government Guarantee without Standby Trust Made by a Local Government

Guarantee made this [*date*] by [*name of guaranteeing entity*], a local government organized under the laws of Massachusetts, herein referred to as guarantor, to the Massachusetts Department of Environmental Protection (the Department) and to any and all third parties, and obliges, on behalf of [*name of local government owner or operator*].

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Recitals

(1) Guarantor meets or exceeds [*select one*: "the local government bond rating test requirements of 310 CMR 80.54(6)" or "the local government financial test requirements of 310 CMR 80.54(8)" or "the local government fund under 310 CMR 80.54(7)(a)1., 2. or 3."]

(2) [*name of local government owner or operator*] ["owns" *or* "operates"] the following UST system(s) covered by this guarantee: *[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the DEP tank identification number provided in the registration submitted in accordance with 310 CMR 80.23(1), and the name and address of the facility*.] This guarantee satisfies 310 CMR 80.51 through 80.63 for assuring funding for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases"; *if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location*] arising from operating the above-identified UST(s) in the amount of *[insert: dollar amount*] per occurrence and [*insert dollar amount*] annual aggregate.

(3) Incident to our substantial governmental relationship with [*name of local government owner or operator*], guarantor guarantees to the Department and to any and all third parties and obliges that:

In the event that [*name of local government owner or operator*] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the Department has determined or suspects that a release has occurred at a UST covered by this guarantee, the guarantor, upon written instructions from the Department shall make funds available to pay for corrective actions and compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

In the event that the Department determines that [*name of local government owner or operator*] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with M.G.L. c. 21E, 310 CMR 40.0000: *Massachusetts Contingency Plan* and other applicable laws and regulations, the guarantor upon written instructions from the Department shall make funds available to pay for corrective actions in an amount not to exceed the coverage limits specified above.

If [*name of local government owner or operator*] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" *and/or* "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the Department, shall make funds available to compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

(4) Guarantor agrees that if at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet or exceed the requirements of the financial responsibility mechanism specified in paragraph (1), guarantor shall send within 120 days of such failure, by certified mail, notice to [*name of local government owner or operator*] and the Department, as evidenced by the return receipt.

(5) Guarantor agrees to notify [*name of local government owner or operator*] and the Department by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within ten days after commencement of the proceeding.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [*name of local government owner or operator*] pursuant to 310 CMR 80.00.

(7) Guarantor agrees to remain bound under this guarantee for so long as [local government owner or operator] shall comply with the applicable financial responsibility requirements of 310 CMR 80.51 through 80.63 for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator] and the Department, such cancellation to become effective no earlier than 120 days after receipt of such notice by [*name of local government owner or operator*], as evidenced by the later return receipt. If notified of a probable release, the guarantor agrees to remain bound to the terms of this guarantee for all charges arising from the release, up to the coverage limits specified above, notwithstanding the cancellation of the guarantee with respect to future releases.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [*name of local government owner or operator*] under a workers' compensation disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [*name of local government owner or operator*] arising from, and in the course of, employment by [*name of local government owner or operator*];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaded to, in the care, custody, or control of, or occupied by [*name of local government owner or operator*] that is not the direct result of a release from a UST system;

(e) Bodily damage or property damage for which [*name of local government owner or operator*] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 310 CMR 80.52.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the Department, by any or all third parties, or by [*name of local government owner or operator*],

I hereby certify that the wording of this guarantee is identical to the wording specified in 310 CMR 80.54(9)(g) as such regulations were constituted on the effective date shown immediately below.

Effective date:_____

[*Name of guarantor*]

[*Authorized signature for guarantor*]

[*Name of person signing*]

[*Title of person signing*]

[*Signature of witness or notary*]

(10) Financial Test of Self-insurance.

(a) An Owner or Operator, and/or guarantor, may satisfy the requirements of 310 CMR 80.52 by passing a financial test as specified in 310 CMR 80.54(10). To pass the financial test of self-insurance, the Owner or Operator, and/or guarantor shall meet the criteria of 310 CMR 80.54(10)(b) or (c) based on independently audited year-end financial statements for the latest completed fiscal year.

(b) The Owner or Operator, and/or guarantor shall meet all the following criteria:

1. Have a tangible net worth of at least ten times:

a. The total of the applicable aggregate amount required by 310 CMR 80.52, based on the number of UST system tanks for which a financial test is used to demonstrate financial responsibility to the Department.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

b. The sum of the corrective action cost estimates, the current closure and post-closure care cost estimates, and amount of liability coverage for which a financial test is used to demonstrate financial responsibility to the Department under 310 CMR 30.000: *Hazardous Waste*; and

2. Have a tangible net worth of at least $10 million.

3. Have a letter signed by the chief financial officer worded as specified 310 CMR 80.54(10)(d).

4. Comply with one of the following:

a. File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Electrification Administration; or

b. Report annually the firm's tangible net worth to Dun and Bradstreet, and have an assigned Dun and Bradstreet financial strength rating of 4A or 5A.

5. The firm's year-end financial statements, which shall be independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

(c) The Owner or Operator, and/or guarantor shall meet the financial test requirements of 40 CFR 264.147(f)(1), substituting the appropriate amounts specified in 310 CMR 80.52(3)(a) and (b) for the "amount of liability coverage" each time specified in that section.

1. The fiscal year-end financial statements of the Owner or Operator, and/or guarantor, shall be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.

2. The firm's year-end financial statements cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.

3. The Owner or Operator, and/or guarantor, shall have a letter signed by the chief financial officer, worded as specified in 310 CMR 80.54(10)(d).

4. If the financial statements of the Owner or Operator, and/or guarantor, are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration, the Owner or Operator, and/or guarantor, shall obtain a special report by an independent certified public accountant stating that:

a. He or she has compared the data that the letter from the chief financial officer specifies as having been derived from the latest year-end financial statements of the owner or operator, and/or guarantor, with the amounts in such financial statements; and

b. In connection with that comparison, no matters came to his attention which caused him to believe that the specified data should be adjusted.

(d) To demonstrate that it meets the financial test under paragraph 310 CMR 80.54(10)(b) or (c), the chief financial officer of the Owner or Operator, or guarantor, shall sign, within 120 days of the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

LETTER FROM CHIEF FINANCIAL OFFICER

I am the chief financial officer of [*insert: name and address of the owner or operator, or guarantor*]. This letter is in support of the use of [*insert*: "the financial test of self-insurance," *and/or* "guarantee"] to demonstrate financial responsibility for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage"] caused by [*insert*: "sudden accidental releases" *and/or* "nonsudden accidental releases"] in the amount of at least [*insert dollar amount*] per occurrence and [*insert: dollar amount*] annual aggregate arising from operating (an) underground storage tank system(s).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Underground storage tank systems at the following facilities are assured by this financial test by this ["owner or operator," *and/or* "guarantor"]: [*List for each facility: the name and address of the facility where tanks assured by this financial test are located, and whether tanks are assured by this financial test. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test by the tank identification number provided in the registration submitted pursuant to 310 CMR 80.23. The financial test of self-insurance cannot be combined with a corporate guarantee where the financial statements of the owner or operator and guarantor are consolidated*].

A ["financial test," *and/or* "guarantee"] is also used by this [insert: "owner or operator," *or* "guarantor"] to demonstrate evidence of financial responsibility in the following amounts under 40 CFR Parts 271 and 145.

EPA Regulations	***Amount***
Closure (§§ 264.143 and 265.143)	$
Post-closure Care (§§ 264.145 and 265.145)	$
Liability Coverage (§§ 264.147 and 265.147)	$
Corrective Action (§ 264.101(b)	$
Plugging and Abandonment (§ 144.63)	$
Closure	$
Post-closure Care	$
Liability Coverage	$
Corrective Action	$
Plugging and Abandonment	$
Total	$

This [*insert*: "owner or operator," *or* "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on his financial statements for the latest completed fiscal year.

[*Fill in the information for Alternative I if the criteria of 310 CMR 80.54(10)(b) are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative II if the criteria of 310 CMR 80.54(10)(c) are being used to demonstrate compliance with the financial test requirements*.]

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Alternative I

1.	Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee	$_____	
2.	Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee	$_____	
3.	Sum of lines 1. and 2.	$_____	
4.	Total tangible assets	$_____	
5.	Total liabilities [if any of the amount reported on line 3. is included in total liabilities, you may deduct that amount from this line and add that amount to line 6.]	$_____	
6.	Tangible net worth [subtract line 5. from line 4.]	$_____	
		YES	NO
7.	Is line 6. at least $10 million?	____	___
8.	Is line 6. at least 10 times line 3.?	____	___
9.	Have financial statements for the latest fiscal year been filed with the Securities and Exchange Commission?	____	___
10.	Have financial statements for the latest fiscal year been filed with the Energy Information Administration?	____	___
11.	Have financial statements for the latest fiscal year been filed with the Rural Electrification Administration?	____	___
12.	Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A or 5A? [Answer "Yes" only if both criteria have been met.]	____	___

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

Alternative II

1.	Amount of annual UST aggregate coverage being assured by a test, and/or guarantee	$_____
2.	Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee	$_____
3.	Sum of lines 1. and 2.	$_____
4.	Total tangible assets	$_____
5.	Total liabilities [if any of the amount reported on line 3. is included in total liabilities, you may deduct that amount from this line and add that amount to line 6.]	$_____
6.	Tangible net worth [subtract line 5. from line 4.]	$_____
7.	Total assets in the U.S. [required only if less than 90% of assets are located in the U.S.]	$_____
		YES NO
8.	Is line 6. at least $10 million?	$____ ____
9.	Is line 6. at least 6 times line 3?	____ ___
10.	Are at least 90% of assets located in the U.S.? [If "No," complete line 11.]	____ ___
11.	Is line 7. at least 6. times line 3?	____ ___
[Fill in either lines 12. through 15. or lines 16. through 18.:]		
12.	Current assets	$_____
13.	Current liabilities	_____
14.	Net working capital [subtract line 13. from line 12.]	_____
		YES NO
15.	Is line 14. at least 6 times line 3?	____ ___
16.	Current bond rating of most recent bond issue	____ ___
17.	Name of rating service	____ ___
18.	Date of maturity of bond	____ ___
19.	Have financial statements for the latest fiscal year been filed with the SEC, the Energy Information Administration, or the Rural Electrification Administration?	____ ___

[*If "No," please attach a report from an independent certified public accountant certifying that there are no material differences between the data as reported in lines 4-18 above and the financial statements for the latest fiscal year.*]

[*For both Alternative I and Alternative II complete the certification with this statement.*]

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

I hereby certify under penalty of law that: (i) the ["Owner or Operator", *or* "guarantor"] passes ["Alternative" I *or* "Alternative II"] of the Financial Test of Self Insurance; (ii) that the wording of this letter is identical to the wording specified in 310 CMR 80.54(10)(d) as such regulations were constituted on the date shown immediately below; (iii) I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment.

[*Signature*]

[*Name*]

[*Title*]

[*Date*]

(e) If an Owner or Operator using the test to provide financial assurance finds that he or she no longer meets the requirements of the financial test based on the year-end financial statements, the Owner or Operator shall obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

(f) The Department may require reports of financial condition at any time from the Owner or Operator, and/or guarantor. If the Department, on the basis of such reports or other information, determines that the Owner or Operator, and/or guarantor, no longer meets the financial test requirements of 310 CMR 80.54(10)(b) or (c) and (d), the Owner or Operator shall obtain alternate coverage within 30 days after notification of such a finding.

(g) If the Owner or Operator fails to obtain alternate assurance within 150 days of finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the Department that he or she no longer meets the requirements of the financial test, the Owner or Operator shall notify the Department of such failure within ten days.

(11) Guarantee.

(a) An Owner or Operator may meet the requirements of 310 CMR 80.52 by obtaining a guarantee that conforms to the requirements of 310 CMR 80.54(11).

1. The guarantor shall be:
   a. A firm that:
      i. possesses a controlling interest in the Owner or Operator;
      ii. possesses a controlling interest in a firm described under 310 CMR 80.54(11)(a)1.a.i.; or
      iii. is controlled through stock ownership by a common parent firm that possesses a controlling interest in the owner or operator; or
   b. A firm engaged in a substantial business relationship with the Owner or Operator and issuing the guarantee as an act incident to that business relationship.

(b) Within 120 days of the close of each financial reporting year, the guarantor shall demonstrate that it meets the financial test criteria of 310 CMR 80.54(10) based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in 310 CMR 80.54(10)(d) and shall deliver the letter to the Owner or Operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the Owner or Operator. If the Department notifies the guarantor that s/he no longer meets the requirements of the financial test of 310 CMR 80.54(10)(b) or (c) and (d), the guarantor shall notify the Owner or Operator within ten days of receiving such notification from the Department. In both cases, the guarantee will terminate no less than 120 days after the date the Owner or Operator receives the notification, as evidenced by the return receipt. The Owner or Operator shall obtain alternative coverage as specified in 310 CMR 80.57.

(c) The guarantee shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

GUARANTEE

Guarantee made this [*date*] by [*name of guaranteeing entity*], a business entity organized under the laws of the state of [name of state], herein referred to as guarantor, to the Massachusetts Department of Environmental Protection and to any and all third parties, and obligees, on behalf of [“owner” *or* “operator”] of [*business address*].

Recitals.

(1) Guarantor meets or exceeds the financial test criteria of 310 CMR 80.54(10)(b) or (c) and (d) and agrees to comply with the requirements for guarantors as specified in 310 CMR 80.54(11)(b).

(2) [“Owner” *or* “operator”] owns or operates the following underground storage tank systems(s) covered by this guarantee: [*List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the registration submitted pursuant to 310 CMR 80.23, and the name and address of the facility*.] [*The guarantee cannot be combined with a financial test of self-insurance where the financial statements of the owner or operator and guarantor are consolidated*.] This guarantee satisfies 310 CMR 80.51 through 80.63 requirements for assuring funding for [*insert*: "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases"; *if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location*] arising from operating the above-identified underground storage tank systems(s) in the amount of [*insert dollar amount*] per occurrence and [*insert dollar amount*] annual aggregate.

(3) [*Insert appropriate phrase*: "On behalf of our subsidiary" (*if guarantor is corporate parent of the owner or operator*); *or* "On behalf of our affiliate" (*if guarantor is a related firm of the owner or operator*); *or* "Incident to our business relationship with" (*if guarantor is providing the guarantee as an incident to a substantial business relationship with owner or operator*)] [“owner” *or* “operator”], guarantor guarantees to the Massachusetts Department of Environmental Protection and to any and all third parties that:

In the event that [“owner” o*r* “operator”] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the Massachusetts Department of Environmental Protection has determined or suspects that a release has occurred at an underground storage tank system covered by this guarantee, the guarantor, upon instructions from the Massachusetts Department of Environmental Protection, shall fund a standby trust fund in accordance with the provisions of 310 CMR 80.60 in an amount not to exceed the coverage limits specified above.

In the event that the Massachusetts Department of Environmental Protection determines that [“owner” *or* “operator”] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with 310 CMR 40.0000: *Massachusetts Contingency Plan*, the guarantor upon written instructions from the Massachusetts Department of Environmental Protection shall fund a standby trust in accordance with the provisions of 310 CMR 80.60 in an amount not to exceed the coverage limits specified above.

If [“owner” o*r* “operator”] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" *and/or* "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the Massachusetts Department of Environmental Protection, shall fund a standby trust in accordance with the provisions of 310 CMR 80.60 to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(4) Guarantor agrees that if, at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet the financial test criteria of 310 CMR 80.54(10)(b) or (c) and (d), guarantor shall send within 120 days of such failure, by certified mail, notice to [“owner” o*r* “operator”]. The guarantee will terminate 120 days from the date of receipt of the notice by [“owner” o*r* “operator”], as evidenced by the return receipt.

(5) Guarantor agrees to notify [“owner” o*r* “operator”] by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within ten days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [“owner” o*r* “operator”] pursuant to 310 CMR 80.00.

(7) Guarantor agrees to remain bound under this guarantee for so long as [“owner” o*r* “operator”] must comply with the applicable financial responsibility requirements of 310 CMR 80.51 through 80.63 for the above-identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [“owner” o*r* “operator”], such cancellation to become effective no earlier than 120 days after receipt of such notice by [“owner” o*r* “operator”], as evidenced by the return receipt.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [“owner” o*r* “operator”] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [“owner” o*r* “operator”] arising from, and in the course of, employment by [“owner” o*r* “operator”];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaded to, in the care, custody, or control of, or occupied by [“owner” o*r* “operator”] that is not the direct result of a release from an underground storage tank system;

(e) Bodily damage or property damage for which [“owner” o*r* “operator”] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 310 CMR 80.52.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the Massachusetts Department of Environmental Protection, by any or all third parties, or by [“owner” *or* “operator”]. by signing the following certification.

I hereby certify that: (i) the wording of this guarantee is identical to the wording specified in 310 CMR 80.54(11)(c) as such regulations were constituted on the effective date shown immediately below; and (ii) I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment.

Effective date:

[*Name of guarantor*]

[*Authorized signature for guarantor*]

[*Name of person signing*]

[*Title of person signing*]

[*Signature of witness or notary*]

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.54: continued

(d) An Owner or Operator who uses a guarantee to satisfy the requirements of 310 CMR 80.52 shall establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited directly into the standby trust fund in accordance with instructions from the Department of Environmental Protections under 310 CMR 80.60. This standby trust fund must meet the requirements specified in 310 CMR 80.55.

80.55: Requirements for a Standby Trust

(1) Any Owner or Operator who establishes one or more of the financial assurance mechanisms at 310 CMR 80.54(3), (4), (9) or (11) shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be a bank or other financial institution which has the authority to act as a trustee and whose trust operations are regulated and examined by the Massachusetts Commissioner of Banks or the trustee shall be a national bank.

(2) A standby trust agreement, or trust agreement, shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Trust Agreement

This Trust Agreement, hereafter referred to as the "Agreement," is entered into as of [*date*] by and between [*name of the owner or operator*], a [*name of State*] [*insert* "corporation," "partnership," "association," "trust", "limited liability company", "limited liability partnership" *or* "individual"], hereafter referred to as the "Grantor," and [*name of corporate trustee*], [*insert* "Incorporated in the state of ___" *or* "a national bank"], hereafter referred to as the "Trustee".

Whereas, the Massachusetts Department of Environmental Protection, hereafter referred to as "the Department" an agency of the Commonwealth of Massachusetts, has established certain regulations applicable to the Grantor, requiring that the Grantor shall provide assurance that funds will be available when needed for corrective action and third-party compensation for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of the UST system(s) identified in Schedule A. Schedule A shall list the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located that are covered by the standby trust agreement.

Whereas, the Grantor has elected to establish [*insert either* "a "trust fund" *or* "standby trust fund"] to provide all or part of such financial assurance for the UST systems identified in Schedule A; and

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this Agreement, and the Trustee is willing to act as trustee;

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions

As used in this Agreement:

(a) The term "Grantor" means [*name of owner or operator*].
(b) The term "Trustee" means [*name of corporate trustee*], [*insert* "incorporated in the State of _____ "or "a national bank"], and any successor thereof.
(c) The terms "Department" and "Beneficiary" mean the Massachusetts Department of Environmental Protection, an agency of the Commonwealth of Massachusetts, and any successor of said Department.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.55: continued

Section 2. Identification of the Financial Assurance Mechanism

This Agreement pertains to the [*identify the financial assurance mechanism, either a guarantee, surety bond, or letter of credit, from which the standby trust fund is established to receive payments* (*This paragraph is only applicable to the standby trust agreement.*)].

Section 3. Establishment of Trust Fund

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Department. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established [*insert either* "initially as a standby to receive payments and shall not consist of any property" *or* "as a trust initially consisting of the property, which is acceptable to the Trustee, fully described in Schedule B".] Payments made by the provider of financial assurance pursuant to the Department's instruction are transferred to the Trustee and are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liability of the Grantor established by the Department.

Section 4. Payment for "Corrective Action" and/or Third-party Liability Claims"

The Trustee shall make payments from the Fund as directed by the Department in writing. Said payments shall provide for the payment of the costs of [*insert* "taking corrective action" *and/or* compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases"] arising from operating the tanks covered by this Agreement for Corrective Action and/or Third-party Liability Claims. The Trustee shall reimburse from the Fund, the Grantor or other persons as specified in writing by the Department. Such reimbursement(s) shall be in the amount(s) as the Department directs in writing.

The Fund may not be drawn upon to cover any of the following:

(a) Any obligation of [*name of owner or operator*] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;
(b) Bodily injury to an employee of [*name of owner or operator*] arising from, and in the course of employment by [*name of owner or operator*];
(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [*name of owner or operator*] that is not the direct result of a release from a UST system;
(e) Bodily injury or property damage for which [*name of owner or operator*] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 310 CMR 80.52.

The Trustee shall reimburse the Grantor, or other persons as specified by the Department, from the Fund for corrective action expenditures and/or third-party liability claims in such amounts as the Department shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the Department specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund

Payments made to the Trustee for the Fund shall consist of cash and securities acceptable to the Trustee.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.55: continued

Section 6. Trustee Management

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(a) Securities or other obligations of the Grantor, any other Owner or Operator of the UST system(s) or any affiliates of the Grantor as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the Federal or State government;

(b) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(c) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment

The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 *et seq*., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee

Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.55: continued

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation

The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the Department a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund.

Section 11. Advice of Counsel

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the interpretation of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation

The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the present Trustee and the Department by certified mail ten days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in Schedule C or such other designees as the Grantor may designate by amendment to Schedule C. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by [the Department to the Trustee shall be in writing, signed by the Commissioner or his designee], and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Department hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the Department, except as provided for herein.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.55: continued

Section 15. Notice of Nonpayment

The Trustee shall notify the Grantor and the Department, by certified mail, within ten days following the expiration of the 30 day period after the anniversary of the establishment of the Trust, if no payment into the Fund is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement

This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee and the Department, or by the Trustee and the Department if the Grantor ceases to exist.

Section 17. Irrevocability and Termination

Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee and the Department or by the Trustee and the Department, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or by the Department issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law

This Agreement shall be administered, construed, and enforced according to the laws of the Commonwealth of Massachusetts.

Section 20. Interpretation

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective ["officers" *or* "members" *or* "partners" *or applicable title*] duly authorized [*if a corporation* "and their corporate seals to be hereunto affixed and"] attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in 310 CMR 80.55(2) as in effect on the date written above.

[*Signature of Grantor*]

[*Name of the Grantor*]

[*Title*]

Attest:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.55:continued

[*Signature of Trustee*]

[*Name of the Trustee*]

[*Title*]

[*Seal if a corporation*]

[*Signature of Witness*]

[*Name of the Witness*]

[*Title*]

[*Seal if a corporation*]

(3) The standby trust agreement, or trust agreement, shall be accompanied by a formal certification of acknowledgement as follows, except that instructions in brackets shall be replaced with the relevant information and the brackets deleted.

State of___[*Name of State*]_____

County of_[*Name of County*]_____

On this [*date*], before me personally came [*name of owner or operator*] to me known, who, being by me duly sworn, did depose and say that ["she" or "he"] resides at [*address*], that ["she" or "he"] is [*title*] of ["corporation", "partnership," "association," "trust", "limited liability company", "limited liability partnership" *or* "individual"], the corporation described in and which executed the above instrument; that ["she" *or* "he"] knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation]; and that ["she" or "he"] signed ["her" or "his"] name thereto duly authorized.

[*Signature of Notary Public*]

[]

My Commission expires [*Date*]

(4) The Department will instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the Department determines that no additional corrective action costs or third-party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

(5) An Owner or Operator may establish one trust fund as the depository mechanism for all funds assured in compliance with 310 CMR 80.51 through 80.63.

<u>80.56: Substitution of Financial Assurance Mechanisms by Owner or Operator</u>

(1) An Owner or Operator may substitute any alternate financial assurance mechanisms as allowed in 310 CMR 80.53, provided that at all times the Owner or Operator maintains an effective financial assurance mechanism or combination of mechanisms that satisfies the requirements of 310 CMR 80.52.

(2) After obtaining alternate financial assurance as specified 310 CMR 80.53, an Owner or Operator may cancel a financial assurance mechanism using applicable procedures.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.57: Cancellation or Nonrenewal by a Provider of Financial Assurance

(1) Except as otherwise provided, a provider of financial assurance may cancel or not renew a financial assurance mechanism by sending a notice of termination by certified mail to the Owner or Operator. Upon receiving a notice of termination, the Owner or Operator shall notify the Department in writing, as soon as possible, but in no event later than seven business days after receiving the notice.

(a) Termination of a local government guarantee, a guarantee, a surety bond, or a letter of credit may not occur until 120 days after the date on which the Owner or Operator and the Department receives the notice of termination, as evidenced by the return receipt. If the dates of receipt are different, the later date shall control.

(b) Termination of insurance or risk retention coverage, except for non-payment or misrepresentation by the insured, may not occur until 60 days after the date on which the Owner or Operator receives the notice of termination, as evidenced by the return receipt. Termination for non-payment of premium or misrepresentation by the insured may not occur until a minimum of ten days after the date on which the Owner or Operator receives the notice of termination, as evidenced by the return receipt.

(2) If a provider of financial responsibility cancels or does not renew for reasons other than incapacity of the provider as specified in 310 CMR 80.62, the Owner or Operator shall obtain alternate coverage within 60 days after receipt of the notice of termination. If the Owner or Operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the Owner or Operator shall provide written documentation to the Department of such failure and submit:

(a) The name and address of the provider of financial assurance;
(b) The name and address of the Trustee, if applicable;
(c) The effective date of termination; and
(d) A copy of the financial assurance mechanism that is being terminated.

(3) Nothing in 310 CMR 80.57 shall relieve Owners and Operators from their obligation to demonstrate and maintain financial assurance.

(4) Termination shall not relieve the Owner and Operator of any financial responsibility obligations under 310 CMR 80.51 through 80.63.

80.58: Requirements for Reporting by Owner or Operator

(1) Within 150 days of the close of the financial reporting year of the Owner or Operator, if such Owner or Operator is using 310 CMR 80.54(10)(b) to meet the requirements of 310 CMR 80.52, the Owner or Operator shall submit to the Department the following documents with an updated registration pursuant to 310 CMR 80.23(1)(b):

(a) Letter from the chief financial officer in accordance with 310 CMR 80.54(10)(d); and
(b) Year-end financial statements in accordance with 310 CMR 80.54(10)(b)5.

(2) Within 150 days of the close of the financial reporting year of the Owner or Operator, if such Owner or Operator is using 310 CMR 80.54(10)(c) to meet the requirements 310 CMR 80.52, the Owner or Operator shall submit to the Department the following documents, with an updated registration pursuant to 310 CMR 80.23(1)(b):

(a) Letter from the chief financial officer in accordance with 310 CMR 80.54(10)(d);
(b) Year-end financial statements in accordance with 310 CMR 80.54(10)(c)1.; and
(c) A special report from an independent certified public accountant, if applicable in accordance with 310 CMR 80.54(10)(c)4.

(3) Within 150 days of the close of the financial reporting year of the Owner or Operator, if such Owner or Operator is using 310 CMR 80.54(11) to meet the requirements of 310 CMR 80.52, the Owner or Operator shall submit to the Department the following documents with an updated registration pursuant to 310 CMR 80.23(1)(b):

(a) Letter from the chief financial officer in accordance with 310 CMR 80.54(11)(b); and
(b) A copy of the fully executed guarantee, if the guarantee has been amended from the previous year;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.58: continued

(c) A copy of the stand-by trust in accordance with 310 CMR 80.58(1), if the stand-by trust has been amended from the previous year.

(4) An Owner or Operator shall submit to the Department written documentation of its current financial assurance, if the Owner or Operator fails to obtain alternate coverage as required by 310 CMR 80.57, within 30 days after the Owner or Operator receives notice of the following from its financial assurance provider:

(a) Commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a provider of financial assurance as a debtor;

(b) Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism; or

(c) Other incapacity of a provider of financial assurance.

(5) If the Owner or Operator fails to obtain alternate coverage within 60 days of cancellation of its financial assurance mechanism, the Owner or Operator shall submit information in accordance with 310 CMR 80.57(2).

(6) The Department may require an Owner or Operator to submit evidence of financial assurance as described 310 CMR 80.59 or other information to determine compliance with 310 CMR 80.51 through 80.63 at any time.

80.59: Requirements for Recordkeeping

(1) An Owner or Operator shall maintain documentation, in accordance with 310 CMR 80.59, of financial assurance mechanisms used to demonstrate financial responsibility for a UST system until released from the requirements in accordance with 310 CMR 80.61. The Owner or Operator shall keep the documentation in hard copy or electronically in accordance with 310 CMR 80.36. Upon request from the Department, the Owner or Operator shall make the documentation available to the Department as soon as possible, but in no event more than seven business days after receiving the request.

(2) An Owner or Operator shall maintain the following documentation of financial responsibility:

(a) An Owner or Operator using the Underground Storage Tank Petroleum Cleanup Fund shall maintain a current certificate of compliance.

(b) An Owner or Operator using an insurance policy or risk retention group coverage shall maintain a copy of the signed insurance policy or risk retention group coverage policy, with the endorsement or certificate of insurance and any amendments thereto.

(c) An Owner or Operator using a surety bond with a standby trust shall maintain a copy of the surety bond and any amendments thereto, and a copy of the signed standby trust fund agreement and any amendments thereto.

(d) An Owner or Operator using a letter of credit with a standby trust shall maintain a copy of the letter of credit and any amendments thereto, and a copy of the signed standby trust fund agreement and any amendments thereto.

(e) An Owner or Operator using a trust fund shall maintain a copy of the trust fund and any amendment thereto.

(f) An Owner or Operator using the local government bond rating test shall maintain:

1. A copy of its bond rating published within the last 12 months by Moody's or Standard & Poor's; and

2. A copy of the letter signed by the chief financial officer in accordance with 310 CMR 80.54(6)(d) or (e).

(g) An Owner or Operator using a local government fund shall maintain:

1. A copy of the state constitutional provision or local government statute, charter, ordinance, or order dedicating the fund; and

2. A copy of the letter signed by the chief financial officer in accordance with 310 CMR 80.54(7)(d); and

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.59: continued

3. Year-end financial statements for the most recent completed financial reporting year showing the amount in the fund. If the fund is established using incremental funding backed by bonding authority, the financial statements must show the previous year's balance, the amount of funding during the year, and the closing balance in the fund; and

4. If the fund is established using incremental funding backed by bonding authority, the Owner or Operator shall maintain documentation of the required bonding authority, including either the results of a voter referendum under 310 CMR 80.54(7)(c)1., or attestation by the State Attorney General as specified under 310 CMR 80.54(7)(c)2.

(h) An Owner or Operator using the local government financial test shall maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year in accordance with 310 CMR 80.54(8)(c). Such evidence must be on file no later than 120 days after the close of the financial reporting year.

(i) An Owner or Operator using the local government guarantee shall maintain:

1. A copy of the signed standby trust fund agreement and copies of any amendments thereto, if the local government guarantee is supported by a standby trust.

2. A copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year in accordance with 310 CMR 80.54(8)(c), if the local government guarantee is supported by the local government financial test. Such evidence must be on file no later than 120 days after the close of the financial reporting year.

3. A copy of the guarantor's bond rating published within the last 12 months by Moody's or Standard & Poor's, if the local government guarantee is supported by the bond rating test.

4. A copy of the guarantor's year-end financial statements for the most recent completed financial reporting year showing the amount of the fund, if the local government guarantee is supported by the local government fund.

(j) An Owner or Operator using a financial test shall maintain a copy of the chief financial officer's letter and year-end financial statements for the most recent completed financial reporting year on which the financial test is based. Such evidence shall be on file no later than 120 days after the close of the financial reporting year.

(k) An Owner or Operator using a guarantee shall maintain:

1. A copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. Such evidence shall be on file no later than 120 days after the close of the financial reporting year.

2. A copy of the signed standby trust fund agreement and copies of any amendments thereto.

(3) An Owner or Operator using a financial assurance mechanism specified in 310 CMR 80.54(1) through (11) shall maintain an updated copy of a certification of financial responsibility worded as follows, except that italicized instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Certification of Financial Responsibility

[“Owner” *or* “Operator”] hereby certifies that it is in compliance with the requirements 310 CMR 80.51 through 80.63.

The financial assurance mechanism(s) used to demonstrate financial responsibility under 310 CMR 80.51 through 80.63 is (are) as follows:

[*For each mechanism, list the type of mechanism, name of issuer, mechanism number (if applicable), amount of coverage, effective period of coverage and whether the mechanism covers* "taking corrective action" *and/or* "compensating third parties for bodily injury and property damage caused by" *either* "sudden accidental releases" *or* "nonsudden accidental releases" *or* "accidental releases".]

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.59: continued

[*Signature of Owner or Operator*]
[*Name of Owner or Operator*]
[*Title*]
[*Date*]
[*Signature of witness or notary*]
[*Name of witness or notary*]
[*Date*]

(a) The Owner or Operator shall update this certification whenever the financial assurance mechanism(s) used to demonstrate financial responsibility change(s).

80.60: Requirements for Drawing on Financial Assurance Mechanisms

(1) Except as specified in 310 CMR 80.60(4), the Department shall direct the Trustee to require the guarantor, surety, or institution issuing a letter of credit to place the amount of funds stipulated by the Department, up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:

(a) The Owner or Operator fails to establish alternate financial assurance in accordance with 310 CMR 80.57 within 60 days after receiving notice of termination of the guarantee, surety bond, letter of credit, or, as applicable, other financial assurance mechanism; and

(b) The Department determines or suspects in its discretion that a release from a UST system covered by the mechanism has occurred and so notifies the Owner or Operator or the Owner or Operator has notified the Department of a release from a UST system covered by the mechanism; or

(c) The commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an Owner or Operator as debtor; or

(d) The Owner or Operator has a legal existence and has failed to maintain said legal existence and no successor has assumed its legal obligations in accordance with 310 CMR 80.00; or

(e) The conditions of 310 CMR 80.60(2)(a) or (2)(b)1. or 2. are satisfied.

(2) The Department may draw on a standby trust fund when:

(a) The Department makes a determination in its discretion that a release has occurred and immediate or long-term corrective action for the release is needed, and the Owner or Operator has not conducted response action; or

(b) The Department has received either:

1. Certification from the Owner or Operator and the third-party liability claimant(s) and from attorneys representing the Owner or Operator and the third-party liability claimant(s) that a third-party liability claim should be paid. The certification shall be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Certification of Valid Claim
The undersigned, as principals and as legal representatives of [*insert*: "owner" *or* "operator"] and [*insert*: name and address of third-party claimant], hereby certify that the claim of bodily injury [and/or] property damage caused by an accidental release arising from operating ["owner's" *or* "operator's"] underground storage tank should be paid in the amount of $[_____].
[*Signatures*]
Owner or Operator
Attorney for Owner or Operator
(*Notary*)
Date
[*Signatures*]
Claimant(s)
Attorney(s) for Claimant(s)
(*Notary*)
Date

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.60: continued

2. A valid final court order establishing a judgment against the Owner or Operator for bodily injury or property damage caused by an accidental release from a UST system covered by financial assurance under 310 CMR 80.51 through 80.63 and the Department determines that the Owner or Operator has not satisfied the judgment.

(3) If the Department determines that the amount of corrective action costs and third-party liability claims eligible for payment under 310 CMR 80.60(2) may exceed the balance of the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment shall be corrective action costs necessary to protect human health and the environment. The Department shall pay third-party liability claims in the order in which the Department receives certifications under 310 CMR 80.60(2)(b)1., and valid court orders under 310 CMR 80.60(2)(b)2.

(4) If the guarantor is the state, the local government guarantee without standby trust, shall make payments as directed by the Department under the circumstances described in 310 CMR 80.60(1) through (3).

80.61: Release from Financial Responsibility Requirements

(1) The Owner and Operator are subject to the financial responsibility requirements in accordance with 310 CMR 80.51 through 80.63, unless and until the Owner or Operator complies with closure requirements at 310 CMR 80.43, in full.

(2) Upon the date of sale of a UST system or facility, the Owner and Operator shall no longer be required to maintain and demonstrate financial responsibility for the UST system or facility that was sold.

(3) Release from the financial responsibility requirements shall not relieve the Owner and Operator from obligations under M.G.L. c. 21O, M.G.L. c. 21E, 310 CMR 80.00, 310 CMR 40.0000: *Massachusetts Contingency Plan* and any other applicable laws and regulations pertaining to UST systems.

80.62: Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance

(1) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an Owner or Operator as debtor, the Owner or Operator shall notify the Department by certified mail of such commencement and submit the appropriate forms listed in 310 CMR 80.59(2) documenting current financial responsibility.

(2) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a local government Owner or Operator as debtor, the local government Owner or Operator shall notify the Department by certified mail of such commencement and submit the appropriate documentation listed in 310 CMR 80.59(2) documenting current financial responsibility.

(3) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing a local government financial assurance as debtor, such guarantor shall notify the local government Owner or Operator by certified mail of such commencement as required under the terms of the guarantee specified in 310 CMR 80.54(9).

(4) Within ten days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor shall notify the Owner or Operator by certified mail of such commencement as required under the terms of the guarantee specified in 310 CMR 80.54(11).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.62: continued

(5) An Owner or Operator shall be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue an insurance policy, risk retention group coverage policy, surety bond, letter of credit, or suspension or revocation of the Underground Storage Tank Petroleum Product Cleanup Fund. The Owner or Operator shall obtain alternate financial assurance as specified in 310 CMR 80.57 within 30 days after receiving notice of such an event. If the Owner or Operator does not obtain alternate coverage within 30 days after such notification, the Owner or Operator shall notify the Department.

(6) Within 30 days after receipt of notification that the Underground Storage Tank Petroleum Product Cleanup Fund or other state assurance has become incapable of paying for assured corrective action or third-party compensation costs, the Owner or Operator shall obtain alternate financial assurance.

80.63: Requirements for Replenishment of Guarantees, Local Government Guarantees, Letters of Credit, or Surety Bonds

(1) If at any time after a standby trust is funded upon the instruction of the Department with funds drawn from a guarantee, local government guarantee with standby trust, letter of credit, or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the Owner or Operator shall by the anniversary date of the financial mechanism from which the funds were drawn:

(a) Replenish the value of financial assurance to equal the full amount of coverage required, or

(b) Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

(2) For purposes of 310 CMR 80.63(2), the full amount of coverage required is the amount of coverage to be provided by 310 CMR 80.52. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

80.64 Requirements for Airport Hydrant Fuel Distribution Systems

(1) Owners and Operators of airport hydrant systems shall comply with the requirements of 310 CMR 80.00 as follows:

(a) For airport hydrant systems installed on or before October 1, 2021 the requirements are effective according to the following schedule:

Requirements	Effective Dates
Spill bucket requirements, if applicable at 310 CMR 80.21 and 80.28; overfill prevention equipment requirements at 310 CMR 80.21 and 80.28; corrosion protection requirements at 310 CMR 80.22, 80.29 and 80.64(7); compatibility requirements at 310 CMR 80.30; walkthrough requirements at 310 CMR 80.35 and 80.64(8); and operator training at 310 CMR 80.37	No later than October 13, 2022
Recordkeeping requirements at 310 CMR 80.36 associated with regulatory requirements effective October 13, 2022	No later than October 13, 2022
Leak detection at 310 CMR 80.19, 80.26 and 80.64(9)	No later than October 13, 2022
Registration and reporting requirements at 310 CMR 80.23 (except as provided in 310 CMR 80.64(2); repair requirements at 310 CMR 80.33; Compliance Certification requirements at 310 CMR 80.34; release reporting, response, and investigation at 310 CMR 80.38 through 80.40; closure requirements at 310 CMR 80.41 through 80.47; financial responsibility at 310 CMR 80.51 through 80.63 except as provided in 310 CMR 80.64(3))	October 1, 2021
Recordkeeping requirements at 310 CMR 80.36 associated with the requirements effective October 1, 2021	October 1, 2021

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.64: continued

(b) For airport hydrant systems installed after October 1, 2021, the requirements of 310 CMR 80.00 apply at installation.

(2) Owners shall submit a registration to the Department on or before 30 days after October 1, 2021 in accordance with 310 CMR 80.23(1).

(3) Owners and Operators of airport hydrant systems in use as of October 1, 2021, shall demonstrate financial responsibility in accordance with 310 CMR 80.51through 80.63 at the time of submission of the registration.

(4) Except as provided in 310 CMR 80.64 and except for the requirements in 310 CMR 80.31, Owners and Operators shall comply with all the applicable regulatory requirements of 310 CMR 80.00.

(5) Installation. In *lieu* of the installation requirements at 310 CMR 80.16(9) through (16), Owners and Operators may use military construction criteria, such as Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel Facilities, when designing, constructing, and installing airport hydrant systems.

(6) Piping. As an exception to the double-walled piping requirement at 310 CMR 80.18(3)(a), Owners and Operators may use single walled piping when installing or replacing piping associated with airport hydrant systems.

(7) Corrosion Protection.

(a) In addition to the corrosion protection requirements in 310 CMR 80.22 and 80.29, Owners and Operators shall assess metal tanks greater than ten years old without cathodic protection to ensure the tank is structurally sound and free of corrosion holes prior to adding cathodic protection. The assessment shall be by internal inspection.

(b) If the tank is not found to be structurally sound or free of corrosion holes, it shall be removed or closed in-place in accordance with 310 CMR 80.43.

(8) Periodic Inspections. In addition to the periodic inspection requirements in 310 CMR 80.35, Owners and Operators shall inspect the following additional areas of airport hydrant systems at least once every 30 days if confined space entry according to the Occupational Safety and Health Administration (*see* 29 CFR part 1910) is not required or at least annually if confined space entry is required and keep documentation of the inspection according to 310 CMR 80.35(4).

(a) Hydrant Fuel Pits – Visually check for any damage; remove any liquid or debris; manage the solid and liquid material removed from the tank in accordance with all applicable federal, state and local laws and regulations.; and check for any leaks; and

(b) Hydrant Piping Vaults – Check for any hydrant piping leaks.

(9) Leak Detection for Piping.

(a) Methods of leak detection for underground piping associated with airport hydrant systems shall follow either the requirements in 310 CMR 80.19 and 80.26 or use one or a combination of the following alternative methods of leak detection:

1. Perform a semiannual or annual line tightness test at or above the piping operating pressure in accordance with the table below.

Maximum Leak Detection Rate per Test Section Volume		
Test Section Volume (Gallons)	Semiannual Test - Leak Detection Rate Not To Exceed (Gallons Per Hour)	Annual Test - Leak Detection Rate Not To Exceed (Gallons Per Hour)
< 50,000	1.0	0.5
≥ 50,000 to < 75,000	1.5	0.75
≥ 75,000 to < 100,000	2.0	1.0
≥ 100,000	3.0	1.5

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

80.64: continued

Piping segment volumes ≥ 100,000 gallons not capable of meeting the maximum 3.0 gallon per hour leak rate for the semiannual test may be tested at a leak rate of up to 6.0 gallons per hour according to the following schedule:

Phase In For Piping Segments ≥ 100,000 Gallons In Volume	
First test	No later than October 13, 2022, may use up to 6.0 gph leak rate
Second test	Between October 14, 2022 and October 13, 2027, may use up to 6.0 gph leak rate
Third test	Between October 14, 2027 and October 13, 2028, shall use 3.0 gph for leak rate
Subsequent tests	After October 14, 2028, begin using semiannual or annual line testing according to the Maximum Leak Detection Rate Per Test Section Volume Table C above

2. Perform inventory control (conducted in accordance with Department of Defense Directive 4140.25; ATA Airport Fuel Facility Operations and Maintenance Guidance Manual; or equivalent procedures) at least every 30 days that can detect a leak equal to or less than 0.5% of flow-through and perform a line tightness test (conducted in accordance with 310 CMR 80.65(3)(b)1. using the leak rates for the semiannual test) at least every two years.

(b) If a release or leakage is indicated by alarm other otherwise, the Owner or Operator shall immediately commence an investigation to determine whether there is a release or leakage.

1. The Owner or Operator shall conclude the investigation within 72 hours of the indication of release or leakage.

2. If the Owner or Operator is unable to determine that there is not a release or leakage, the Owner or Operator shall conduct a tightness test on the piping in accordance with 310 CMR 80.64(9)(a)1.

3. If the piping fails a tightness test pursuant to 310 CMR 80.32, the Owner or Operator shall comply with 310 CMR 40.0300: *Notification of Releases and Threats of Release of Oil and Hazardous Materials; Identification and Listing of Oil and Hazardous Materials*, as applicable.

4. If the piping passes a tightness test pursuant to 310 CMR 80.32, the piping is considered tight, and the requirements for tightness testing are satisfied.

5. If the investigation or the tightness test indicates a release or leakage, the Owner or Operator shall comply with 310 CMR 80.38 and 80.39.

(c) Owners and Operators shall maintain leak detection records in accordance with 310 CMR 80.36.

(10) Spill Buckets.

(a) If a delivery hose is used to fill the tank, then a spill bucket shall be installed in accordance with 310 CMR 80.21(1).

(b) If the tank is filled by a directly-connected pipeline, a spill bucket is not required to be installed.

REGULATORY AUTHORITY

310 CMR 80.00: M.G.L. c. 21O, § 5, c. 21C, c. 21E, § 6 and c. 21A, § 16.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 907

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **540 CMR 2.00**

CHAPTER TITLE: **Motor Vehicle Regulations**

AGENCY: **Registry of Motor Vehicles**

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

The purpose of 540 CMR 2.00 is to promote and protect public safety by ensuring every motor vehicle and trailer operated, pushed, drawn, towed, or remaining in any way shall be in compliance with certain registration requirements. The proposed amendments will resolve conflicts with Federal law, promulgate legal authority for business process improvements within the RMV, address matters involving Commercial Driver Licenses (CDLs), and make other edits to the regulatory text.

REGULATORY AUTHORITY: **M.G.L. c. 6C, § 56 and c. 90, §§ 2 and 31**

AGENCY CONTACT: **Matthew Landry** PHONE: **857-300-0586**

ADDRESS: **Registry of Motor Vehicles, 10 Park Plaza, Suite 3510, Boston, MA 02116**

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

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

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

Notice to LGAC July 23, 2021

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: **8/6/21 to 8/30/21 (hearing date)**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **0**

For the first five years: **0**

No fiscal effect: **0**

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: **September 3, 2021**

CODE OF MASSACHUSETTS REGULATIONS INDEX - *List key subjects that are relevant to this regulation:*
N/A Amendment to existing regulation

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

Amend 540 CMR 2.00

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

SIGNATURE: SIGNATURE ON FILE DATE: **Sep 16 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
1 & 2	**1 & 2**
7 - 30.6	**7 - 30.6**

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/16/2021 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
(540 CMR 1.00:	RESERVED)	5
540 CMR 2.00:	MOTOR VEHICLE REGULATIONS	7
Section 2.05:	Vehicle Registrations Requirements	7
Section 2.06:	Requirements for Driver (Operator) Licenses, Learner Permits and Identification Cards	14
Section 2.07:	Year of Manufacture Registration Plates	29
Section 2.15:	Licensing of Operators of School Buses and Operators of School Pupil Transport Vehicles	30.1
Section 2.22:	Markings on Commercial Vehicles	30.5
540 CMR 3.00:	MOTORCYCLE NOISE ABATEMENT	31
Section 3.01:	Purpose, Scope and Applicability	31
Section 3.02:	Allowable Noise Levels for Motorcycles	31
Section 3.03:	Stationary Motorcycle Noise Measurement Procedures	31
540 CMR 4.00:	ANNUAL SAFETY AND COMBINED SAFETY AND EMISSIONS INSPECTION OF ALL MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND CONVERTER DOLLIES	39
Section 4.01:	Scope and Applicability	39
Section 4.02:	Special Definitions	39
Section 4.03:	Requirements for Initial and Subsequent Annual Inspection	42
Section 4.04:	Procedures for Inspections of Non-commercial Motor Vehicles	43
Section 4.05:	Procedures for Inspection of Commercial Motor Vehicles	48
Section 4.06:	Procedures for Inspection of Motorcycles	54.4
Section 4.07:	Issuance of Certificates of Inspection, Rejection, and Waiver Procedure	54.10
Section 4.08:	Licensure of Inspection Stations	54.11
Section 4.09:	Licensure of Inspectors - License Application Procedures and Fees	54.18
(540 CMR 5.00:	RESERVED)	55
540 CMR 6.00:	ALTERATION OF MOTOR VEHICLE HEIGHT	57
Section 6.01:	Purpose	57
Section 6.02:	Scope and Applicability	57
Section 6.03:	Definitions	57
Section 6.04:	General Requirements	58
Section 6.05:	Maximum Combined Mechanical and Tire Lift	58
Section 6.06:	Violations	58
540 CMR 7.00:	MINIMUM STANDARDS FOR CONSTRUCTION AND EQUIPMENT OF SCHOOL BUSES AND MINIMUM STANDARDS FOR SCHOOL PUPIL TRANSPORT VEHICLES	59
Section 7.01:	Purpose	59
Section 7.02:	Scope and Applicability	59
Section 7.03:	Definitions	59
Section 7.04:	Bus Chassis Standards	60
Section 7.05:	Bus Body Standards	64
Section 7.06:	Equipment Requirements	72
Section 7.07:	Specially Equipped School Bus Standards	73
Section 7.08:	Out-of-service Criteria	74.2
Section 7.09:	Minimum Standards for School Pupil Transport Vehicles	74.6
Section 7.10:	Request for a Temporary Waiver from the Passenger Capacity Requirement of School Pupil Transport Vehicles	74.8

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
540 CMR 8.00:	SCHOOL BUS DRIVER AND SCHOOL PUPIL TRANSPORT TRAINING PROGRAMS AND SCHOOL BUS DRIVING INSTRUCTORS	75
Section 8.01:	Purpose, Scope and Applicability	75
Section 8.02:	General Qualifications for School Bus Driving Instructor's Certificate	75
Section 8.03:	School Bus Driving and Pupil Transport Training Programs (Pre-service and In-service) General Requirements	75
Section 8.04:	School Pupil Transport Training Programs	76
Section 8.05:	Records and Notices	76
540 CMR 9.00:	CONDUCT OF HEARINGS WITHIN THE REGISTRY OF MOTOR VEHICLES	79
Section 9.01:	Purpose, Scope and Applicability	79
Section 9.02:	Definitions	79
Section 9.03:	Standards for Adverse Action	79
Section 9.04:	Opportunity for Hearing before Adverse Action	80
Section 9.05:	Hearing Requirements	80
(540 CMR 10.00:	RESERVED)	81
540 CMR 11.00:	LICENSE SUSPENSIONS AND HEARINGS PURSUANT TO M.G.L. C. 90, § 24(1)(f) AND (g)	83
Section 11.01:	Purpose	83
Section 11.02:	Scope and Applicability	83
540 CMR 12.00:	INSPECTION OF RESTORED SALVAGE MOTOR VEHICLES	85
Section 12.01:	Purpose, Scope and Applicability	85
Section 12.02:	Inspection Procedures	85
Section 12.03:	Random Selection Procedure	85
Section 12.04:	Completion of Parts Inspection	86
Section 12.05:	Confidentiality of Random Selection Method	86
540 CMR 13.00:	INTERNATIONAL REGISTRATION PLAN REGULATIONS	87
Section 13.01:	Purpose and Scope	87
Section 13.02:	Definitions	87
Section 13.03:	Impact on Reciprocity Agreements	87
Section 13.04:	General Registration Rules for Apportionable Vehicles	87
Section 13.05:	Status of Trailers and Semi-trailers	88
540 CMR 14.00:	MOTOR CARRIER SAFETY AND HAZARDOUS MATERIAL TRANSPORTATION	91
Section 14.01:	Purpose	91
Section 14.02:	Scope and Applicability	91
Section 14.03:	Incorporation of Federal Regulations as State Regulations	91
Section 14.04:	Compliance and Audit of Records of Commercial Motor Carrier	92
Section 14.05:	State Exemptions Applicable Only to Intrastate Commerce	92.1
Section 14.06:	Penalties	92.2
Section 14.07:	Conflict with Other State Regulations and Application of Federal Standards	92.2
Section 14.08:	Enforcement	92.2

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

540 CMR 2.00: MOTOR VEHICLE REGULATIONS

Section

2.05: Vehicle Registrations Requirements
2.06: Requirements for Driver (Operator) Licenses, Learner Permits and Identification Cards
2.07: Year of Manufacture Registration Plates
2.15: Licensing of Operators of School Buses and Operators of School Pupil Transport Vehicles
2.22: Markings on Commercial Vehicles

2.05: Vehicle Registrations Requirements

(1) Authority, Purpose and Scope. 540 CMR 2.05 is issued by the Registrar of Motor Vehicles under the authority of M.G.L. c. 6C, § 56 and c. 90, §§ 2 and 31. In order to promote and protect the public safety, every motor vehicle and trailer operated, pushed, drawn, towed, or remaining in any way shall be in compliance with the registration requirements of M.G.L. c. 90, and 540 CMR 2.05 or 540 CMR 18.00: *Minimum Standards for the Issuance and Use of General Registrations and General Registration Numbers Plates Issued under the Provisions of M.G.L. c. 90, § 5*.

(2) Applications for Registration and Powers of Attorney. Any person who desires to register a motor vehicle or trailer in the Commonwealth shall complete such application, and provide such information, as required by the Registrar. The application for registration may be signed on behalf of the applicant by a duly authorized attorney in fact acting under a valid power of attorney, provided the power of attorney or a copy thereof, duly authenticated, is filed with the application for registration.

(3) Definitions. As used in 540 CMR 2.05, the following terms are defined as follows:

Ambulance, Antique Motor Car, Auto Home, House Trailer, Motorcycle, School Bus, Semi-trailer, and Trailer. Have the meaning assigned to those terms in M.G.L. c. 90, § 1.

Apportionable Vehicle. Any motor vehicle which qualifies for registration under the International Registration Plan (IRP) authorized by M.G.L. c. 90, § 2.

Bus. Any motor vehicle which is designed to transport 16 or more passengers, including the driver, or meets the definition of bus or motor bus under M.G.L. c. 90, § 1.

Business Advertisement. Unless exempted by law, a business advertisement on a motor vehicle includes, but is not limited to, a notice, slogan, image, logo, internet address or a design, or any combination, intended to draw public attention to a company or organization or to a product or service.

Business Marking. Unless exempted by law, a business marking on a motor vehicle includes, but is not limited to, a name, address, telephone number, internet address or any combination or other *indicia* that identifies the owner or lessee of the vehicle.

Commercial Motor Vehicle (CMV). A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) has a gross combination vehicle weight rating or gross combination vehicle weight of 11,794 kilograms or more (26,001 lbs. or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 lbs.), whichever is greater;
(b) has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 lbs. or more), whichever is greater;
(c) is designed to transport 16 or more passengers, including the driver; or
(d) is of any size and is used in transportation of hazardous materials as defined in 540 CMR 2.05(3).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.05: continued

Commercial Plates Required Vehicle. Any motor vehicle required to display a "commercial" registration plate and which is not an "apportioned vehicle", a private passenger motor vehicle, personal transportation network vehicle, antique motor car, motorcycle, trailer, semi-trailer, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, bus, school bus, or school pupil transport vehicle, including the following:

(a) Any vehicle which has a vehicle weight, or curb weight, of 6,000 lbs., or more, as per the manufacturer's description of said vehicle, unless such vehicle is a sport utility vehicle or passenger van, or a pickup truck or cargo van meeting the definition of Private Passenger Motor Vehicle or a Camper Vehicle;

(b) Any vehicle which has five or more wheels on the ground; except that a pickup truck which has five or more wheels on the ground that is registered to an individual and is used solely for personal use shall not be classified as a "commercial plates required vehicle" for purposes of registration unless another provision of law requires such registration;

(c) Any pickup truck or cargo van, owned by a partnership, trust or corporation unless such vehicle meets the definition of Private Passenger Motor Vehicle;

(d) Any pickup truck or cargo van, if on the bed of the vehicle tools, supplies, materials or equipment are transported to or from a job site, or are stored for use at a job site, provided that transportation to or storage for use at a personal project for which no compensation is received shall not be considered in connection with a "job site";

(e) Any vehicle, if on the roof or sides of the vehicle, tools, supplies, materials or equipment are transported to or from a job site, or are stored for use at a job site, provided that transportation to or storage for use at a personal project for which no compensation is received shall not be deemed in connection with a "job site";

(f) A vehicle which has business advertisements or business markings thereon; provided however that markings limited to the name, address, telephone number, and logo of any corporation whose personal property is exempt from taxation under M.G.L. c. 59, § 5, Clause Third or Tenth and markings limited to the name, address, telephone number, logo or website address of a "car-sharing organization" as defined in M.G.L. c. 90, § 32J shall not be considered business advertisements or business markings for purposes of 540 CMR 2.05;

(g) A vehicle used for hire to plow;

(h) A vehicle used for hire to transport or store goods, wares or merchandise, provided that a private passenger motor vehicle which is owned by an individual and which is so used on only a part time basis shall not be deemed a commercial plates required vehicle under 540 CMR 2.05(3). "Part time basis" shall mean that not more than 40% of the total usage of the vehicle is devoted to the transporting or storing of goods, wares or merchandise.

(i) A vehicle used to transport or store goods, wares or merchandise intended for sale in the ordinary course of the vehicle operator's or owner's business, provided that if the vehicle is owned by an individual, has a maximum load carrying capacity of 1,000 lbs. or less, and is so used on only a part-time basis, such vehicle shall not be deemed a commercial plates-required vehicle under 540 CMR 2.05(3). "Part-time basis" shall mean that not more than 40% of the total usage of the vehicle is devoted to the transporting or storing of goods, wares or merchandise.

Hazardous materials. Any material that has been designated as hazardous under 49 CFR 383.5, including any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

Hearse. Any vehicle regularly used in the course of business of a licensed embalmer or a licensed funeral director.

Limited Use Motor Vehicle. Any motor vehicle with two or more wheels as described in M.G.L. c. 90, §§ 1H or 1I which is capable of exceeding 30 miles per hour but not exceeding 40 miles per hour whose operation on public ways is restricted by law. Such vehicle shall display a Limited Use Vehicle registration plate, except that a three-wheeled vehicle meeting the definition of limited use motorcycle in M.G.L. c. 90, § 1I shall display a Limited Use Motorcycle plate.

Livery Vehicle. Any limousine or other vehicle which is designed to carry 15 or fewer passengers, including the driver, and carries passengers for hire, business courtesy, employee shuttle, customer shuttle, charter or other pre-arranged transportation, and which vehicle is not required to obtain a taxicab license pursuant to M.G.L. c. 40, § 22.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.05: continued

Low-speed Electric Bicycle. A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (one h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 lbs., is less than 20 mph. These bicycles are not "motor vehicles" and are regulated by the U.S. Consumer Product Safety Commission. They are neither required nor authorized to be registered as "motorized bicycles" in the Commonwealth and the operator is not required to have a license or learner's permit but is subject to the traffic laws of the Commonwealth.

Low-speed Motor Vehicle. Any motor vehicle with four wheels meeting the definition in M.G.L. c. 90, § 1 and qualifying for registration under M.G.L. c. 90, § 1F, whose operations on public ways is restricted by law. Such vehicle shall display a Low Speed Vehicle registration plate and a "Slow Moving Vehicle Emblem."

Military Vehicles Appearing to Carry an Offensive Weapon. A privately-owned vehicle or vehicle owned by a not-for profit organization, which appears to contain a mounted offensive weapon designed for military use including, but not limited to, long guns, machine guns, and rocket launchers may not be registered for use on public ways. However, such vehicles may take part in parades on public ways when law enforcement officers escort the vehicle or close the way to the public.

Motor Vehicles and Motorized Vehicles Not Designed for Use on a Way. If the Registrar determines from a Manufacturer's Certificate of Origin or other document believed to contain reliable information, that a motor vehicle or motorized vehicle presented for registration was not designed for use on public ways, the Registrar may refuse to register such vehicle.

Motorcycle. As defined in M.G.L. c. 90, § 1, includes any such vehicle if it can achieve a top speed, as designed and manufactured, in excess of 40 miles per hour (MPH). If such vehicle can achieve a top speed, as designed and manufactured, of between 30 and 40 miles per hour (MPH) it may be registered as a "Limited Use Motorcycle" subject to restrictions as to operation on certain ways or portions of ways. Any two- or three-wheeled vehicle which has been certified by the National Highway Traffic Safety Administration (NHTSA) as a "motorcycle" can only be registered as a "Motorcycle" or "Limited Use Motorcycle". It cannot be registered as a "private passenger motor vehicle".

Motorcycle Conversions. A two- or three-wheeled motorcycle originally designed and manufactured for off-road use cannot be registered for on-road use, unless and until it has been physically converted in accord with the required motorcycle equipment/components list as contained in the Registrar's "Motorcycle Conversion Preliminary Examination Report" and the vehicle passes such preliminary examination prior to registration.

Motorized Bicycle (commonly called a moped). As defined in M.G.L. c. 90, § 1, may have two or three wheels. A motorized bicycle, however powered, cannot be converted and registered as a motorcycle. If the Registrar has information that he or she believes to be reliable that a particular make and model of motorized bicycle or a particular motorized bicycle itself can exceed 30 miles per hour, he or she may refuse to recognize it as a motorized bicycle and may reject registration for the specific vehicle or the make and model produced by the manufacturer.

Motorized Scooter. As defined in M.G.L. c. 90, § 1, is neither required nor authorized to be registered in the Commonwealth.

Motorized Vehicle Combinations. A vehicle composed of a motorized vehicle on the bottom and one or more parts of another vehicle or vehicles on top, whether the top portion contains a separate motorized vehicle or part of a boat, plane or off-road vehicle, *etc*., will not be registered for operation on public ways.

Motorized Vehicle Designed for Off-road Use. A motorized vehicle originally designed and manufactured for off-road use, for example, a snow mobile or ski mobile, an all-terrain (ATV) vehicle, a utility vehicle, *etc*., that could be registered under M.G.L. c. 90B cannot be registered for on-road use, either in its original manufactured configuration or as modified for on-road use. Only a "motorcycle" properly converted from off-road use may be registered for on-road use.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.05: continued

Personal Transportation Network Vehicle. A private passenger motor vehicle that is used by a Transportation Network Company Driver to provide Transportation Services for a Transportation Network Company.

Private Passenger Motor Vehicle. Any vehicle:

(a) which has a vehicle weight rating or curb weight of 6,000 lbs. or less as per the manufacturer's description of said vehicle; or is a sport utility vehicle or passenger van as per the manufacturer's description of said vehicle; or which is a pickup truck or cargo van with a Gross Vehicle Weight Rating (GVWR) of 16,000 lbs. or less as per the manufacturer's description of said vehicle; or which is a vehicle used solely for official business by any college or university police department whose officers are appointed as special police officers by the colonel of the state police under M.G.L. c. 22C, § 63; and,

(b) which, if a pickup truck or cargo van with a Gross Vehicle Weight Rating (GVWR) of 16,000 lbs. or less as per manufacturer's description of said vehicle, is registered or leased to an individual or individual trust, and is used solely for personal use; or is registered or leased to a college or university police department as described in subparagraph (a); and,

(c) which, other than a Personal Transportation Network Vehicle, is not described elsewhere in 540 CMR 2.05.

The terms passenger vehicle, passenger car, automobile and pleasure passenger vehicle are synonymous with Private Passenger Motor Vehicle. For the avoidance of doubt, the Private Passenger Motor Vehicle shall include, but not be synonymous with, Personal Transportation Network Vehicle. For the purposes of M.G.L. c. 90D, § 15A, the term "pleasure vehicle" shall include any motor vehicle, as defined in M.G.L. c. 90D, § 1, that is registered to one or more person(s) and is not registered or used for commercial purposes.

School Pupil Transport Vehicle. Any vehicle which is required to comply with the special equipment and licensing requirement of M.G.L. c. 90, § 7D.

Tank Vehicle (liquid storage). Any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

Taxicab. Any vehicle which carries passengers for hire, and which is licensed by a municipality pursuant to M.G.L. c. 40, § 22 as a taxicab.

Transportation Network Company. A corporation, partnership, sole proprietorship, or other entity operating in Massachusetts that, for consideration, will arrange for a passenger to be transported by a driver between points chosen by the passenger. A Transportation Network Company must hold a valid Transportation Network Company Certificate issued by the Department of Public Utilities or a notice issued by the Department of Public Utilities within the preceding six months certifying that, as of the date of the notice, the Department of Public Utilities is not issuing Transportation Network Company Certificates.

Transportation Network Company Driver or TNC Driver. An individual who, on behalf of a Transportation Network Company, provides Transportation Services to TNC Riders.

Transportation Network Company Rider or TNC Rider. Any passenger who is transported by a TNC Driver for consideration and whose transportation is arranged by a TNC Company.

Transportation Services. The transportation of a passenger between points chosen by the passenger for consideration.

Vanpool Vehicle. Any vehicle with a seating arrangement designed to carry seven to 15 adults, including the driver, and is used by seven or more persons commuting on a daily basis to and from work, as classified in M.G.L. c. 63, §§ 31D through 31F.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.05: continued

(4) Registration Plates.

(a) A Private Passenger Motor Vehicle may display a private passenger registration number plate.

(b) Notwithstanding any other provision of 540 CMR 2.05(4), any apportionable vehicle registered under the IRP shall display an APPORTIONED registration number plate.

(c) A Commercial Plates Required Vehicle shall display a COMMERCIAL registration number plate. Each commercial vehicle must have on its registration the registered gross weight evidencing the registered owner's intended loaded weight.

(d) An Ambulance shall display an AMBULANCE registration number plate.

(e) An Antique Motor Car may display an ANTIQUE registration number plate, or a YEAR OF MANUFACTURE registration number plate issued in accordance with 540 CMR 2.07.

(f) An Auto Home may display a CAMPER registration number plate. A House Trailer may display either a CAMPER or a TRAILER registration number plate.

(g) A Bus shall display a BUS registration number plate.

(h) A Hearse shall display either a HEARSE or COMMERCIAL registration number plate.

(i) Subject to 540 CMR 2.05(4)(i)1., 2. and 3., and the provisions of M.G.L. c. 90, § 7D, a Livery Vehicle shall display a LIVERY registration number plate, provided that nothing contained in 540 CMR 2.05(4)(i) shall prevent a vehicle that meets the requirements in M.G.L. c. 90 for a registration number plate bearing the International Symbol of Access from displaying such registration number plate.

1. Any vehicle that meets the definition of Livery Vehicle, including vehicles described in 540 CMR 2.05(4)(i)2. and 3., but which vehicle is used for the transportation of school pupils under M.G.L. c. 90, § 7D, shall display a PUPIL registration number plate.

2. Any vehicle that meets the definition of Livery Vehicle solely by virtue of the use to which it is put pursuant to a short term rental agreement of not more than seven consecutive days, and 30 days in the aggregate in any calendar year, need not display a Livery registration number plate during such rental period, provided the vehicle is owned by an entity whose regular business is vehicle rental; the vehicle is covered by a liability insurance policy applicable to a vehicle used to transport people for hire; said rental agreement is carried in the vehicle; and the vehicle is properly registered based upon the use to which it was put just prior to the commencement of the short term rental period.

3. Any vehicle that meets the definition of a Livery Vehicle but is used exclusively to provide transportation in connection with a program of the Commonwealth of Massachusetts Department of Developmental Services and/or Department of Mental Health may display either a Livery registration number plate or a Passenger registration number plate, provided that if such vehicle displays a Passenger registration number plate it shall not bear any business advertisements or markings thereon, and there shall be maintained in the vehicle, in a readily accessible place for examination by law enforcement officers upon request, written evidence of the relationship with the Department(s) supplied by the Department(s), which writing shall specifically reference the expiration date of the current relationship with the Department(s).

(j) A Motorcycle shall display a MOTORCYCLE registration number plate except that a Limited Use Motorcycle shall display a LIMITED USE MOTORCYCLE plate.

(k) A School Bus shall display either a SCHOOL BUS, a BUS, or an APPORTIONED registration number plate, except as provided in M.G.L. c. 90, § 7D. The requirement of 540 CMR 2.05(4)(k) is applicable to all such classified motor vehicles notwithstanding that they otherwise would be eligible to display a COMMERCIAL, LIVERY, TAXI, MUNICIPAL, STATE, AUTHORITY, or other registration number plate. In case of emergency, a vehicle with a COMMERCIAL, LIVERY, TAXI, PUPIL, MUNICIPAL, STATE or AUTHORITY plate may be substituted as a school bus; provided said substitution may not occur for more than five days in any 12 month-period.

(l) A School Pupil Transport Vehicle shall display a PUPIL registration number plate. The requirement of 540 CMR 2.05(4)(1) is applicable to all such classified motor vehicles notwithstanding that they otherwise would be eligible to display a COMMERCIAL, LIVERY, TAXI, MUNICIPAL, STATE, AUTHORITY, or other registration number plate. In case of emergency, a vehicle with a COMMERCIAL, LIVERY, TAXI, BUS, SCHOOL BUS, MUNICIPAL, STATE, or AUTHORITY plate may be substituted for a School Pupil Transport Vehicle; provided, said substitution may not occur for more than five days in any 12-month period.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.05: continued

(m) A Semi-trailer shall display a SEMI-TRAILER registration number plate.
(n) A Taxicab shall display a TAXI registration number plate, except that a vehicle which meets the definition of Taxicab, but which vehicle is used for the transportation of school pupils under M.G.L. c. 90, § 7D, shall display a "PUPIL" registration number plate.
(o) A Trailer shall display a TRAILER registration number plate.
(p) A Vanpool Vehicle shall display a VANPOOL registration number plate.
(q) Each registration plate issued by the Registrar remains the property of the Registrar
(r) A vehicle must display the number of registration plates issued by the Registrar for that vehicle.

1. Green and White Registration Plates. Registration plate must be mounted and displayed on the rear of the vehicle.
2. Red, White and Blue Registration Plates. Registration plate must be mounted and displayed on the rear and front of the vehicle (including, but not limited to, all private passenger vehicle plates). Trailers and semi-trailers are issued only one plate which must be mounted and displayed at the rear of the vehicle. General registration number plates issued under M.G.L. c, 90, § 5 (Dealer, Repair, Farm, Owner-Contractor and Transporter) shall display one plate at the rear of the vehicle.
3. Motorcycles are Issued One Registration Plate. Registration plate must be mounted and displayed on the rear of the vehicle.

(4½)(a) A TNC Driver shall not provide Transportation Services to a passenger unless a Transportation Network Company has pre-arranged for the TNC Driver to provide Transportation Services to the passenger. A TNC Driver shall not solicit or accept on-demand summoning of a ride, otherwise known as "street hail" or "hail pick-up".
(b) A Transportation Network Company shall make available to prospective TNC Riders the method by which the Transportation Network Company calculates fares or the applicable rates being charged and an option to receive an estimated fare.
(c) A TNC Driver must:

1. Be 21 years of age or older;
2. Possess a valid driver's license;
3. Possess proof of personal motor vehicle insurance as required under M.G.L. c. 90 for the Personal Transportation Network Vehicle being used;
4. Comply with such other requirements as may be set by the Department of Public Utilities for TNC Drivers.

(d) No individual whose operator driving record, as maintained on behalf of the Merit Rating Board under M.G.L. c. 6C, § 57A, contains any of the following traffic violations shall operate a Personal Transportation Network Vehicle:

1. More than three traffic violations, as defined by the Division of Insurance, in the preceding three-year period; or
2. A major traffic violation, as defined by the Division of Insurance, in the preceding three-year period

(4¾)(a) The Department of Public Utilities ("DPU") shall act as the licensing authority to which a Transportation Network Company shall apply for a certificate to provide TNC Services. The DPU may issue such a certificate if the DPU finds that public convenience and necessity require that the applicant be allowed to provide Transportation Services.
(b) The DPU shall have general supervision and regulation of, and jurisdiction and control over Transportation Network Companies as common carriers.
(c) The DPU shall ensure that, before arranging for a Transportation Network Driver to provide Transportation Services, a Transportation Network Company shall:

1. Conduct, or have a third-party conduct, a background check that shall include Criminal Record Information (CORI) and Multi-state/Juris Criminal Records Locator or other similar nationwide database, and National Sex Offender Registry database; and
2. Conduct, or have a third-party conduct, a driving record check.

(d) The DPU shall further ensure that:

1. A Transportation Network Company shall not arrange for a passenger to be transported by any Transportation Network Driver who appears on the National Sex Offender Registry or who has a conviction in the past ten years for crimes of violence, sexual abuse, driving under the influence of drugs or alcohol, hit and run, attempting to evade the police, driving with a suspended or revoked license, felony robbery, or felony fraud.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.05: continued

2. A Transportation Network Company and the TNC Drivers the Transportation Network Company arranges to provide Transportation Services shall maintain appropriate liability insurance.

(e) In the event that the DPU is unwilling or unable to ensure that Transportation Network Companies in general or a Transportation Network Company in particular comply with the above requirements, the Registrar of Motor Vehicles shall have the power to prohibit the operation of some or all Personal Transportation Network Vehicles or take such further action with respect to such vehicles as otherwise authorized by law or regulations.

(5) Remedies.

(a) The certificate of registration of any vehicle that is registered in violation of 540 CMR 2.00, as determined by the Registrar after hearing, shall be subject to revocation under M.G.L. c. 90, § 2; however, if the Registrar determines that the continued operation of such vehicle constitutes an immediate threat to public safety then, under M.G.L. c. 90, § 22(a), such revocation by the Registrar shall be without a prior hearing.

(b) Any violation of 540 CMR 2.05 is punishable by a fine pursuant to M.G.L. c. 90, § 20, and may result in the suspension of the operator's license or right to operate and/or certificate of registration for up to 30 days pursuant to M.G.L. c. 90, § 22(b). Confiscation of the registration plate and/or impoundment of the subject vehicle for the reason that the vehicle displays the incorrect type of vehicle registration plate based upon the classifications described in 540 CMR 2.05, is not authorized by 540 CMR 2.05 in the absence of a determination by the Registrar that continued operation of such a vehicle in a particular case would constitute an immediate threat to public safety.

(c) Any person who operates a motor vehicle which has no current registration in violation of M.G.L. c. 90, or which bears a registration plate that is assigned to a vehicle or trailer other than the one to which it is attached, or which is the subject of a revoked or suspended registration shall be subject to the penalties set forth in M.G.L. c. 90, §§ 2, 9 and 23, and the registration plate(s) attached to such vehicle shall be subject to immediate confiscation by an officer of the police, or other person authorized by the Registrar. Any such confiscated plate(s) shall be returned to the Registrar as soon as is practically possible after confiscation.

(6) Registration Stickers.

(a) The Registrar may issue a sticker or decal to validate a registration plate issued under M.G.L. c. 90, § 2. The owner of the vehicle shall attach such sticker or decal to the upper right-hand corner of the rear registration plate, so as to cover any previously attached sticker.

(b) Any motor vehicle or trailer registered to the Commonwealth or a political subdivision shall be exempt from the requirement of displaying a registration sticker.

(7) Electronic Vehicle Registration (EVR) Program. Participation in the Registry's Electronic Vehicle Registration (EVR) Program authorizing third parties to issue motor vehicle registrations, enter motor vehicle registration data onto the Registry's computer database through an authorized third-party vendor and perform ancillary functions shall be by permit issued, suspendable and revocable by the Registrar, and subject to such reasonable terms and conditions as the Registrar may prescribe.

(8) (a) Registration Requirements for Natural Persons (Individuals). If an applicant for registration of a motor vehicle or trailer is a natural person (an individual), the following information must be provided in addition to any other information the Registrar may require: The applicant's:

1. full name;
2. full residential address, including an apartment or unit number, if applicable; and
3. date of birth;

In addition to 540 CMR 2.05(8)(a)1. through 3., at least one of the following four criteria in 540 CMR 2.05(8)(a)4. through 7. must also be provided by the applicant for inspection or recording by the Registrar, unless exempted:

4. a valid driver license;
5. a valid Massachusetts' Identification Card issued to the applicant under M.G.L. c. 90, § 8E;
6. the applicant's Social Security Number (SSN); or

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.05: continued

7. other proof of lawful presence as defined in 540 CMR 2.06.

(b) Registration Exemptions for Natural Persons (Individuals). As authorized by M.G.L. c. 90, § 2, the Registrar has established exemptions from the requirements in 540 CMR 2.05(8)(a)1. through 7. for nonresident (out of state) students; military personnel; senior citizens and disabled persons; and may establish additional exemptions by regulation for other groups if consistent with the provisions in the law. The following exemptions are incorporated in 540 CMR 2.05(8)(b):

1. Nonresident Student. A nonresident enrolled as a student at a school or college in this state who attends school during any period from September 1st of any year to August 31st of the following year and who has a temporary residential address in this state while attending such school, may register a vehicle for personal use that he or she owns from such address without having to provide evidence of a Massachusetts driver license, a Massachusetts ID card (issued under M.G.L. c. 90, § 8E), or provide his or her Social Security Number (SSN) but must have a valid driver license from his or her home state or country if he or she is to be the principal driver of the registered vehicle.

Note: A nonresident student enrolled as a student at a school or college in the Commonwealth who attends school during any period from September 1st of any year to August 31st of the following year and who has a temporary residential address in this state while attending such school is not required to obtain Massachusetts registration plates for a vehicle he or she has brought into the Commonwealth while attending a school or college here if the student completes the nonresident student statement required of nonresident students by M.G.L. c. 90, § 3, including maintaining the required insurance coverage, and files such statement in quadruplicate with the local police where the school or college is located and displays the decal for the applicable academic year provided by the school. (For purposes of 540 CMR 2.05(8) a "student" is defined as in M.G.L. c. 90, § 1).

2. Military Personnel. A person who is an active duty member of the armed forces of the United States whose permanent home is in another state, who is assigned to a base or facility in Massachusetts and who has a temporary residential address in this state, may register a vehicle without having to have a Massachusetts driver license, a Massachusetts ID card or an SSN although he or she must have a valid driver license from his or her home state if he or she is the principal driver; and if not the principal driver and he or she does not have an out of state license, he or she must have an SSN or be denied registration.

3. Senior Citizen or Disabled Person. A person who is 65 years of age or older and who is a resident of Massachusetts and a person of any age who is a resident of this state and who otherwise meets the definition of a disabled person who would qualify for a handicapped placard or HP plates under Massachusetts law, can register a vehicle that he or she owns without the need to have a Massachusetts driver license, a Massachusetts Identification card or an SSN.

2.06: Requirements for Driver (Operator) Licenses, Learner Permits and Identification Cards

(1) Purpose, Scope and Applicability. 540 CMR 2.06 is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 6C, § 56, c. 90, §§ 8, 8B, 8E and 31, and c. 90F, §§ 6 and 8 to establish uniform rules governing the issuance and use of, licenses to operate a motor vehicle, or learner's permits, identification cards and licenses and learner's permits to operate a commercial motor vehicle. "CFR" references are to the "Code of Federal Regulations."

(2) Definitions.

(a) The definitions in M.G.L. c. 90, § 1 shall apply to 540 CMR 2.06. With regard to Commercial Driver's License (CDL) matters, the definitions in M.G.L. c. 90F, § 1 shall also apply. If a definition in M.G.L. c. 90, 90F or 540 CMR 2.06 is inconsistent with the definition in 49 CFR Part 383, the definition in 49 CFR Part 383 shall apply.

(b) The following definitions are also used in 540 CMR 2.06:

Birth Certificate.

1. An original birth certificate or certified copy of the original birth certificate issued by a state or territory of the United States; or

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

2. A record of birth issued by the State Office of Vital Records or the equivalent agency in the applicant's state of birth.

CDL. A Commercial Driver's License issued in accordance with the standards contained in 49 CFR Part 383 and M.G.L. c. 90F, §§ 6 and 8 which authorizes an individual to operate a class of Commercial Motor Vehicle.

CMV. Commercial Motor Vehicle as defined in M.G.L. c. 90F, § 1 for which a CDL is required to operate.

Compliant. A license or identification card that meets federal REAL ID standards and can be used for federal identification.

Credential. For purposes of 205 CMR 2.00, wherever the word "credential" appears it shall refer to either a REAL ID Massachusetts Driver's License or Identification Card or a Standard Massachusetts Driver's License or Identification Card

Digital Image. A digital (photo) image of the face of the holder of the driver's license or identification card.

Driver's (Operator) License. An original, renewal or duplicate license to operate a motor vehicle as issued by the Registrar under M.G.L. c. 90 or c. 90F in Class A, B, C, (Commercial licenses); D (Passenger vehicle license); or M (Motorcycle license). It includes a temporary license in any Class. A Class D license may be used to operate a motorized bicycle or a motorized scooter. A license in any Class may contain restrictions and/or endorsements. Driver Licenses are of two types: A driver's (operator) license is issued in REAL ID compliant and Standard Massachusetts versions.

1. REAL ID Massachusetts Driver's License, as defined in M.G.L. c. 90, § 1, is a driver's license of any Class containing a digital image of the person to whom the license was issued, meets federal REAL ID standards and can be used for federal identification purposes.
2. Standard Massachusetts Driver's License, as defined in M.G.L. c. 90, § 1, is a driver's license of any Class containing a digital image of the person to whom the license was issued but does not meet federal REAL ID standards and cannot be used for federal identification purposes.

FHWA. Federal Highway Administration.

FMCSA. Federal Motor Carrier Safety Administration

Full Legal Name. An applicant's full, middle and last name or surname, and suffix if applicable, without the use of titles, initials or nicknames.

Identification Card. An identification card issued to the person named in the document and issued under M.G.L. c. 90, § 8E. Identification cards are issued in REAL ID compliant and Massachusetts versions.

1. REAL ID Massachusetts Identification Card, as defined in M.G.L. c. 90, § 1, is an identification card containing a digital image of the person to whom the ID card was issued and meets federal REAL ID standards and can be used for federal identification purposes.
2. Standard Massachusetts Identification Card, as defined in M.G.L. c. 90, § 1, is an identification card containing a digital image of the person to whom the ID card was issued but does not meet federal REAL ID standards and cannot be used for federal identification.

Lawful Presence. As defined in M.G.L. c. 90, § 1:

1. persons who have lawful status in the United States; or
2. documentation of lawful presence in the United States satisfactory to the Registrar, in consultation with the United States Department of Homeland Security (DHS).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

Lawful Status. A person in lawful status is a citizen or national of the United States; or an alien:

1. lawfully admitted for permanent or temporary residence in the United States;
2. with conditional permanent resident status in the United States;
3. who has an approved application for asylum in the United States or has entered into the United States in refugee status;
4. who has a valid nonimmigrant status in the United States;
5. who has a pending application for asylum in the United States;
6. who has a pending or approved application for temporary protected status (TPS) in the United States;
7. who has approved deferred action status; or
8. who has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.

Learner's Permit. A restricted permit, issued under M.G.L. c. 90, § 8B, that allows a learning driver to operate a passenger motor vehicle (Class D) and also allows a person to operate a motorized bicycle or a motorized scooter; a restricted permit, also issued under M.G.L. c. 90, § 8B, that allows a learning rider to operate a motorcycle (Class M). A Class M permit can only be renewed after expiration if the applicant passes a new written test and has taken (and failed) at least one driving test while the original permit was valid. If an applicant for a renewal of his Class M permit fails two driving tests he must successfully complete a course of study at a rider training school approved by the Registrar before being able to schedule another driving test. Class M and Class D learner's permits may have a period of validity of up to two years, but may be issued for a lesser period to coincide with the date by which the applicant is required to depart the United States; or a restricted permit issued under M.G.L. c. 90F, §§ 6 and 7 that allows a learning driver to operate commercial motor vehicles in Class A, B or C. A Class A, B, or C permit is issued for a period of 180 days, but may be renewed for an additional like period without re-testing. A learner's permit contains a digital image of the person to whom the permit was issued. A learner's permit, in any Class, is a paper document, does not meet federal REAL ID standards and cannot be used for federal identification.

Limited Term License or Limited Term Identification Card. A Driver's License or Identification Card issued to a person and which expires at:

(a) The expiration date of the applicant's authorized stay in the United States; or
(b) If there is no definite end to the period of authorized stay, no longer than one year from the date of issue.

Liquor Purchase Identification Card. An identification card issued by the Registrar under authority of M.G.L. c. 138, § 34B that may be issued to a person who is 21 years of age or older and who does not hold a valid Massachusetts driver's license issued by the Registrar and containing a digital image of the person to whom it was issued. Such identification card does not meet federal REAL ID standards and cannot be used for federal identification.

Nonresident. As defined in M.G.L. c. 90, § 1, any person whose legal residence is not within the Commonwealth.

Out-of -Service Order. A declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 CFR Parts 386.72, 392.5, 395.13, 396.9, or any compatible law, or the North American Uniform Out-of-Service Criteria, as provided in M.G.L. c. 90F, § 1.

REAL ID Massachusetts Driver's License or Identification Card. For purposes of 540 CMR 2.00, means that a driver's license or identification card has been issued by a state certified by U.S.D.H.S. to be in compliance with the requirements of the federal REAL ID Act and which driver's license or identification card meets the standards in 6 CFR § 37, including a limited term driver's license or identification card issued under 6 CFR § 37.21. REAL ID Massachusetts Driver's License or Identification Card is suitable for federal identification purposes.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

REAL ID Standards. Standards required by the federal REAL ID Act of 2005, 49 U.S.C. 30301, and established by the U.S.D.H.S. in federal regulations at 6 CFR § 37.

SSA. The United States Social Security Administration.

SSN. A Social Security Number assigned by the Social Security Administration to a specific individual.

Source Document. The original or a certified copy of document acceptable to the Registrar that is submitted by an applicant for an operator's license or identification card.

State. A state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Mariana Islands.

U.S.D.H.S. The United States Department of Homeland Security; also known as DHS.

(3) Applications for Driver's Licenses, Permits and Identification Cards, Fees, Knowledge Tests, and Road Tests, Generally.

(a) To obtain, renew, transfer, or upgrade a driver's license, learner's permit or identification card, an applicant shall submit an application in a form prescribed by the Registrar, and pay the required fees. The application shall be deemed to include the applicant's response to any request by the Registrar or his or her agent for information to be included on the applicant's driver's license, learner's permit or identification card otherwise necessary to process the applicant's driver's license, learner's permit or identification card. Unless the Registrar has issued a waiver for a specific document, an applicant for a driver's license, permit, identification card or liquor purchase identification card is limited to providing identification documents as contained on the Registrar's lists of "Acceptable Forms of Identification". A vision screening test is also required of an applicant as determined by the Registrar.

(b) REAL ID Massachusetts Driver's License or Learner's Permit. An applicant for a REAL ID Massachusetts Driver's License or Learner's Permit shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth. (if younger than 18 years old, written consent of a parent, guardian or another parent-substitute is also required, *see* 540 CMR 2.06(3)(b)1.);

2. Residency within the Commonwealth. (two proofs of address of principal residence in MA is required, each containing the applicant's name and street address;

3. Verifiable SSN of the applicant, the validity of which the Registrar may confirm with the SSA, or acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant, a REAL ID license or a Massachusetts license may not be issued until the SSN can be verified.

4. U.S. Citizenship, lawful status or lawful presence in the United States as those terms are defined in 540 CMR 2.00. If an applicant is not a U.S. citizen, an alien lawfully admitted for permanent or temporary residence in the United States, an alien with conditional permanent resident status in the United States, an alien who has an approved application for asylum in the United States, or an alien who has entered into the United States in refugee status, then the applicant must provide acceptable documentation demonstrating that his or her current authorized stay in the United States is for a period of at least 12 months. The period of at least 12 months shall be measured from the beginning of the applicant's current authorized stay, or from the beginning of the applicant's prior authorized stay if it immediately precedes the current authorized stay without interruption, whichever is earlier. If there is no definite end to the current period of authorized stay (for example, where the applicant has a pending application for lawful permanent residence, asylum, or temporary protected status), it shall be presumed to be for a period of at least 12 months.

5. An applicant for a REAL ID Massachusetts driver's license or learner's permit who is in one of the following categories may only receive a Limited Term REAL ID Massachusetts driver's license or learner's permit:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

a. has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

b. has a pending application for asylum in the United States;

c. has a pending or approved application for temporary protected status in the United States;

d. has approved deferred action status; or

e. has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(c) Standard Massachusetts Driver's License or Learner's Permit. An applicant for a Standard Massachusetts Driver's License or Learner's Permit shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth. (If younger than 18 years old, written consent of a parent, guardian or another parent-substitute is also required, *see* 540 CMR 2.06(3)(c)1.);

2. Residency within the Commonwealth required containing the applicant's name and street address;

3. If no verifiable SSN is provided by the applicant, the applicant must provide acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant a Massachusetts license or learner's permit may not be issued until the SSN can be verified.

4. U.S. Citizenship, lawful status or lawful presence in the United States as those terms are defined in 540 CMR 2.00. If an applicant is not a U.S. citizen, an alien lawfully admitted for permanent or temporary residence in the United States, an alien with conditional permanent resident status in the United States, an alien who has an approved application for asylum in the United States, or an alien who has entered into the United States in refugee status, then the applicant must provide acceptable documentation demonstrating that his or current authorized stay in the United States is for a period of at least 12 months. The period of at least 12 months shall be measured from the beginning of the applicant's current authorized stay, or from the beginning of the applicant's prior authorized stay if it immediately precedes the current authorized stay without interruption, whichever is earlier. If there is no definite end to the current period of authorized stay (for example, where the applicant has a pending application for lawful permanent residence, asylum, or temporary protected status), it shall be presumed to be for a period of at least 12 months.

5. An applicant for a Standard Massachusetts driver's license or learner's permit who is in one of the following categories may only receive a Limited Term Standard Massachusetts driver's license or learner's permit:

a. has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

b. has a pending application for asylum in the United States;

c. has a pending or approved application for temporary protected status in the United States;

d. has approved deferred action status; or

e. has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(d) REAL ID Massachusetts Identification Card. An applicant for a REAL ID Massachusetts Identification Card shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth. (Providing the applicant is 14 years of age or older.)

2. Residency within the Commonwealth: (two proofs of address of principal residence in MA is required, each containing the applicant's name and street address);

3. Verifiable SSN of the applicant, the validity of which the Registrar may confirm with the SSA, or acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant, a REAL ID identification card may not be issued until the SSN can be verified.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

4. U.S. Citizenship, lawful status or lawful presence in the United States as those terms are defined in 540 CMR 2.00. If an applicant is not a U.S. citizen, an alien lawfully admitted for permanent or temporary residence in the United States, an alien with conditional permanent resident status in the United States, an alien who has an approved application for asylum in the United States, or an alien who has entered into the United States in refugee status, then the applicant must provide acceptable documentation demonstrating that his or her current authorized stay in the United States is for a period of at least 12 months. The period of at least 12 months shall be measured from the beginning of the applicant's current authorized stay, or from the beginning of the applicant's prior authorized stay if it immediately precedes the current authorized stay without interruption, whichever is earlier. If there is no definite end to the current period of authorized stay (for example, where the applicant has a pending application for lawful permanent residence, asylum, or temporary protected status), it shall be presumed to be for a period of at least 12 months.

5. An applicant for a REAL ID Massachusetts Identification Card who is in one of the following categories may only receive a Limited Term REAL ID Massachusetts Identification Card:

a. has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

b. has a pending application for asylum in the United States;

c. has a pending or approved application for temporary protected status in the United States;

d. has approved deferred action status; or

e. has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

An applicant who holds a valid driver's license issued by the Registrar or issued by another jurisdiction may not hold both a driver's license and a REAL ID Massachusetts identification card.

(e) Standard Massachusetts Identification Card. (An applicant for a Standard Massachusetts Identification Card shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth, providing the applicant is 14 years of age or older.

2. Residency within the Commonwealth required containing the applicant's name and street address.

3. If no verifiable SSN is provided by the applicant, the applicant must provide acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant a Massachusetts identification card may not be issued until the SSN can be verified.

4. U.S. Citizenship, lawful status or lawful presence in the United States as those terms are defined in 540 CMR 2.00. If an applicant is not a U.S. citizen, an alien lawfully admitted for permanent or temporary residence in the United States, an alien with conditional permanent resident status in the United States, an alien who has an approved application for asylum in the United States, or an alien who has entered into the United States in refugee status, then the applicant must provide acceptable documentation demonstrating that his or her current authorized stay in the United States is for a period of at least 12 months. The period of at least 12 months shall be measured from the beginning of the applicant's current authorized stay, or from the beginning of the applicant's prior authorized stay if it immediately precedes the current authorized stay without interruption, whichever is earlier. If there is no definite end to the current period of authorized stay (for example, where the applicant has a pending application for lawful permanent residence, asylum, or temporary protected status), it shall be presumed to be for a period of at least 12 months.

5. An applicant for a Standard Massachusetts Identification Card who is in one of the following categories may only receive a Limited Term Standard Massachusetts Identification Card:

a. has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

b. has a pending application for asylum in the United States;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

c. has a pending or approved application for temporary protected status in the United States;

d. has approved deferred action status; or

e. has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

An applicant who holds a valid driver's license issued by the Registrar or issued by another jurisdiction may not hold both a driver's license and a Standard Massachusetts identification card.

(f) Liquor Purchase Identification Card. An applicant for a Massachusetts Liquor Purchase Identification Card shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth, providing the applicant is 21 years of age or older.

2. Verifiable SSN of the applicant, the validity of which the Registrar may confirm with the SSA, or acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant, a Massachusetts Liquor Purchase Identification Card may not be issued until the SSN can be verified.

An applicant who holds a valid Massachusetts driver's license issued by the Registrar is not eligible for a Massachusetts Liquor Purchase Identification Card. An applicant who holds a valid driver's license from a jurisdiction outside of Massachusetts is eligible for a Massachusetts Liquor Purchase Identification Card.

(g) Acceptable Forms of Identification. As a part of 540 CMR 2.00, the Registrar has established lists of documents the RMV may accept to prove aspects of identity when applying for a Driver's (Operator's) License, Learner's Permit, Identification Card or Liquor Purchase Identification Card. The Registrar reserves the right to amend these lists from time to time. The lists can be found on the RMV website and in the Driver's Manual that is current at the time of application. Lists displayed on the website shall be considered as the most recent in the event of a disparity between the Driver's Manual and the website. Such lists include, but are not limited to the following:

1. Documents to Prove Massachusetts Residence.

2. Documents to Prove Date of Birth (DOB).

3. Documents to Prove U.S. Citizenship, lawful status or lawful presence in the United States.

(h) Conversion of Driver's Licenses, Identification Cards and Learner's Permits from Another Jurisdiction. "Conversion" of a driver license means the Registrar has recognized that another specific jurisdiction enforces standards of fitness of operators substantially as high as those prescribed and enforced by the Commonwealth, the Registrar has been able to confirm the validity and status of an applicant's driver license issued in the other jurisdiction and is willing to issue an equivalent Class of Massachusetts driver license for the applicant from that jurisdiction, who has become a resident of this state, with the same restrictions or endorsements (if any) as on that applicant's existing license and without the need for a written test or a road test. The applicant is otherwise subject to the same application requirements as an applicant for an initial license, including the payment of all fees as if the tests had been taken and passed, and must demonstrate U.S. Citizenship, lawful status or lawful presence in the United States unless the Registrar can confirm such status through other means. The Registrar will not issue a driver license as part of a license conversion unless the applicant surrenders the license to be converted to the Registrar.

1. Conversion of License from Another U.S. State, the District of Columbia or U.S. Territory. An applicant who is 18 years of age or older with a driver license from another U.S. jurisdiction who has become a resident of this state, may convert his or her driver license with the same restrictions or endorsements (if any) as on that applicant's existing license and without the need for a written or a road test. The applicant is otherwise subject to the same application requirements as an applicant for an initial license, including the payment of all fees as if the tests had been taken and passed, and must demonstrate U.S. Citizenship, lawful status or lawful presence in the United States unless the Registrar can confirm such status through other means. An applicant presenting a REAL ID driver license may, on conversion, receive the equivalent REAL ID Massachusetts Driver's License as issued by Massachusetts. An applicant presenting

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

a non-REAL ID driver's license may convert to a REAL ID or Standard Massachusetts Driver's License upon furnishing the required documentation for such credential. An applicant for license conversion from a U.S. Territory may also be required to provide a recent driving record.

2. Conversion of Identification Card. The Commonwealth of Massachusetts will not convert an identification card from another U.S. state or another jurisdiction. An applicant for a REAL ID Massachusetts Identification Card or for a Standard Massachusetts Identification Card who has recently become a Massachusetts resident is subject to the same terms and conditions as any other applicant for that particular type of Identification Card.

3. Conversion of Liquor Purchase Identification Card. No conversion of the equivalent of a Massachusetts Liquor Purchase Identification Card will be made by the Registrar. Each application for such card is treated as an initial application.

4. Conversion of a Learner's Permit. The Registrar may convert a learner's permit from another U.S. jurisdiction if the jurisdiction from which the permit was issued would accept a Massachusetts permit for conversion. If the applicant for a permit is younger than 18 years old, Massachusetts law requires the applicant to complete a course of driver education instruction approved by the Registrar. He or she may accept any portion of a driver education program completed in the other jurisdiction if he or she finds that the program and completed portion(s) is substantially similar to the driver education program or portion in this state. An applicant for a learner's permit must provide documentation listed in the "Document Requirements Chart" of the *RMV's Driver's Manual*.

5. Conversion of Driver Licenses, Learner's Permits and Identification Cards from Canada or Mexico. *See* the "Document Requirements Chart" of the *RMV's Driver's Manual*. An applicant may convert to a REAL ID or Standard Massachusetts Driver's License upon furnishing the required documentation for such credential.

6. Conversion of licenses from Select Foreign Countries which have entered into reciprocal agreements with Massachusetts for the conversion of driver licenses for persons 18 years of age or older are also contained in the *RMV's Driver's Manual*. An applicant may convert to a REAL ID or Standard Massachusetts Driver's License upon furnishing the required documentation for such credential.

7. Other Foreign Licenses. An applicant presenting a valid driver license from a foreign country not having a reciprocal license conversion agreement with Massachusetts, who has become a resident of this state, will be required to take a written and road test. If the applicant is younger than 18 years old, he or she may be required to take a Driver Education course at a school approved by the Registrar. Parental consent will also be required. An applicant may convert to a REAL ID or Standard Massachusetts Driver's License upon furnishing the required documentation for such credential.

(i) Parental Consent for Learner's Permit/Junior Operator License.

1. Driver's License. An application for a driver's license for a person younger than 18 years old must be accompanied by the written consent of a parent or legal guardian of the applicant or, if a parent is not available, by another person standing in place of a parent. The written consent on the minor's application may be given by either parent if no separation or divorce exists. It may only be given by the parent having legal custody if a legal separation or divorce does exist. If joint custody has been awarded, only the parent with whom the minor applicant resides in the Commonwealth at the time of application may give consent.

If the Registrar is satisfied 540 CMR 2.00 has been followed, he or she will not rescind a decision to issue a Learner's Permit or Driver License to a minor due solely to an objection from a parent not authorized to give consent under 540 CMR 2.00, unless the objector has a court order.

For purposes of 540 CMR 2.00, the Registrar may deem a person occupying one of the following positions as a person "standing in the place of a parent" if for good cause shown, a parent who can give consent under 540 CMR 2.00 is not available.

a. a legal guardian who properly identifies himself or herself and presents an order of a Court appointing him or her as legal guardian of the minor applicant.

b. a step-parent who properly identifies himself or herself and presents evidence that he or she is the step-parent of the minor applicant and that the applicant resides with him or her.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

c. a foster-parent who properly identifies himself or herself as someone who provides temporary substitute parental care for a child or children under an agreement with a licensed or approved placement agency, as recognized by the state's Executive Office of Health and Human Services and Department of Early Education and provides documentation indicating the minor applicant is in his or her care.

d. a social worker representing the state Department of Children and Families (DCF) licensed to engage in the practice of social work in the Commonwealth who properly identifies himself or herself and who satisfies the Registrar that he or she has or is providing professional social work services to the minor applicant and/or to the applicant's family.

e. an authorized representative of a residential group care program, as recognized by the Executive Office of Health and Human Services and Department of Early Education, in which the minor applicant resides who has properly identified himself or herself and provides evidence of residential program assignment.

f. a boarding school headmaster of an academic school in the Commonwealth who properly identifies himself or herself and provides documentation indicating that the minor applicant is a student in residence at the school and that as headmaster he is authorized by the parent(s) to exercise discretion in making decisions on behalf of the resident student.

g. the Massachusetts resident-host of a minor foreign exchange student who properly identifies himself or herself and provides documentation from the student's parent(s) indicating authority to exercise discretion in making decisions on the resident student's behalf.

For purposes of 540 CMR 2.00, a notarized "Caregiver Affidavit" issued under the authority of M.G.L. c. 201F and provided by the care giver named in the document is not considered acceptable since it is limited to making only medical and academic educational decisions on behalf of a minor.

(j) ID Card - No Permanent Address. An application for a Massachusetts Identification Card by a person who otherwise meets the statutory qualifications for such Card but who does not have a permanent residential address in Massachusetts, including an application by a person who is younger than 18 years old, may be considered for issuance of the ID Card for good cause shown if:

Homeless Shelter or Other Accommodation for Transients. The properly identified director or person in charge of an established homeless shelter or other recognized accommodation for transient guests (other than a hotel or similar accommodation), attests that he knows the applicant personally, discloses the period of time he or she has known the applicant, discloses the source of his or her knowledge that the applicant has no permanent address, asserts that the applicant stays at the shelter for homeless individuals on an irregular basis by disclosing the approximate number of times per week or month that the applicant has recently been a guest and agrees to allow the applicant to use the shelter as both his or her residential and mailing address for RMV purposes. In addition to the above, if the applicant is younger than 18 years old, the director or person in charge of an established homeless shelter also discloses his or her personal knowledge of the applicant's relationship with his parent(s) or other relatives, and if none, whether the applicant is under any form of State guardianship or under the control of the Department of Children and Families (DCF).

(k) Written and Road Tests Required (formerly 3c). Prior to the issuance of any license, an applicant must pass both a knowledge test and a driving or skills test as prescribed by the Registrar, and must satisfy the Registry's medical qualification standards as set forth in 540 CMR 24.00: *Medical Qualifications for Operators of Motor Vehicles*, in a manner acceptable to the Registrar. If, at any time before or after the issuance of a license or learner's permit, the Registrar has any reason to believe that a person is physically or mentally incapable of operating a motor vehicle, the Registrar may require satisfactory proof of that person's ability to operate a motor vehicle including, but not limited to, the successful completion of a competency road test.

(l) Road Test Vehicle (formerly 3d). The driving or skills test must be taken in a motor vehicle representative of the type of motor vehicle which the driver operates or expects to operate.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06 continued

(m) Authorized Test Administrative (formerly 3e). The knowledge and driving or skills tests may be administered by a Registry employee or agent designated by the Registrar to administer such tests or by a third-party whom the Registrar has authorized to administer such tests; provided that an independent third party contractor may not give the CDL Knowledge Tests.

(4) Learner's Permits and Licenses Generally.

(a) Unless prohibited by the state of issuance, an out of state operator with a learner's permit may operate in Massachusetts. Likewise, a Massachusetts learner's permit holder may operate in another state, unless otherwise prohibited.

(b) Classes.

1. All original operator licenses and all operator license renewals shall be valid only in accordance with the Classes of licenses listed in 540 CMR 2.06. The Registrar shall examine each applicant according to the Class of license for which application was made. Each license shall indicate the Class to which it is assigned.

2. The Classes of licenses entitling a licensee to operate motor vehicles or a combination of motor vehicles are as follows:

Class A: Any combination of vehicles with a gross combination weight (GCW), gross vehicle weight (GVW), or registered weight of 26,001 or more lbs., whichever is greater, provided the GVWR of the vehicle(s) being towed is in excess of 10,000 lbs. (Holders of a Class A license may, with any appropriate endorsements, operate all vehicles within Class B, C, and D.)

Class B: Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more lbs., or any such vehicle towing a vehicle not in excess of 10,000 lbs. GVWR. (Holders of a Class B license may, with appropriate endorsements, operate all vehicles within Class C and D.)

Class C: Any single vehicle or combination of vehicles that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers including the driver, or is required to be placarded for hazardous materials under 49 CFR 172.500 or any other federal regulation. (Holders of a Class C license may operate all vehicles within Class D.)

Class D: Any single vehicle or combination of vehicles that does not meet the definition of Class A, Class B, Class C, or Class M.

Class M: Any motor vehicle defined as a motorcycle in M.G.L. c. 90, § 1 or any two-wheeled vehicle whose top speed is as described in c. 90, § 1H or any three-wheeled vehicle whose top speed is as described in M.G.L. c. 90, § 1I.

3. A Class A, B, or C License shall also be known as a Commercial Driver's License or CDL.

4. Gross Weight Rating.

a. A vehicle without a plate specifying the GVWR of the vehicle shall contain in a readily accessible place, a written statement specifying the GVWR of the vehicle and including the make, model, year and Vehicle Identification Number (VIN) of the vehicle, which must be prepared by the manufacturer of the vehicle or by an authorized dealer who buys and sells such vehicles.

b. If the registered gross weight or actual gross weight of a vehicle or of a combination of vehicles exceeds its GVWR or GCWR, then the registered gross weight or actual gross weight, whichever is higher, shall be used instead of the GVWR or GCWR to determine what license class is required under 540 CMR 2.06.

(c) Temporary License or Identification Card. The Registrar may for administrative convenience and the appropriate fee, and in accordance with M.G.L. c. 90, § 11, issue a temporary license or temporary identification card of any Class for 60 days including, but not limited to:

1. At initial issuance or upon issuance of a duplicate, where the final document containing a digital image will be manufactured at a later date;

2. When a licensee whose Massachusetts license has expired or is about to expire renews the license online, the downloadable receipt that is issued upon proper payment may be printed and must be carried by the licensee, along with the license containing a digital image that was most recently issued, until the new license is issued and mailed to the licensee's address on file or the 60 days expires, whichever first occurs;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

3. When a licensee cannot complete a license renewal transaction at an RMV Service Center due to reasons beyond the control of the Registrar, a temporary Massachusetts license may be issued at the discretion of the Service Center manager;

4. When a competency road exam has to be taken by an applicant who either does not currently have a valid license or who's license has been suspended, the Registrar may issue a temporary license in order to allow the person to take the test on a public way, but may suspend the unexpired portion of the temporary license immediately upon the failure of the competency road exam by the applicant;

5. When a licensee who is a resident of Massachusetts and whose Massachusetts license has expired or is about to expire while the licensee is outside of the Commonwealth, the Registrar may issue a temporary license if the licensee is not eligible to renew online. The Registrar may mail the temporary license by standard U.S. mail to an address provided by the licensee. If the licensee requests overnight or expedited delivery, he or she will be required to arrange and pay for such service, in advance. In regard to issuance of a temporary driver license, the following is applicable:

a. A licensee may be eligible to renew the license but not eligible to renew online if he or she is required by law or by a regulation or policy of the Registrar to visit a Service Center to renew because of age or other requirement.

b. A licensee is not eligible to renew if his or her license is suspended or if he or she has been placed in "non-renewal" status by the Registrar based on official notifications received under state law.

c. Although a temporary license of any Class that is issued by the Registrar is valid in Massachusetts, due to differences in state laws the Registrar cannot guarantee that such temporary license will be honored by law enforcement officers or courts in other jurisdictions.

d. A temporary Massachusetts driver license or temporary Massachusetts identification card may be issued either in person or remotely only if the:

i. RMV is satisfied of the identity of the applicant and has re-verified the holder's lawful presence and SSN;

ii. The compliant document contains the most recent digital image of the holder from RMV files;

iii. Any remote renewal is authorized by the RMV Driver License Section;

iv. The expiration date of the temporary document does not exceed the date of the end of the license holder's authorized stay in the United States or 60 days, whichever first occurs.

(d) Restrictions.

1. Restrictions on a license shall be coded as follows:

2. MEDICAL LOG/GLUCOSE REQUIRED

A. USE WITH CERTIFIED DRIVING INSTRUCTOR ONLY
B. CORRECTIVE LENSES
C. MECHANICAL AID (adaptive devices)
D. PROSTHETIC AID/PERSONAL MEDICAL AID
E. CMV AUTOMATIC TRANSMISSION
G. DAYLIGHT ONLY
H. LIMITED TO EMPLOYMENT
I. JOL LIMITED/OTHER
J. OTHER
K. CDL - INTRASTATE ONLY
L. CDL - VEHICLES WITHOUT AIR BRAKES
M. CDL - EXCEPT CLASS A BUS
N. CDL - EXCEPT CLASS A AND B BUS
O. CDL - EXCEPT TRACTOR/TRAILER
P. NO PASSENGERS IN CMV BUS
Q. CLASS D AUTOMATIC TRANSMISSION
R. BI OPTIC TELESCOPIC LENS
S. PROOF OF BLOOD SUGAR LEVEL
T. IGNITION INTERLOCK
U. THREE WHEELED MOTORCYCLE
V. MEDICAL VARIANCE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

W. INTRASTATE MEDICAL WAIVER
X. CDL - NO CARGO IN CMV TANKER
Y. RESTRICTED TO 14 PASSENGER CAPACITY
Z. CDL - AIR OVER HYDRAULIC

(e) Reinstatement - Generally. A Class D or Class M driver's license which is revoked, suspended, canceled, or downgraded may be reinstated fully or, when applicable, with an "H" restriction signifying a hardship license for employment use only.

(5) Penalties - Generally.

(a) Violations - Application, Testing and Licensing. In addition to any other penalty provided by law, and in order to insure the integrity of the application, testing and licensing processes, the following provisions shall apply:

1. Anyone who without lawful authority possesses, in whole or in part, an original version of a driver's license knowledge test, a copy of such test, or information copied from such test, shall be disqualified from holding any Class of driver's license or learner's permit for 60 consecutive days.

2. Anyone who cheats or attempts to cheat on a driver's license test, including a knowledge test, a test for a CDL endorsement, a skills test, a pre-trip inspection of a Commercial Motor Vehicle, or any other written or practical test required to obtain or upgrade a learner's permit or driver license shall be disqualified from holding any Class of driver's license or learner's permit for 60 consecutive days.

3. Anyone who falsifies information to obtain, renew, transfer, or upgrade a driver's license or learner's permit shall be disqualified from holding any Class of driver's license or learner's permit for 60 consecutive days. Any driver's license or learner's permit, in any Class, issued to a driver who has falsified any information shall be void from the date of issuance.

4. Any driver's license or learner's permit secured for a driver by an impersonator of that driver, or with the assistance of an impersonator, shall be void from the date of issuance.

5. Anyone who bribes or attempts to bribe any government official with respect to any driver's license or learner's permit shall be disqualified from holding any Class of driver's license or learner's permit for 60 consecutive days.

(b) Violations - Statutes, Rules and Regulations.

1. A person who operates a motor vehicle or combination of vehicles not included within the Class of license issued to him or her, or without required endorsements, or in violation of license restrictions, or who, while holding a learner's permit operates a motor vehicle in violation of the terms of such permit, or who operates a motor vehicle in violation of an out-of-service order, is deemed to be operating a motor vehicle without being duly licensed and is subject to the penalties for such offense provided in M.G.L. c. 90 and c. 90F, 49 CFR Part 383, and 540 CMR 2.06.

2. In addition to any other penalty provided by law, unless otherwise provided by regulation or statute, the administrative licensing sanction for violating the rules, regulations, and requirements of M.G.L. c. 90, M.G.L. c. 90F, 540 CMR 2.06, or 49 CFR Part 383 shall be a 60 consecutive days disqualification from holding a license, learner's permit, CDL or CDL learner's permit. Any adverse action taken against a license or permit by the Registrar shall not preclude the imposition of criminal penalties or of other civil penalties for the same violation. Likewise, no law enforcement officer is precluded from utilizing criminal law procedure against a driver whose conduct has violated both the criminal law and civil law. At administrative hearings, findings shall be based on a preponderance of the evidence even if the unlawful conduct is also a violation of a criminal law statute.

3. In addition to any other penalty provided by law, in a case where an employer is the violator of any provision of 540 CMR 2.06, each agent of the employer who knowingly allowed, required, permitted, or authorized the violation shall be subject to a 60 consecutive days disqualification from holding any Class of driver's license or learner's permit.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

4. In addition to any other penalty provided by law, any driver who violates the provision of M.G.L. c. 90, § 25 shall be disqualified from holding any Class of driver's license or learner's permit for a period of 60 consecutive days.

5. In addition to any other penalty provided by law, a driver who violates the provisions of M.G.L. c. 90, § 24B shall be disqualified from holding any Class of driver's license or learner's permit for a one year period. This period shall commence upon notice of a criminal conviction. If no prosecution is pending, the disqualification period shall be for 60 consecutive days, which shall commence following an administrative determination that a driver has violated the terms of M.G.L. c. 90, § 24B.

(c) Notice. Except for a driver under a 24-hour out-of-service order and except pursuant to M.G.L. c. 90, § 22(a), no driver shall be subjected to any penalties described in 540 CMR 2.00 until reasonable notice is sent to the driver and until there has been a reasonable opportunity for a Registry hearing under 540 CMR 9.00: *Conduct of Hearings within the Registry of Motor Vehicles*.

(6) Suspension or Nonrenewal of Driver's License or Permit for Violations of the Hands-free Use of Mobile Electronic Devices While Operating a Motor Vehicle Pending Completion of a Distracted Driving Program. An operator who is younger than 18 years old and who commits an offense under M.G.L. c. 90, § 8M, relating to the hands-free use of mobile electronic devices while operating a motor vehicle, shall have his or her license or permit suspended for 60 days for a first offense, 180 days for a second offense, and one year for a third or subsequent offense. For each offense under M.G.L. c. 90, § 8M, an operator shall not be eligible for license renewal or reinstatement until he or she completes a program selected by the Registrar that encourages a change in driver behavior and attitude about distracted driving. An operator who is 18 years of age or older and who commits a second or subsequent offense under M.G.L. c. 90, § 13B, relating to the hands-free use of mobile electronic devices while operating a motor vehicle, shall have his or her license placed in nonrenewal status unless, within 90 days of committing the second or subsequent offense, he or she completes a program selected by the Registrar that encourages a change in driver behavior and attitude about distracted driving. The operator shall not be eligible for renewal of his or her license until he or she successfully completes such program.

(7) Additional Particular Provisions Applicable to Class M Licenses (Motorcycles) - Skill Test.

(a) No Registry conducted motorcycle skills test shall be required of any holder of a Massachusetts Class M learner's permit, if the holder has been certified as being qualified by the Massachusetts Rider Education Program (MREP) as recognized by the Registrar and if said holder has successfully completed a course of instruction prescribed by said Registrar. The Registrar shall approve the form of certification and methods of communication of such certification to be used under 540 CMR 2.06.

(b) Applicants taking a Class M skill test on a three wheeled motorcycle will be restricted on their license to such a vehicle and applicants taking a Class M skill test on a two-wheeled motorcycle with an attached sidecar shall be restricted to such a vehicle on the license.

(c) Applicants taking a Class M skill test on a Limited Use Motorcycle shall be restricted to such a vehicle on the license.

(8) Additional Particular Provisions Applicable to School Bus Operators. Any person who operates a school bus, as defined in M.G.L. c. 90, § 1, or a motor vehicle used to transport school pupils under M.G.L. c. 90, § 7D, must also comply with all applicable special licensing provisions contained in M.G.L. c. 90, and 540 CMR 2.15.

(9) Particular Provisions Applicable to Commercial Driver's Licenses.

(a) Federal Regulations. Unless otherwise provided by statute or regulation, all provisions and definitions found in 49 CFR Part 383, and those in M.G.L. c. 90F, § 1 to the extent they are not inconsistent with the federal regulations, are incorporated by reference into 540 CMR 2.06 and, for CDL purposes, are applicable to both intrastate and interstate commerce in Massachusetts. Unless otherwise provided by statute or regulation, any federal regulations referenced in 49 CFR Part 383 or any other provision of Title 49 applicable to a holder of a CDL are also incorporated by reference into 540 CMR 2.06 and, for CDL purposes, are applicable to both interstate and intrastate commerce in Massachusetts.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

(b) Driving or Skills Tests Waivers.

1. The Registrar may prescribe forms for use in determining whether a CMV driving skills test may be waived, and may prescribe other forms for use in the license application process. Such forms shall include, but are not limited to, application forms and affidavits.

2. A driving or skills test described in 49 CFR § 383.113 shall be waived for a CMV operator who meets the conditions set forth in 49 CFR § 383.77, unless the Registrar acts pursuant to M.G.L. c. 90, § 22. This includes waiver of the portion of a CMV skills test related to air brakes if the driver already has a CDL without the "L" restriction.

3. Any authority from the FHWA (Federal Highway Administration) or FMCSA (Federal Motor Carrier Safety Administration) Administrator to waive all testing for a 180-day CDL to be issued to a seasonal farm worker is expressly declined.

(c) CDL Learner's Permits and Licenses.

1. Temporary Licenses. The holder of a temporary CDL license assumes the responsibility to verify that all states through which he or she is traveling will honor such a CDL.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

2. Restrictions. The holder of a Class "A" CDL with an "O" restriction may not operate a tractor using its fifth wheel to pull a trailer. The holder of a Class "A" CDL with an "O" restriction may operate, but not exclusively, a truck using a fifth wheel to pull a "gooseneck" trailer, and a truck or tractor using a pintle hook to pull a trailer.

3. Endorsements.

a. Endorsements on a CDL shall be coded as follows:

H - HAZARDOUS MATERIALS ("HAZMAT")
N - TANK VEHICLES
P - PASSENGER TRANSPORT
S - SCHOOL BUS
T - DOUBLES/TRIPLES
X - HAZARDOUS MATERIAL AND TANK VEHICLES

b. DELETED.

c. When a CDL is required to operate a particular vehicle, a tank vehicle "N" endorsement is required on the operator's CDL if the vehicle is designed to transport liquid or gaseous material within a tank or tanks attached to the vehicle or to the chassis of the vehicle (*see* definition of Tank Vehicle). An "N" endorsement is not necessary if the tank has a rated capacity, or if the tanks in the aggregate have total rated capacities under 1,000 gallons and if each tank attached to the vehicle or to the chassis of the vehicle is a temporarily attached portable tank, readily removable from the vehicle and filled, re filled, and accessed only while on the ground or otherwise off the truck.

d. The operator of a truck towing a vehicle placarded for hazardous materials or transporting liquid or gaseous material in a tank does not need any endorsements on any required CDL, so long as the operator is engaged in an emergency first move to the nearest appropriate repair facility. For any subsequent moves by the operator of a truck towing any such vehicle, the CDL requirements or hazardous materials endorsements and/or tank vehicle endorsements shall be applicable other than as stated in 540 CMR 2.06(9)(c)3.c. and d.

4. Suspension, Revocation and Disqualification.

a. Except when a CDL holder is subjected to a 24-hour out-of-service order, any holder of a CDL which is revoked or canceled may only regain a CDL by passing the CDL Knowledge Tests and CDL Road Test.

b. The holder of a CDL which has been revoked or canceled exclusively on account of state law may, after passing the CDL Knowledge Test, obtain a CDL learner's permit, with or without the "H" restriction, if allowed by applicable state law. After passing the CDL Road Test, the holder of a CDL learner's permit may obtain a CDL and the holder of a CDL learner's permit with an "H" restriction may receive a CDL with an "H" restriction.

c. A CDL which is revoked or canceled exclusively on account of federal law or on account of both federal and state laws may not be reinstated to any extent as a CDL holder prior to the end of the disqualification period mandated by federal law; therefore, a CDL which is revoked or canceled exclusively on account of federal law, or on account of federal and state laws together, may not be reinstated with an "H" restriction until the federally mandated disqualification period has terminated.

d. A driver disqualified from holding a CDL may not make an appointment to take the CDL Knowledge Test, take the CDL Knowledge Test, obtain a CDL Learner's Permit, make an appointment to take the CDL Road Test, or take the CDL Road Test unless the driver has received permission to do so from the Registrar.

e. When a driver is disqualified from holding a CDL, but is qualified to hold a Class D license or Class M license, the driver's CDL may be downgraded to a Class D or Class M license.

f. To the extent a driver's privilege to hold a passenger vehicle Class D license is suspended, revoked, or canceled, the driver may neither obtain a CDL nor retain a previously issued CDL.

g. The Registrar shall enact and enforce through licensing sanctions the disqualifications prescribed in 49 CFR § 383.51(b).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

h. The Registrar shall give full faith and credit to the disqualification of commercial motor vehicle drivers by other states.

i. No person who has been disqualified for life from operating a CMV pursuant to 49 C.F.R. 383.51(b) or M.G.L. c. 90F, § 9(B) shall be eligible to reinstate or obtain a CDL at any time, notwithstanding the discretionary provisions of 49 C.F.R. 383.51(a)(6) or M.G.L. c. 90F, § 9(C).

(d) Special CDL Exemptions.

1. Intrastate Commerce. With respect to CDL qualifications, a driver engaged only in intrastate commerce may utilize the younger than 21 years old exemption provided in 540 CMR 14.04(1)(a).

2. Operators of Emergency and Firefighting Equipment. A driver with a Class D license may operate emergency or fire equipment necessary to the preservation of life or property, or the execution of emergency governmental functions if the vehicle is equipped with audible and visual signals and is not subject to normal traffic regulation. Such emergency and fire-fighting equipment shall include fire trucks, hook and ladder trucks, foam or water transport trucks, police Swat Team vehicles, ambulances or other vehicles that are used in response to emergencies. Unless federal guidelines expressly provide otherwise, such exempt drivers shall include:

a. a civilian mechanic operating emergency or firefighting apparatus in the employ of a volunteer or paid fire organization, provided the civilian mechanic is subject to the direction and control of a fire department official regarding the means used to accomplish particular objectives;

b. a member of a volunteer or paid fire organization, when responding to an emergency or otherwise performing official duties;

c. an agent of Federal, State or local government operating such equipment in a search and rescue function or as part of disaster relief activities, provided the equipment is government owned or controlled; and

d. the operator of an antique fire engine.

3. Farmers. Class D license holders may operate farm vehicles which are controlled by a farmer and operated by that farmer, his or her employees, or his or her family; used to transport agricultural products, farm machinery, and/or farm supplies to or from the farmer's farm; not used in the operation of a common or contract carrier; and used within 150 air miles of the farmer's farm. Drivers of vehicles used in lumber operations or nursery operations are considered part of a "tree farm" operation if the tree farm operation is substantially engaged in the growing and harvesting of forest products or incidental lumbering operations, including the preparation and transportation of the products prior to commercial sale in the ordinary course of business. Farmer also includes one in the business of raising horses, poultry, hogs, or bees. This exemption applies to a farm vehicle of any weight rating, and to a farm vehicle designed to transport 16 or more persons including the driver, but it does not apply to a farm vehicle driver who is carrying "hazardous materials" (HM) required to be placarded.

4. Military. Military personnel may operate any Commercial Motor Vehicle (CMV) for military purposes without any license under 540 CMR 2.06. Such personnel include any active duty military personnel, and members of the reserves and National Guard on active duty, including personnel on full time National Guard duty, personnel on part time National Guard training, and National Guard technicians (civilians who are required to wear military uniforms and are subject to the code of military justice) and active U.S. Coast Guard personnel. Unless federal guidelines expressly provide otherwise, such personnel shall also include civilian technicians who are either military reservists or members of the National Guard and who operate a National Guard vehicle in a National Guard military uniform. Such civilian technician need not be subject to the code of military justice when operating the National Guard vehicle in order to operate lawfully.

5. Recreational Vehicle Operators. Any vehicle operated solely as a personal or family conveyance for recreational purposes may be operated with a Class D license. To be exempt from CDL requirements, the vehicle must be used exclusively to transport family members or personal friends and/or their effects.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.06: continued

6. Off-road Construction Equipment Operators. A CDL is not required of a skilled mechanic at a construction site operating off-road motorized construction equipment which by its design, appearance, and function is not intended for use on a public way. Such equipment may also be operated and driven without a CDL:

a. to and from a construction site, on public ways under the immediate direction of a police officer; and

b. on a part of the public way which is under construction or reconstruction and which is lawfully marked off so as to detour the general public. Otherwise, such equipment on the public way may only be operated and driven by the holder of a driver's license in the appropriate class for such equipment. Off-road motorized construction equipment includes, but not exclusively, motorscrapers, backhoes, motorgraders, compactors, excavators, tractors, trenchers, and bulldozers.

7. Waivers. Unless otherwise provided by statute or regulation, all CDL waivers hereafter granted by the FHWA (Federal Highway Administration) or FMCSA (Federal Motor Carrier Safety Administration) Administrator are, to the same extent, granted by the Registrar.

8. Effect. Any written opinion or regulation of the Registrar, to the effect that a certain person or certain category of persons is exempt from CDL requirements, shall have effect in another state provided the other state honors the exemption, unless federal guidelines require otherwise.

(e) Other CDL Provisions.

1. The Registrar is the official to receive notice of convictions for driver violations under 49 CFR § 383.31(a).

2. Alcohol or Other Drugs.

a. Each holder of a CDL or CDL learner's permit including, but not exclusively, anyone engaged in operations described in either 49 CFR § 390.3(f) or 49 CFR § 391.2, is subject to the provisions of M.G.L. c. 90F, § 10 and 49 CFR § 392.5.

b. Any test or tests of blood, breath, or urine, administered to the operator of a commercial motor vehicle as required by a law enforcement officer and aimed at determining that person's alcohol concentration or the presence of other drugs, shall be administered both in the enforcement of state laws and in the enforcement of 49 CFR § 383.51(b)(2)(i)(A), § 383.51(b)(2)(i)(B), and § 392.5(a)(2).

c. Each holder of a CDL containing an "intrastate only" restriction consents, by exercising said CDL, to a motor carrier's testing for the presence of alcohol or other controlled substances if so required by 540 CMR 14.03: *Adoption and Incorporation of Federal Regulations as State Regulations*.

3. Entry-Level Driver Training (ELDT).

a. Effective February 7, 2022, unless the person is exempted by 49 CFR 380.603, no person shall be issued an original (first time issuance) Class A or B CDL, an upgraded Class A or B CDL, or a school bus (S), passenger (P), or Hazardous Materials (H) endorsement, unless the person has successfully completed entry-level driver training (ELDT) taught by a training provider listed on the Federal Training Provider Registry.

b. Persons who obtain a CLP before February 7, 2022 are not required to complete ELDT if the person obtains a CDL before the CLP or renewed CLP expires.

c. Except for persons seeking the H endorsement, persons must complete the theory and behind-the-wheel (range and public road) portions of ELDT within one year of completing the first portion.

(10) Waiver. The Registrar reserves the right to waive any requirement of 540 CMR 2.06 in the public interest, except to the extent that such waiver would violate any state or federal regulation or statute.

2.07: Year of Manufacture Registration Plates

(1) Authority, Purpose and Scope. 540 CMR 2.07 is issued by the Registrar of Motor Vehicles pursuant to M.G.L. c. 6C, § 56 and c. 90, §§ 6A and 31, to allow the display of Year of Manufacture registration plates on antique motor cars under certain circumstances and conditions, as determined by the Registrar.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.07: continued

(2) Definitions. In 540 CMR 2.07, the following definitions apply:

Antique Motor Car. A motor vehicle that meets the definition of antique motor car in M.G.L. c. 90, § 1.

Year of Manufacture Registration Plate. A registration plate originally issued by the Commonwealth in the exact year as the model year designated by the manufacture of the antique motor car to which it is proposed to be attached under 540 CMR 2.07. If no registration plates were issued in a particular year, Year of Manufacture Registration Plate shall mean a registration plate originally issued in a prior year and originally approved by the Commonwealth for use in the model year of the antique motor car to which it is proposed to be attached under 540 CMR 2.07.

(3) Use of Year of Manufacture Registration Plates. In the discretion of the Registrar, a Year of Manufacture registration plate may be issued for display on an antique motor car in place of an Antique registration plate, in the following circumstances:

(a) The owner of the antique motor car shall submit to the Registry a request for issuance of a Year of Manufacture registration plate on a form prescribed by the Registrar.

(b) The owner shall physically present the Year of Manufacture registration plate to the Registrar or his or her designee for approval, and, the Registrar or the designee shall find, in his or her judgment, that the plate:

1. contains a combination of alphanumeric characters that is compatible with the data system in use by the Registry during the specific year or period as applicable; and;

2. is recognizable by the Registrar as being consistent with the format and style originally issued during that specific year or period as a Massachusetts registration plate and is in good condition, reasonable wear and tear excepted, with its numbers and markings clearly legible; and except further, that the Registrar may refuse to authorize the use of a plate as a current registration plate if it has been repaired, refurbished, repainted, refinished or otherwise altered; and

3. is of sufficiently distinctive appearance that it would not likely be confused with any currently issued registration plate. A plate bearing a combination of alphanumeric characters that has already been approved as a Year of Manufacture registration plate shall not be deemed to be sufficiently distinctive in appearance.

(c) The Registrar may, but need not, approve a Year of Manufacture registration plate for display on an antique motor car of a different type than that for which the registration plate was originally issued (*e.g.*, a truck plate approved for display on an automobile).

(d) Notwithstanding the fact that during a particular year of manufacture it was the practice to issue two registration plates, the Registrar may in his or her discretion authorize the display of only one Year of Manufacture registration plate, if only one such plate is available and found to meet the standards set forth in 540 CMR 2.07(3)(b). Such plate or plates, as the case may be, shall be displayed in accordance with the provisions of M.G.L. c. 90, § 6.

(4) Registration Number and Decal.

(a) If the Registrar approves a request for issuance of a Year of Manufacture registration plate, then the registration number assigned to the subject antique motor car shall comprise the combination of numbers and letters shown on the Year of Manufacture registration plate, together with a unique identifier, to be determined by the Registrar, which will distinguish the letter and number combination as a Year of Manufacture registration number. The issued registration plate for the antique motor car shall be the Year of Manufacture registration plate.

(b) The registration decal issued in connection with an approved Year of Manufacture registration plate need not be affixed to the Year of Manufacture registration plate for which it is issued, provided the decal is at all times carried in the antique motor car in a readily accessible place, for display upon request.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.07: continued

(5) Surrender of Registration Plate. Pursuant to the provisions of M.G.L. c. 90 and 540 CMR 2.05(4)(q), in the event of revocation or suspension of the registration assigned to an antique motor car bearing a Year of Manufacture registration plate, the Year of Manufacture registration plate shall be surrendered to the Registrar in like manner as any other issued registration plate. If the registration is terminated under circumstances other than suspension or revocation, the Registrar in his or her discretion may elect not to require the return of the Year of Manufacture registration plate.

(6) Procedures. The Registrar may adopt such further policies and procedures as in the Registrar's judgment are necessary or desirable to implement 540 CMR 2.07.

2.15: Licensing of Operators of School Buses and Operators of School Pupil Transport Vehicles

(1) Purpose, Scope and Applicability. 540 CMR 2.15 establishes uniform standards and requirements for the issuance of a Registry of Motor Vehicles license to operate a school bus pursuant to M.G.L. c. 6C, § 56 and c. 90, § 8A. Such license to operate a school bus is also referred to as a school bus operator's certificate.

(2A) General Qualifications for School Bus Operators. A person seeking a school bus operator's certificate shall submit such application and additional information as may be required by the Registrar of Motor Vehicles. In addition to satisfying all requirements established by M.G.L. c. 90, § 8A, in order to obtain and retain a school bus operator's certificate, a person must:

(a) be the holder of a valid driver's license;

(b) be competent by reason of driving performance and experience or training, to operate properly and safely the type of school bus which the person will be required to operate;

(c) be familiar with the law, rules and regulations pertaining to the operation of motor vehicles as well as the laws, rules, regulations, policies and procedures for the type of bus they are driving;

(d) be able to read, write and speak the English Language;

(e) pass a skills test in which the person operates a school bus, equipped as provided in M.G.L. c. 90, § 7B and 540 CMR 7.00: *Minimum Standards for Construction and Equipment of School Buses*, over a definite course or courses designated by the Registrar of Motor Vehicles, or his or her designee. As part of the test, the operator shall be required to demonstrate his or her ability to operate the school bus and the safety equipment and devices with which said bus is equipped; and the ability to start, stop, back, park the bus and to turn the bus around in a safe and proper manner, or perform any other movement as required by the Registrar of Motor Vehicles, or his or her designee; and

(f) satisfy the medical qualifications in 540 CMR 2.15(3A) and (3B).

(2B) General Qualifications for School Pupil Transport Operators.

(a) A person seeking a school pupil operator's certificate pursuant to c. 90, § 8A½ shall submit such application and additional information as may be required by the Registrar of Motor Vehicles, and shall:

1. be the holder of a valid driver's license issued under authority of M.G.L. c. 90, § 8.
2. be competent by reason of driving performance and experience or training, to operate properly and safely the type of vehicle which the person will be required to operate;
3. be familiar with the law, rules and regulations pertaining to the operation of motor vehicles;
4. satisfy the medical qualifications in 540 CMR 2.15(3A) and (3B);
5. complete a minimum of two hours of pre-service training prior to receiving the certificate, which pre service training must be given by a Trainer or Certified School Bus Instructor and records relating thereto must be prepared and maintained by the company.

(b) The holder of a school pupil transport operator's certificate must also complete a minimum of eight hours of in service training per year (ten hours in the first year).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.15: continued

(3A) Medical Qualifications for Licensing of Operators of School Buses and Operators of 7D School Pupil Transport Vehicles. The provisions of 540 CMR 2.15(3A) shall apply to all applicants for a school bus operator certificate or 7D school pupil transport vehicle certificate. The terms used in 540 CMR 2.15(3A) shall have the same meaning as defined in 540 CMR 24.00. In order to be eligible for a school bus operator's certificate and school pupil transport vehicle 7D certificate, a person shall:

(a) have a distant visual acuity of at least 20/40 (Snellen) in each eye, with or without corrective lenses (excluding bioptic telescopic lenses); a combined horizontal peripheral field of vision of not less than 120; and the ability to distinguish the colors red, green, and amber. Persons requiring corrective lenses shall wear properly prescribed lenses at all times when operating a school bus or school pupil transport vehicle;

(b) first perceive a forced whispered voice in the better ear at not less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1000 Hz, and 2000 Hz, with or without a hearing aid, when the audiometric device is calibrated to American National Standard (formerly ASA standard);

(c) have an O_2 saturation rate of greater than 88%, at rest or with minimal exertion, with or without supplemental oxygen;

(d) have no current diagnosis of epilepsy subject to the following exception;

Exceptions: Licensees or applicants who have had a diagnosis of epilepsy or seizure disorder may be eligible to receive a school bus operator certificate or class 7D or 7D½ school pupil transport vehicle learner's permit, or license upon meeting the following conditions:

1. the individual possesses a current valid operator's driver license;
2. the individual has been off of all anti-seizure medication for five years;
3. the individual has not had a seizure for five years as certified by a board certified neurologist;
4. the individual provides a board certified neurologist licensed to practice in Massachusetts with a complete written medical history including, but not limited to, all hospitalization reports, consultation notes for diagnostic examinations, all results of Electroencephalograms (EEGs) performed;
5. the individual is examined annually by a board certified neurologist licensed to practice in Massachusetts and a complete School Pupil Transport Epilepsy Medical Evaluation Form, issued by the Registry of Motor Vehicles, is:
   a. certified by the examining neurologist;
   b. signed by the license applicant; and
   c. submitted to the RMV annually.
6. the individual has an Electroencephalogram (EEG) performed, with no epileptiform discharges, after anti-seizure medications have been stopped;

(e) not be classified according to the American Heart Association (AHA) functional classification system as an AHA functional Class III or IV heart patient or shall not have had an implanted cardiac defibrillator (AICD) placed for a "sudden death event". Such applicants shall not be eligible for an active school bus operator's certificate or a 7D school pupil transport vehicle learner's permit or license until a six-month period has elapsed during which there is documentation of no episodes of appropriate device firing. Individuals for whom the AICD is placed purely for prophylactic reason will not be subject to this "waiting" period. However, if such individuals are determined to have an AICD that appropriately "fires", they will be considered the same as an individual who has had a "sudden death event" and be subject to the six-month period during which there is documentation of no episodes of appropriate device firing;

(f) have no loss of foot, leg, hand, or arm likely to interfere with safe driving; have no impairment of use of foot, leg, fingers, hand, or arm likely to interfere with safe driving; or have no other physical condition or limitation likely to interfere with safe driving;

(g) have no mental, nervous, organic, or functional disease likely to interfere with safe driving;

(h) have no contagious or communicable disease;

(i) not be addicted to the use of narcotics or habit forming drugs or tranquilizers or stimulants or the excessive use of alcoholic beverages or liquors;

(j) if currently diagnosed as having diabetes mellitus, have never had a hypoglycemic episode or spell, as certified by a physician, and not be insulin dependent, subject to the specific exceptions identified in 540 CMR 2.15(3A)(j): Exceptions.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.15: continued

Exceptions: Diabetic licensees or applicants who use insulin to control their diabetes or who have had a serious hypoglycemic event are eligible to receive a school bus operator certificate or class 7D school pupil transport vehicle learner's permit or license upon meeting the following conditions:

1. The individual possesses a current valid operator's driver license;

2. The individual is not diagnosed with "hypoglycemic unawareness", defined as the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, light-headedness, and/or confusion;

3. The individual has not had within the last three years a "serious hypoglycemic event", defined as a hypoglycemic episode or event so severe that it interfered with on-going activities or it required the assistance or aid of another person, as certified by a Massachusetts board certified or board eligible endocrinologist.

4. The individual provides a Massachusetts certified or board eligible endocrinologist with a complete written medical history including, but not limited to, the date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, all results of studies conducted for diabetes, and follow-up reports and reports of any hypoglycemic insulin reactions within the last three years.

5. The individual is examined by a Massachusetts board certified or board eligible endocrinologist every six months and a complete School Pupil Transport Diabetes Medical Evaluation Form, issued by the Registry of Motor Vehicles, is:

a. certified by the examining endocrinologist;

b. signed by the license applicant; and

c. submitted to the RMV every six months.

6. The endocrinologist signed statement on the School Pupil Transport Diabetes Medical Evaluation Form certifies the following medical determinations:

a. The endocrinologist is familiar with the applicant's medical history for the past three years either through actual treatment over that time or through consultation with a physician who has treated the applicant during that time. Review of a complete written medical history for the past three years may be substituted for actual consultation with the other physician;

b. If applicable, the applicant has been on a stable insulin regimen to control his or her diabetes on the date of application;

c. The applicant does not have severe hypoglycemic episodes, events or altered consciousness that interfered with on-going activities or required assistance of another person to regain control;

d. The applicant does not have hypoglycemic unawareness or the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, and light-headedness and/or confusion;

e. Within the past three years, the applicant has not had an hypoglycemic reaction, at any time, that resulted in any change in mental status that would have been, in the examining endocrinologist's opinion, detrimental to the safe operation of a school bus or school pupil transport vehicle;

f. Complications of the applicant's diabetic condition, such as neuropathy, visual impairment or cognitive impairment will not adversely affect his or her ability to operate a school bus or school pupil transport vehicle;

g. The applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures which must be followed to monitor and manage his or her diabetes and the procedures that should be followed if complications arise by a National Standard for Diabetes Self-Management Education Program; and

h. The applicant has the ability and has demonstrated willingness to properly monitor and manage his or her diabetes including signing the School Pupil Transport Diabetes Medical Evaluation Form, as witnessed by the treating endocrinologist, that the applicant understands his or her medical regime and agrees to comply with all criteria concerning eligibility for the 7D license or School Bus Certificate.

7. The following special conditions are required for the issuance of a 7D license or School Bus Certificate to any driver who uses insulin to control their diabetes. Each driver must:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.15: continued

a. Carry, use, and record, in a log, the readings from a portable self-monitoring blood-glucose device (SMBG) that is equipped with a computerized memory, including date and time of test. Blood glucose monitoring must be performed immediately prior to driving and every four hours thereafter while on duty. Paper tapes generated by SMBGs having a printing capability may be used in *lieu* of a log prepared by the driver. Log records of blood glucose values (with time and date) must be available to law enforcement or authorized registry personnel upon request. Log records must also be submitted to the certifying endocrinologist for each renewal application;

b. Carry upon your person at all times and use, as necessary, a source of rapidly absorbable glucose;

c. Not operate a school bus or a school pupil transport vehicle, unless blood glucose measures within the target parameters of 80 and 350;

i. If blood glucose measures between 60 and 79 then operator cannot operate a school bus or school pupil transport vehicle until blood glucose measure is within the target parameters defined in 540 CMR 2.15(3A)(j)7.c.;

ii. If blood glucose measures below 60 then the operator cannot operate a school bus or school pupil transport vehicle until certified as "safe to operate" by a Massachusetts board certified or board eligible endocrinologist;

iii. If blood glucose measures 350 or more then the operator cannot operate a school bus or school pupil transport vehicle until certified as "safe to operate" by a Massachusetts board certified or board eligible endocrinologist;

d. Report and surrender his or her 7D license, permit or School Bus Certificate immediately to the Registry of Motor Vehicles if a serious hypoglycemic event should occur;

e. Submit a glucose log within 15 days of a serious hypoglycemic event to the treating endocrinologist;

f. Acknowledge every six months through signature and in the presence of their treating endocrinologist that he or she understands and will adhere to the special conditions of his or her 7D license, permit or School Bus Operator Certificate.

The Registrar of Motor Vehicles, or his or her designee, may require such evidence of satisfaction of the medical qualification criteria as he or she deems appropriate, or may modify these standards as an individual case may require.

(3B) Medical Qualifications Applicable to Existing School Bus Operator's and School Pupil Transport Operator's Licenses. Except for those applicants or licensees who are diagnosed as diabetic and who use insulin to control their diabetes and except for those applicants or licensees who have had a serious hypoglycemic event as defined in 540 CMR 2.15(3A)(j), an individual who is unable to meet the medical qualification standards of 540 CMR 2.15(3A), but who held a valid school bus operator certificate or class 7D school pupil transport license as of the effective date of 540 CMR 2.15(3A), shall be eligible to retain or renew such certificate or license, provided:

(a) he or she satisfies the following medical qualification standards:

1. In order to be eligible for a school bus operator's certificate, a person shall:

a. have no loss of foot, leg, hand, or arm or impairment of use of foot, leg, fingers, hand, or arm, or other physical condition or limitation likely to interfere with safe driving;

b. have no mental, nervous, organic, or functional disease nor any heart disease likely to interfere with safe driving;

c. have no contagious or communicable disease;

d. have visual acuity, either without lenses or by correction, of at least 20/40 (Snellen) in one eye and 20/100 in the other eye; form field of vision in the horizontal meridian of not less than a total of 140; reading ability with both eyes together of at least 20/40 corrected; and the ability to distinguish the colors red, green, and yellow. Persons requiring correction by lenses shall wear properly prescribed lenses at all times when operating a school bus.

e. have hearing of not less than 10/20 in the better ear, for conversational tones without a hearing aid; and

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.15: continued

f. not be addicted to the use of narcotics or habit forming drugs, or tranquilizers or stimulants or the excessive use of alcoholic beverages or liquors.

The Registrar of Motor Vehicles, or his or her designee, may require such evidence of satisfaction of the medical qualification criteria as he or she deems appropriate.

2. In order to be eligible to operate a class 7D school pupil transport vehicle, an individual must:

a. have the ability to hear normal conversational sounds;

b. not have a loss of foot, leg, hand, or arm, or other physical defect or limitation likely to interfere with safe driving;

c. be free from any mental, nervous, heart, organic or functional disease likely to interfere with safe driving;

d. be free from addiction to use of narcotics, or habit forming drugs, alcoholic beverages or liquors;

e. not have a "G" restriction (limit to daylight only) on the driver's license.

(b) he or she provides a certification from his or her physician, that, to a reasonable degree of medical certainty, the individual is medically qualified to safely operate a school bus or school pupil transport vehicle, as the case may be, and perform the other functions associated with such operation; and

(c) the Registry has no other cause to believe, based upon the individual's driving history or otherwise, that the individual cannot safely operate such motor vehicle.

(4) Evidence of Certification; Suspension, Revocation of Certificate.

(a) While operating a school bus, operators shall have on their person, or in some easily accessible place, their school bus operator's certificate, in addition to their motor vehicle operator's license. On the request of a police officer or other person authorized by the Registrar of Motor Vehicles, a school bus operator shall permit such officer or person to examine the school bus operator's certificate in hand, and shall sign his or her name if requested to do so by such officer or person.

(b) The Registrar of Motor Vehicles may suspend or revoke a school bus operator's certificate in accordance with the provisions of M.G.L. c. 90, § 8A. He or she may also suspend or revoke a school pupil transport operator's certificate in accordance with the provisions of M.G.L. c. 90, § 8A ½. The suspension or revocation of the motor vehicle operator's license of any holder of a school bus operator's certificate or a school pupil transport certificate shall result in the automatic revocation of the school bus operator's certificate or a school pupil transport certificate, as applicable. Any person whose school bus operator's certificate or school pupil transport certificate is suspended or revoked shall immediately surrender the certificate to the Registrar of Motor Vehicles, or his or her designee.

2.22: Markings on Commercial Vehicles

(1) Marking.

(a) Effective until August 31, 2018. The owner of every motor truck used for the transportation of goods, wares or merchandise for hire, gain or reward, shall have the owner's name marked on the truck, to be plainly visible from each side or from the front and rear of the vehicle, provided that motor trucks operated under a lease of more than 30 days shall display either the name of the owner or the lessee, and may display both. For the purpose of 540 CMR 2.22(1), motor truck shall mean any motor vehicle specially designed or equipped to transport personal property over the ways of the Commonwealth and which has a maximum load carrying capacity of over 2,000 lbs., and which is not a Private Passenger Motor Vehicle under 540 CMR 2.05. To the extent there is any conflict between 540 CMR 2.22 and any federal regulation pertaining to markings on commercial motor vehicles, the federal regulation shall control.

(b) Effective September 1, 2018. The owner of every motor truck used for the transportation of goods, wares or merchandise for hire, gain or reward, shall have the owner's name marked on the truck, to be plainly visible from each side, be in permanent letters that contrast sharply in color with the background on which the letters are placed; be readily legible during daylight hours from a distance of 50 feet while the motor truck is stationary;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

2.22: continued

and be kept and maintained in a manner that retains the legibility required by 540 CMR 2.22(1)(b), provided that motor trucks owned or controlled by a farmer and used to transport agricultural products, farm machinery, and/or farm supplies to or from the farmer's farm; not used in the operation of a common or contract carrier, and used within 150 air miles of the farmer's farm need not be so marked; and motor trucks operated under a lease of more than 30 days shall display either the name of the owner or the lessee, and may display both. For the purpose of 540 CMR 2.22(1), Motor Truck shall mean any motor vehicle specially designed or equipped to transport personal property over the ways of the Commonwealth and which has a maximum load carrying capacity of between 2,000 lbs. and 10,000 lbs. and which is not a Private Passenger Motor Vehicle under 540 CMR 2.05. To the extent there is any conflict between 540 CMR 2.22 and any federal regulation pertaining to markings on commercial motor vehicles, the federal regulation shall control.

(2) U.S. DOT Number Assignment for Intrastate Carriers.

(a) Effective September 1, 2018, every motor vehicle engaged in intrastate commerce in Massachusetts having a gross vehicle weight rating or gross combination weight rating of 10,001 or more lbs.; and every motor vehicle, regardless of weight, engaged in intrastate commerce in Massachusetts and used in the transportation of hazardous materials in a quantity requiring placarding; and every motor vehicle designed to transport more than 15 passengers, including the driver, used in intrastate commerce in Massachusetts must be permanently marked with a USDOT number assigned in a manner conforming to the provisions of 49 CFR 390.21.

(b) For purposes of 540 CMR 2.22(2), the following vehicles with a gross combination vehicle weight rating of 10,001 or more lbs., or designed to transport more than 15 passengers, including the driver, which are operated solely within Massachusetts are exempted from the vehicle marking and DOT number requirements of 540 CMR 2.22(a):

1. vehicles owned and operated by the Commonwealth or a political subdivision thereof;
2. vehicles carrying 'hazardous materials' that are owned and operated by a city, town or agency of the Commonwealth, but this exemption shall not apply to a private contractor transporting hazardous materials on behalf of a city, town or an agency of the Commonwealth;
3. Transit-type buses operated by cities or towns that are used to transport persons locally and which are marked with the name of the municipal bus company or its logo;
4. Buses operated by the Massachusetts Bay Transit Authority (MBTA), including the vehicles operated under the name 'The Ride', or buses operated by Regional Transit Authorities (RTAs) that are used to transport persons locally and which are already marked with the name of the bus authority or bus company or its logo;
5. School buses and school pupil transport vehicles that transport students and or pupils locally; and
6. Vehicles of professional driving schools that are used to provide driving skills training for Class A, B, or C commercial driver licenses.

(3) Penalty. The penalty for a violation of 540 CMR 2.22 is set forth in M.G.L. c. 90, § 20.

REGULATORY AUTHORITY

540 CMR 2.00: M.G.L. c. 90.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 11

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **550 CMR 6.00**

CHAPTER TITLE: **Use of Force By Law Enforcement Officers**

AGENCY: **Municipal Police Training Committee**

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

Use of Force Regulations governing Commonwealth law enforcement officers as required by "An Act relative to justice, equity, and accountability in law enforcement in the Commonwealth," (police reform).

REGULATORY AUTHORITY: **MGL c. 6E, § 15(d)**

AGENCY CONTACT: **Andrea Nardone** PHONE: **781-540-3884**

ADDRESS: **42 Thomas Patten Drive, Randolph, MA 02368**

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.*

Notice provided to LGAC on July 14, 2021.
Notice provided to General Public (Boston Herald) on July 30, 2021.
Notice provided to interested parties July 28 - July 30, 2021.

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: **August 27, 2021 (hearing)**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: _____

For the first five years: **$9,092,904 (total estimated costs to municipalities and MPTC)**

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: **September 14, 2021**

CODE OF MASSACHUSETTS REGULATIONS INDEX - *List key subjects that are relevant to this regulation:*
- Use of force by Commonwealth law enforcement officers.

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

This is a new regulation required by "An Act relative to justice, equity, and accountability in law enforcement in the Commonwealth," (police reform).

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 15 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
1, 2	**1, 2**
- - - -	**43-50**

A TRUE COPY ATTEST

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

DATE 09/16/2021 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
(550 CMR 1.00 AND 2.00: RESERVED)		3
550 CMR 3.00:	MASSACHUSETTS POLICE RECRUIT TRAINING REQUIREMENTS	25
Section 3.01:	Purpose and Scope	25
Section 3.02:	Definitions	25
Section 3.03:	Entry Level Training for Police Officers/Exemptions/Waivers/ Expirations	26
Section 3.04:	Training Requirements Following an Interruption in Police Service	27
Section 3.05:	Recruit Training - Policies and Procedures	27
Section 3.06:	Recruit Training - Enrollment	28
Section 3.07:	Recruit Training - Separation	28
Section 3.08:	Recruit Training - Attendance	29
Section 3.09:	Recruit Training - Performance	29
Section 3.10:	Recruit Training - Personal Accountability/Discipline	30
Section 3.11:	Police Academy Offenses, Corrective Action and Dismissals	30
Section 3.12:	Reserve/Intermittent Training Program Offenses, Corrective Action and Dismissals	31
(550 CMR 4.00 AND 5.00: RESERVED)		43
550 CMR 6.00:	USE OF FORCE BY LAW ENFORCEMENT OFFICERS	45
Section 6.01:	Purpose and Scope	45
Section 6.02:	Authorization	45
Section 6.03:	Definitions	45
Section 6.04:	Use of Non-deadly Force	47
Section 6.05:	Use of Deadly Force	47
Section 6.06:	Duty to Intervene	48
Section 6.07:	Use of Force Reporting	48
Section 6.08:	Mass Demonstrations, Crowd Control, and Reporting	49
Section 6.09:	Investigation When Use of Force Results in a Death or Serious Bodily Injury	50
Section 6.10:	Use of Force Training	50

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(550 CMR 4.00 AND 5.00: RESERVED)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

550 CMR 6.00: USE OF FORCE BY LAW ENFORCEMENT OFFICERS

Section

6.01: Purpose and Scope
6.02: Authorization
6.03: Definitions
6.04: Use of Non-deadly Force
6.05: Use of Deadly Force
6.06: Duty to Intervene
6.07: Use of Force Reporting
6.08: Mass Demonstrations, Crowd Control, and Reporting
6.09: Investigation When Use of Force Results in a Death or Serious Bodily Injury
6.10: Use of Force Training

6.01: Purpose and Scope

(1) Purpose. The purpose of 550 CMR 6.00 is to establish rules governing the use of force by law enforcement officers. 550 CMR 6.00 is promulgated requiring the Peace Officer Standards and Training Commission and the Municipal Police Training Committee to jointly promulgate rules and regulations governing the use of force by law enforcement officers.

(2) Scope. 550 CMR 6.00 applies to all law enforcement officers as defined in M.G.L. c. 6E, §1.

6.02: Authorization

550 CMR 6.00 is promulgated pursuant to M.G.L. c. 6E, § 15(d) requiring the Peace Officer Standards and Training Commission and the Municipal Police Training Committee to jointly promulgate rules and regulations governing the use of force by law enforcement officers.

6.03: Definitions

Chokehold. The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of a law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness, or death.

Commission. The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, § 2.

Committee. The Municipal Police Training Committee as established in M.G.L. c. 6, § 116.

Deadly Force. Physical force that can reasonably be expected to cause death or serious physical injury.

De-escalation Tactics. Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible

Department/Police Department/Law Enforcement Agency/Agency.

(a) A state, county, municipal or district law enforcement agency including, but not limited to, a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.03: continued

(b) a sheriff's department in its performance of police duties and functions; or
(c) a public or private college, university or other educational institution or hospital police department.

Dog. For the purposes herein, shall also refer to a K-9, canine or police dog.

Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs). A portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile *via* a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.

Force. The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

Kettling. Confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Law Enforcement Officer/Officer. Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to M.G.L. c. 140, § 58 or 63; a special sheriff appointed pursuant to M.G.L. c. 37, § 4, performing police duties and functions; a deputy sheriff appointed pursuant to M.G.L. c. 37, § 3 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve, or intermittent police officer.

Non-deadly Force. Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Officer-involved Injury or Death. Any event during which an officer:
(a) discharges a weapon, or stun gun, as defined in M.G.L. c. 140, § 121, actually or proximately causing injury or death to another;
(b) discharges any stun gun as defined in said M.G.L. c. 140, § 121 actually or proximately causing injury or death to another;
(c) uses a chokehold, in violation of M.G.L. c. 6E, § 14(c), actually or proximately causing injury or death of another;
(d) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
(e) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
(f) deploys a dog, actually or proximately causing injury or death of another;
(g) uses deadly force, actually or proximately causing injury or death of another;
(h) fails to intervene, as required by M.G.L. c. 6E, § 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
(i) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

Passive Resistance. An individual who is noncompliant with officer commands that is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury. Bodily injury that results in:
(a) permanent disfigurement;
(b) protracted loss or impairment of a bodily function, limb, or organ; or
(c) a substantial risk of death.

Tear Gas or Other Chemical Weapons (CW). Any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain a person by causing pain. This shall not include oleoresin capsicum (OC) spray.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.04: Use of Non-deadly Force

(1) A law enforcement officer shall not use force upon another person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to:

(a) effect the lawful arrest or detention of a person;

(b) prevent the escape from custody;

(c) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or

(d) defend against an individual who initiates force against an officer.

(2) A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible, including issuing a summons instead of executing an arrest where feasible.

(3) Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a use of force for purposes of 550 CMR 6.03. Use of force does include the pointing of a firearm, ECW, CED or CW at an individual and the use of OC spray on an individual or directed toward an individual.

(4) Officers shall always provide appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible.

(5) All law enforcement officers shall be properly trained and certified in the use of any less-lethal weapons before being authorized to carry or use such force options.

(6) Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual's chest, neck, or spine, and shall not force an individual to lie on their stomach.

(7) A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

6.05: Use of Deadly Force

(1) A law enforcement officer shall not use deadly force upon a person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm, and;

(a) The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;

(b) The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and

(c) The officer uses only the amount of force that is objectively reasonable.

(2) A law enforcement officer shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

(3)An officer may not use deadly force against a person who poses only a danger to themselves.

(4) A law enforcement officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm; and only if the following conditions exist:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.05: continued

(a) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, which includes moving out of the path of the vehicle;
(b) Officers have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (*e.g.*, surrounding a vehicle at close proximity while dismounted);
(c) The officer is not firing strictly to disable the vehicle; and
(d) The circumstances provide a high probability of stopping or striking the intended target.

(5) A law enforcement officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

(6) Where feasible based on the totality of the circumstances, officers shall verbally identify themselves as police officers and issue some warning before using deadly force.

(7) Officers shall always provide appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

6.06: Duty to Intervene

A law enforcement officer present and observing another officer using or attempting to use physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual.

The failure of a law enforcement officer to intervene as set forth in 550 CMR 6.05 may subject the officer to de-certification by the Commission.

6.07: Use of Force Reporting

(1) Law enforcement agencies shall develop and implement a policy and procedure for reporting the use of force. Such policy shall mandate reporting such incidents including, but not limited to, officer-involved injuries or deaths as described in 550 CMR6.00, and include the use of a standard use of force reporting form as approved by the Committee and the Commission which shall be completed by any officer who uses force.

(2) Law enforcement agencies shall report to the National Use of Force Data Collection Database when actions by a law enforcement officer resulted in the death or serious bodily injury of an individual, or when a law enforcement officer, in the absence of death or serious bodily injury, discharged a firearm at or in the direction of a person.

(3) Law enforcement agencies are not required to report the discharge of a firearm during training or qualification exercises, or for the purposes of animal destruction/euthanasia where necessary.

(4) An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report.

(5) An officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a use of force report may be subject to decertification.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.07: continued

(6) Law enforcement agencies shall develop and implement a policy and procedure for law enforcement personnel including, but not limited to, law enforcement officers, to report abuse by other law enforcement personnel including, but not limited to, law enforcement officers, without fear of retaliation or actual retaliation.

(7) Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident or made, intended to make, or is required to make a report regarding the witnessed excessive force incident shall be reported immediately to an appropriate supervisor and will not be tolerated. Any such actions may result in decertification.

(8) All use of force reports shall be retained and maintained by the law enforcement agency/department and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.

6.08: Mass Demonstrations, Crowd Management, and Reporting

(1) A police department shall establish plans to avoid and to de-escalate potential or actual conflict between officers and mass demonstration participants. When a police department obtains advance knowledge of a planned mass demonstration within the police department's jurisdiction, the police department shall diligently attempt in good faith to:

(a) communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, and

(b) discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants.

(2) The department shall designate an officer in charge of de-escalation planning and communication to carry out the above plans within the department.

(3) A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device or order the release of a dog to control or influence a person's behavior unless:

(a) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and

(b) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm.

(4) If a law enforcement officer utilizes or orders the use of kinetic impact devices, rubber bullets, CEDs, CWs, ECWs, or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Commission detailing all of the measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using said weapons, including a detailed justification of why use of said weapons was objectively reasonable.

(5) Canines should not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.

(6) The use of Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.09: Investigation When Use of Force Results in a Death or Serious Bodily Injury

Law enforcement agencies shall develop and implement a policy and procedure for reporting a use of force that results in a death or serious bodily injury.

Whenever an officer uses force that results in a death or serious bodily injury, the Officer-in-charge shall immediately notify the agency head or their designee. The agency shall conduct an investigation according to their policies and protocols.

If the use of force involved a weapon, the agency head or their designee shall secure the weapon or weapons used for examination and maintain the appropriate chain of custody protocols.

6.10: Use of Force Training

(1) The Committee shall develop and periodically deliver use of force training to law enforcement officers consistent with 550 CMR 6.00 including, but not limited to:

(a) de-escalation tactics;
(b) handling emergencies involving individuals with mental illness;
(c) responding to mass gatherings;
(d) cultural competency;
(e) progression of force; and
(f) lawful use of force techniques and equipment on a schedule to be determined by the Committee.

(2) The Commission and the Committee shall jointly develop a model use of force policy. All law enforcement agencies shall have a written use of force policy consistent with the model policy and the agency's particular mission; provided, however, that an agency's use of force policy shall comply with 550 CMR 6.00 and all relevant state and federal laws.

REGULATORY AUTHORITY

555 CMR 6.00: M.G.L. c. 6E, § 15(d).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 1

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **555 CMR 6.00**

CHAPTER TITLE: **Use of Force By Law Enforcement Officers**

AGENCY: **Peace Officer Standards and Training Commission**

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

Use of Force Regulations governing Commonwealth law enforcement officers as required by "An Act relative to justice, equity, and accountability in law enforcement in the Commonwealth," (police reform).

REGULATORY AUTHORITY: **MGL c. 6E, s. 15(d)**

AGENCY CONTACT: **Lon Povich, Esq.** PHONE: **000-000-0000**

ADDRESS: **office space has yet to be secured**

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.*

Notice provided to LGAC on July 14, 2021.
Notice provided to General Public (Boston Herald) on July 30, 2021.
Notice provided to interested parties July 28 - July 30, 2021.

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: **August 27, 2021 (hearing)**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: _____

For the first five years: **$9,092,904 (total estimated costs to municipalities and MPTC)**

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: **September 14, 2021**

CODE OF MASSACHUSETTS REGULATIONS INDEX - *List key subjects that are relevant to this regulation:*
-Use of force by Commonwealth law enforcement officers.

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

This is a new regulation required by "An Act relative to justice, equity, and accountability in law enforcement in the Commonwealth," (police reform).

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 15 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
- - -	**1-4**
- - - -	**41-46**

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/16/2021 CLERK RB

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

	Page
(555 CMR 1.00 THROUGH 5.00: RESERVED)	3
555 CMR 6.00: USE OF FORCE BY LAW ENFORCEMENT OFFICERS	41
Section 6.01: Purpose and Scope	41
Section 6.02: Authorization	41
Section 6.03: Definitions	41
Section 6.04: Use of Non-deadly Force	43
Section 6.05: Use of Deadly Force	43
Section 6.06: Duty to Intervene	44
Section 6.07: Use of Force Reporting	44
Section 6.08: Mass Demonstrations, Crowd Control, and Reporting	45
Section 6.09: Investigation When Use of Force Results in a Death or Serious Bodily Injury	46
Section 6.10: Use of Force Training	46

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(555 CMR 1.00 THROUGH 5.00: RESERVED

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(PAGES 5 THROUGH 40 ARE RESERVED FOR FUTURE USE)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

555 CMR 6.00: USE OF FORCE BY LAW ENFORCEMENT OFFICERS

Section

6.01: Purpose and Scope
6.02: Authorization
6.03: Definitions
6.04: Use of Non-deadly Force
6.05: Use of Deadly Force
6.06: Duty to Intervene
6.07: Use of Force Reporting
6.08: Mass Demonstrations, Crowd Control, and Reporting
6.09: Investigation When Use of Force Results in a Death or Serious Bodily Injury
6.10: Use of Force Training

6.01: Purpose and Scope

(1) Purpose. The purpose of 555 CMR 6.00 is to establish rules governing the use of force by law enforcement officers. 555 CMR 6.00 is promulgated requiring the Peace Officer Standards and Training Commission and the Municipal Police Training Committee to jointly promulgate rules and regulations governing the use of force by law enforcement officers.

(2) Scope. 555 CMR 6.00 applies to all law enforcement officers as defined in M.G.L. c. 6E, §1.

6.02: Authorization

555 CMR 6.00 is promulgated pursuant to M.G.L. c. 6E, § 15(d) requiring the Peace Officer Standards and Training Commission and the Municipal Police Training Committee to jointly promulgate rules and regulations governing the use of force by law enforcement officers.

6.03: Definitions

Chokehold. The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of a law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness, or death.

Commission. The Massachusetts Peace Officer Standards and Training Commission as established in M.G.L. c. 6E, § 2.

Committee. The Municipal Police Training Committee as established in M.G.L. c. 6, § 116.

Deadly Force. Physical force that can reasonably be expected to cause death or serious physical injury.

De-escalation Tactics. Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible

Department/Police Department/Law Enforcement Agency/Agency.

(a) A state, county, municipal or district law enforcement agency including, but not limited to, a city, town or district police department, the office of environmental law enforcement, the University of Massachusetts police department, the department of the state police, the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department, and the Massachusetts Bay Transportation Authority police department;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.03: continued

(b) a sheriff's department in its performance of police duties and functions; or
(c) a public or private college, university or other educational institution or hospital police department.

Dog. For the purposes herein, shall also refer to a K-9, canine or police dog.

Electronic Control Weapon (ECW)/Conducted Energy Devices (CEDs). A portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile *via* a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the subject.

Force. The amount of physical effort, however slight, required by police to compel compliance by an unwilling individual.

Kettling. Confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Law Enforcement Officer/Officer. Any officer of an agency, including the head of the agency; a special state police officer appointed pursuant to M.G.L. c. 140, § 58 or 63; a special sheriff appointed pursuant to M.G.L. c. 37, § 4, performing police duties and functions; a deputy sheriff appointed pursuant to M.G.L. c. 37, § 3 performing police duties and functions; a constable executing an arrest for any reason; or any other special, reserve, or intermittent police officer.

Non-deadly Force. Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Officer-involved Injury or Death. Any event during which an officer:
(a) discharges a weapon, or stun gun, as defined in M.G.L. c. 140, § 121, actually or proximately causing injury or death to another;
(b) discharges any stun gun as defined in said M.G.L. c. 140, § 121 actually or proximately causing injury or death to another;
(c) uses a chokehold, in violation of M.G.L. c. 6E, § 14(c), actually or proximately causing injury or death of another;
(d) discharges tear gas or other chemical weapon, actually or proximately causing injury or death of another;
(e) discharges rubber pellets from a propulsion device, actually or proximately causing injury or death of another;
(f) deploys a dog, actually or proximately causing injury or death of another;
(g) uses deadly force, actually or proximately causing injury or death of another;
(h) fails to intervene, as required by M.G.L. c. 6E, § 15, to prevent the use of excessive or prohibited force by another officer who actually or proximately causes injury or death of another; or
(i) engages in a physical altercation with a person who sustains serious bodily injury or requests or receives medical care as a result.

Passive resistance. An individual who is noncompliant with officer commands that is nonviolent and does not pose an immediate threat to the officer or the public.

Serious Bodily Injury. Bodily injury that results in:
(a) permanent disfigurement;
(b) protracted loss or impairment of a bodily function, limb, or organ; or
(c) a substantial risk of death.

Tear Gas or Other Chemical Weapons (CW). Any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain a person by causing pain. This shall not include oleoresin capsicum (OC) spray.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.04: Use of Non-deadly Force

(1) A law enforcement officer shall not use force upon another person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary and proportionate to:
(a) effect the lawful arrest or detention of a person;
(b) prevent the escape from custody;
(c) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm, while protecting the safety of the officer or others; or
(d) defend against an individual who initiates force against an officer.

(2) A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible, including issuing a summons instead of executing an arrest where feasible.

(3) Physically escorting or handcuffing an individual with minimal or no resistance does not constitute a use of force for purposes of 555 CMR 6.03. Use of force does include the pointing of a firearm, ECW, CED or CW at an individual and the use of OC spray on an individual or directed toward an individual.

(4) Officers shall always provide appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible.

(5) All law enforcement officers shall be properly trained and certified in the use of any less-lethal weapons before being authorized to carry or use such force options.

(6) Except to temporarily gain, regain or maintain control of an individual and apply restraints, a law enforcement officer shall not intentionally sit, kneel, or stand on an individual's chest, neck, or spine, and shall not force an individual to lie on their stomach.

(7) A law enforcement officer shall not obstruct the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

6.05: Use of Deadly Force

(1) A law enforcement officer shall not use deadly force upon a person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm, and;
(a) The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;
(b) The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
(c) The officer uses only the amount of force that is objectively reasonable.

(2) A law enforcement officer shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing or oxygen or blood flow to an individual's head or neck. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow.

(3) An officer may not use deadly force against a person who poses only a danger to themselves.

(4) A law enforcement officer shall not discharge any firearm into or at a moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to a person and the discharge is proportionate to the threat of imminent harm; and only if the following conditions exist:

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.05: continued

(a) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, which includes moving out of the path of the vehicle;
(b) Officers have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (*e.g.*, surrounding a vehicle at close proximity while dismounted);
(c) The officer is not firing strictly to disable the vehicle; and
(d) The circumstances provide a high probability of stopping or striking the intended target.

(5) A law enforcement officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

(6) Where feasible based on the totality of the circumstances, officers shall verbally identify themselves as police officers and issue some warning before using deadly force.

(7) Officers shall always provide appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

6.06: Duty to Intervene

A law enforcement officer present and observing another officer using or attempting to use physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual.

The failure of a law enforcement officer to intervene as set forth in 555 CMR 6.05 may subject the officer to de-certification by the Commission.

6.07: Use of Force Reporting

(1) Law enforcement agencies shall develop and implement a policy and procedure for reporting the use of force. Such policy shall mandate reporting such incidents including, but not limited to, officer-involved injuries or deaths as described in 555 CMR6.00, and include the use of a standard use of force reporting form as approved by the Committee and the Commission which shall be completed by any officer who uses force.

(2) Law enforcement agencies shall report to the National Use of Force Data Collection Database when actions by a law enforcement officer resulted in the death or serious bodily injury of an individual, or when a law enforcement officer, in the absence of death or serious bodily injury, discharged a firearm at or in the direction of a person.

(3) Law enforcement agencies are not required to report the discharge of a firearm during training or qualification exercises, or for the purposes of animal destruction/euthanasia where necessary.

(4) An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report.

(5) An officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a use of force report may be subject to decertification.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.07: continued

(6) Law enforcement agencies shall develop and implement a policy and procedure for law enforcement personnel including, but not limited to, law enforcement officers, to report abuse by other law enforcement personnel including, but not limited to, law enforcement officers, without fear of retaliation or actual retaliation.

(7) Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident or made, intended to make, or is required to make a report regarding the witnessed excessive force incident shall be reported immediately to an appropriate supervisor and will not be tolerated. Any such actions may result in decertification.

(8) All use of force reports shall be retained and maintained by the law enforcement agency/department and are subject to discovery and access through the Massachusetts Public Records Law M.G.L. c. 66.

6.08: Mass Demonstrations, Crowd Management, and Reporting

(1) A police department shall establish plans to avoid and to de-escalate potential or actual conflict between officers and mass demonstration participants. When a police department obtains advance knowledge of a planned mass demonstration within the police department's jurisdiction, the police department shall diligently attempt in good faith to:

(a) communicate with organizers of the event before the event occurs in an effort to establish reliable channels of communication between officers and event participants, and

(b) discuss and establish logistical plans to avoid or, if necessary, to de-escalate potential or actual conflict between law enforcement officers and mass demonstration participants.

(2) The department shall designate an officer in charge of de-escalation planning and communication to carry out the above plans within the department.

(3) A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of a kinetic impact device or rubber pellets from a propulsion device or order the release of a dog to control or influence a person's behavior unless:

(a) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and

(b) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or the chemical weapon, kinetic impact device, rubber pellets or dog is proportionate to the threat of imminent harm.

(4) If a law enforcement officer utilizes or orders the use of kinetic impact devices, rubber bullets, CEDs, CWs, ECWs, or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the Commission detailing all of the measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using said weapons, including a detailed justification of why use of said weapons was objectively reasonable.

(5) Canines should not be utilized for crowd control, restraint, or management of peaceful demonstrations, but may be deployed for crowd control, restraint, or management of peaceful demonstrations in isolated circumstances related to bomb detection, pursuit of suspects in buildings, and related situations. Utilization does not include circumstances in which the canine remains on a short lead in close proximity to the handler and is well behind the line of contact between law enforcement and civilian personnel.

(6) The use of Kettling as a means of crowd control, crowd management, or crowd restraint is prohibited.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

6.09: Investigation When Use of Force Results in a Death or Serious Bodily Injury

Law enforcement agencies shall develop and implement a policy and procedure for reporting a use of force that results in a death or serious bodily injury.

Whenever an officer uses force that results in a death or serious bodily injury, the Officer-in-charge shall immediately notify the agency head or their designee. The agency shall conduct an investigation according to their policies and protocols.

If the use of force involved a weapon, the agency head or their designee shall secure the weapon or weapons used for examination and maintain the appropriate chain of custody protocols.

6.10: Use of Force Training

(1) The Committee shall develop and periodically deliver use of force training to law enforcement officers consistent with 555 CMR 6.00 including, but not limited to:

(a) de-escalation tactics;
(b) handling emergencies involving individuals with mental illness;
(c) responding to mass gatherings;
(d) cultural competency;
(e) progression of force; and
(f) lawful use of force techniques and equipment on a schedule to be determined by the Committee.

(2) The Commission and the Committee shall jointly develop a model use of force policy. All law enforcement agencies shall have a written use of force policy consistent with the model policy and the agency's particular mission; provided, however, that an agency's use of force policy shall comply with 555 CMR 6.00 and all relevant state and federal laws.

REGULATORY AUTHORITY

555 CMR 6.00: M.G.L. c. 6E, § 15(d).

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 92

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **940 CMR 36.00**

CHAPTER TITLE: **Regulations Implementing the Act to Prevent Cruelty to Farm Animals**

AGENCY: **Office of the Attorney General**

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

The regulation establishes procedures for implementing the provisions of Chapter 333 of the Acts of 2016, as enacted, to prevent animal cruelty by phasing out extreme methods of farm animal confinement and the sale of products produced from animals confined in such manners. The regulation clarifies the obligations of producers and retailers of covered shell eggs, veal meat, and pork meat in the Commonwealth and outlines the authority of the Office of the Attorney General to investigate and enforce violations.

REGULATORY AUTHORITY: **St. 2016, c. 333**

AGENCY CONTACT: **Alicia Rebello-Pradas** PHONE: **617-963-2057**

ADDRESS: **One Ashburton Place, 20th Floor, Boston, MA 02108**

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

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

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

not required

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: **August 3, 2021**

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

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

For the first and second year: **no fiscal effect**

For the first five years: **no fiscal effect**

No fiscal effect: **yes**

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: **September 15, 2021**

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

confinement of covered animals
sale of products
certifications

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:*

940 CMR 36.00 is a new regulation.

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 15 2021**

Publication - *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
4.3 & 4.4	**4.3 & 4.4**
- - - - -	**241-248**

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/15/2021 CLERK MG

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
940 CMR 32.00:	DOMESTIC WORKERS	209
Section 32.01:	Purpose, Scope, and Other General Provisions	209
Section 32.02:	Definitions	209
Section 32.03:	Working Conditions	211
Section 32.04:	Notice and Recordkeeping	213
Section 32.05:	Additional Provisions	214.1
Section 32.06:	Severability	214.1
940 CMR 33.00	EARNED SICK TIME	215
Section 33.01:	Purpose, Scope and Other General Provisions	215
Section 33.02:	Definitions	215
Section 33.03:	Accrual and Use of Earned Sick Time	218
Section 33.04:	Employer Size	222
Section 33.05:	Notice of Use of Earned Sick Time	223
Section 33.06:	Documentation of Use of Earned Sick Time	223
Section 33.07:	Allowable Substitution of Employers' Paid Leave Policies	225
Section 33.08:	Prohibition on Retaliation and Non-interference	226
Section 33.09:	Recordkeeping and Disclosure	227
Section 33.10:	Violations of M.G.L. c. 149, § 148C, or 940 CMR 33.00	227
Section 33.11:	Severability	227
940 CMR 34.00:	DAILY FANTASY SPORTS CONTEST OPERATORS IN MASSACHUSETTS	229
Section 34.01:	Purpose	229
Section 34.02:	Scope	229
Section 34.03:	Definitions	229
Section 34.04:	Gameplay by Minors; Prohibition of Games Based on Student Sporting Events	231
Section 34.05:	Protection of Consumer Funds on Deposit and Compliance with Data Security Requirements	231
Section 34.06:	Limitation to One Account per DFS Player	232
Section 34.07:	Requirements for Fair and Truthful Advertising	233
Section 34.08:	Restrictions on Advertising to Minors or at Schools or School Sporting Events	233
Section 34.09:	Promotional Offers	233
Section 34.10:	Protections for Problem Gamers	234
Section 34.11:	Prohibition on Extensions of Credit	235
Section 34.12:	Fairness of DFS Contests	235
Section 34.13:	DFSOs That Run Both DFS Contests and Season-long Fantasy Sports Games	237
Section 34.14:	Tax Laws and Disclosures	238
Section 34.15:	Data Retention	238
Section 34.16:	Consumer Complaint Procedures	238
Section 34.17:	Severability	238
Section 34.18:	Implementation Period	239
(940 CMR 35.00:	RESERVED)	241
940 CMR 36.00:	REGULATIONS IMPLEMENTING THE ACT TO PREVENT CRUELTY TO FARM ANIMALS	243
Section 36.01:	Purpose	243
Section 36.02:	Scope	243
Section 36.03:	Definitions	243
Section 36.04:	Prohibition on the Confinement of Covered Animals	245
Section 36.05:	Prohibition on the Sale of Products	245
Section 36.06:	Certifications	245

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Table of Contents

		Page
940 CMR 36.00:	REGULATIONS IMPLEMENTING THE ACT TO PREVENT CRUELTY TO FARM ANIMALS	
Section 36.07:	Violations and Applicability	246
Section 36.08:	Referrals by the Department	246
Section 36:09:	Referrals by Local Boards of Health	246
Section 36.10:	Severability	247

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

(940 CMR 35.00: RESERVED)

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

940 CMR 36.00: REGULATIONS IMPLEMENTING THE ACT TO PREVENT CRUELTY TO FARM ANIMALS

Section

36.01: Purpose
36.02: Scope
36.03: Definitions
36.04: Prohibition on the Confinement of Covered Animals
36.05: Prohibition on the Sale of Products
36.06: Certifications
36.07: Violations and Applicability
36.08: Referrals by the Department
36:09: Referrals by Local Boards of Health
36.10: Severability

36.01: Purpose

940 CMR 36.00 is intended to prevent animal cruelty by phasing out extreme methods of farm animal confinement, which also threaten the health and safety of Massachusetts consumers, increase the risk of food borne illness, and have negative fiscal impacts on the Commonwealth of Massachusetts. 940 CMR 36.00 is intended to facilitate the implementation of the law as set out in St. 2016, c. 333.

36.02: Scope

940 CMR 36.00 applies only to the production and sale of veal meat, pork meat, and shell eggs in Massachusetts defined in St. 2016, c. 333.

36.03: Definitions

Act. An Act to Prevent Cruelty to Farm Animals as enacted in St. 2016, c. 333.

Breeding Pig. Any female pig of the porcine species kept for the purpose of commercial breeding.

Business Owner or Operator. Any person who owns or controls the operations of a business.

Calf Raised for Veal. Any calf of the bovine species kept for the purpose of commercial production of veal meat.

Certify. To make the sworn representations specified in 940 CMR 36.06.

Confined in a Cruel Manner. Confined so as to prevent a covered animal from lying down, standing up, fully extending the animal's limbs, or turning around freely.

Covered Animal. Any breeding pig, calf raised for veal, or egg-laying hen that is kept on a farm.

Department. The Massachusetts Department of Agricultural Resources.

Egg-laying Hen. Any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of commercial egg production.

Enclosure. Cage, crate, or other structure used to confine a covered animal or animals. Enclosure includes what is commonly described as a "gestation crate" or "stall" for pigs during pregnancy, a "veal crate" for calves raised for veal, and a "battery cage, enriched cage, or colony cage" for egg-laying hens.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

36.03: continued

Farm. The land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food; and does not include live animal markets or establishments at which inspection is provided under the Federal Meat Inspection Act.

Farm Owner or Operator. Any person who owns or controls the operations of a farm.

Fully Extending the Animal's Limbs. Fully extending all limbs without touching the side of an enclosure. In the case of egg-laying hens, fully extending the animal's limbs means fully spreading both wings without touching the side of an enclosure or other egg-laying hens and having access to at least 1.5 square feet of usable floor space per hen.

Guarantee. A contractual promise, in writing, by a seller of shell egg, whole pork meat, or whole veal meat to indemnify the purchaser of such products for any fine or monetary penalties relating to the purchased products that is imposed on the purchaser as a result of any non-compliance with St. 2016, c. 333 or 940 CMR 36.00 by the seller.

Person. Any individual, firm, partnership, joint venture, limited liability corporation, estate, trust, receiver, syndicate, association, or other legal entity.

Pork Meat. Meat, as defined in 105 CMR 500.003: *Definitions*, of a pig of the porcine species, intended for use as human food.

Sale. A commercial sale by a business that sells any item covered by St. 2016, c. 333 but does not include any sale undertaken at an establishment at which inspection is provided under the Federal Meat Inspection Act. A sale occurs at the location where the buyer takes physical possession of an item covered by St. 2016, c. 333.

Shell Egg. A whole egg of an egg-laying hen in its shell form, intended for use as human food.

Turning Around Freely. Turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

Uncooked. Requiring cooking prior to human consumption.

Usable Floor Space. The total square footage of floor space provided to each hen, as calculated by dividing the total square footage of floor space provided to hens in an enclosure (including both ground space and elevated flat platforms) by the number of hens in that enclosure.

Veal Meat. Meat, as defined in 105 CMR 500.003: *Definitions*, of a calf raised for veal, intended for use as human food.

Whole Pork Meat. Any uncooked cut of pork (including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole pork meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

Whole Veal Meat. Any uncooked cut of veal (including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole veal meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

36.04: Prohibition on the Confinement of Covered Animals

(1) It is a violation of St. 2016, c. 333 or 940 CMR 36.04 for a farm owner. or operator within Massachusetts to knowingly cause any covered animal to be confined in a cruel manner.

(2) The prohibition set forth in 940 CMR 36.04(1) does not apply to covered animals during the following six activities:
(a) Transportation;
(b) State or county fair exhibitions, 4-H programs, and similar exhibitions;
(c) Slaughter in accordance with any applicable laws, rules, and regulations;
(d) Medical research;
(e) Examination, testing, individual treatment, or operation for veterinary purposes, but only if performed by or under the direct supervision of a licensed veterinarian; or
(f) The five day period prior to a breeding pig's expected date of giving birth, and any day that the breeding pig is nursing piglets.

36.05: Prohibition on the Sale of Products

(1) It is a violation of St. 2016, c. 333 or 940 CMR 36.05 for a business owner or operator to knowingly engage in the sale within Massachusetts of any:
(a) Shell egg that the business owner or operator knows or should know is the product of a covered animal that was confined in a cruel manner;
(b) Whole veal meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner; or
(c) Whole pork meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner, or is the meat of the immediate offspring of a covered animal that was confined in a cruel manner.

(2) It is a defense to any action to enforce 940 CMR 36.00 or to any action to enforce St. 2016, c. 333 that a seller of shell eggs, whole pork meat, or whole veal meat in Massachusetts relied in good faith upon either:
(a) a Guarantee;
(b) a certification made pursuant to 940 CMR 36.06(1); or
(c) a certification made pursuant to 940 CMR 36.06(2).

36.06: Certifications

(1) Any farm or farm owner or operator that raises a covered animal and engages in one or more commercial transactions within Massachusetts involving any shell egg, whole veal meat, or whole pork meat derived from a covered animal raised on said farm may certify in writing under pains and penalties of perjury that such farm does not knowingly cause any covered animal to be confined in a cruel manner.

(2) Any person who engages in any commercial transaction within Massachusetts involving any shell egg, whole veal meat, or whole pork meat, including, but not limited to, a farm, farm owner or operator, business owner or operator, or supplier, residing or operating within or outside of the Commonwealth, may certify in writing that shell eggs, whole pork meat, or whole veal meat sold within a year of the execution of a certification will not be derived from a covered animal that was confined in a cruel manner, or from the immediate offspring of a female pig that was confined in a cruel manner.

(3) A certification made pursuant to 940 CMR 36.06(1) will be effective for one calendar year from the date it is executed and shall be renewed annually.

(4) Any certification made pursuant to 940 CMR 36.06(1) or (2) shall be produced upon demand to:
(a) the Office of the Attorney General;
(b) the Department; and
(c) any person who will rely on or has relied on such certification.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

36.06: continued

(5) Any person, farm, farm owner or operator, business owner or operator, or supplier who includes all of the following information in a certification is in compliance with the requirements of 940 CMR 36.06(1) or (2), whichever is applicable:

(a) the name and address of the entity or operation;

(b) the type of covered animal raised, covered animal product produced, or covered animal product sold or supplied by the entity or operation;

(c) the date;

(d) a written statement, that is signed under pains and penalties of perjury, that the entity or operation does not knowingly cause any covered animal to be confined in a cruel manner or that the covered animal product(s) sold or supplied by the entity or operation were not derived from a covered animal that was confined in a cruel manner as prohibited by St. 2016, c. 333; and

(e) if applicable, the name of the entity or operation to which the covered animal product(s) were sold or supplied and the date of such sale or transaction. A sample form which contains all of the necessary information and can be filled out and downloaded at https://www.mass.gov/info-details/regulations-implementing-the-act-to-prevent-cruelty-to-farm-animals-940-cmr-3600.

(6) Certifications containing the required information contained in 940 CMR 36.06(5) can be made by accredited, third party certifiers.

(7) It is an unfair and deceptive act or practice in violation of M.G.L. c. 93A, § 2(a), for a person, farm, farm owner or operator, business owner or operator, or supplier to make or produce a false certification or Guarantee.

(8) A person, farm, farm owner or operator, business owner or operator, or supplier shall retain certification records for a period of two years from their execution.

36.07: Violations and Applicability

(1) The confinement of any covered animal in violation of St. 2016, c. 333 or 940 CMR 36.04 will be subject to a civil fine of up to $1,000 per violation.

(2) The sale of any shell egg, whole veal meat, or whole pork meat in violation of St. 2016, c. 333 or 940 CMR 36.05 will be subject to a civil fine of up to $1,000 per transaction.

The requirements of 940 CMR36.00 do not apply to shell eggs, whole veal meat, or whole pork meat already in the supply chain before January 1, 2022. It is not a violation of 940 CMR 36.00 to sell any shell eggs, whole veal meat, or whole pork meat derived from a covered animal that was confined in a manner that does not comply with the requirements of 940 CMR 36.00 before January 1, 2022, provided that confinement of the covered animal complies with the requirements of 940 CMR 36.00 on and after January 1, 2022.

36.08: Referrals by the Department

Whenever the Department inspects a farm pursuant to any applicable authority, the Department may inspect farms for compliance with the enclosure and useable floor space for covered animals under St. 2016, c. 333 and 940 CMR 36.00 to ensure that these animals are not being confined in a cruel manner. If the Department observes violations of St. 2016, c. 333 or 940 CMR 36.00 during its inspections of farms within Massachusetts, the Department may refer those violations to the Attorney General's Office.

36.09: Referrals by Local Boards of Health

A farm owner or operator located in Massachusetts, who is making a new certification or Guarantee or renewing a certification or Guarantee, shall annually submit to the local Board of Health a copy of any certification or Guarantee currently in effect at the farm owner or operator's farm. If a local Board of Health observes violations of St. 2016, c. 333 or 940 CMR 36.00, the local Board of Health may refer those violations to the Attorney General's Office.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

36.10: Severability

If any provision of 940 CMR 36.00 or the application of any provision of a regulation to any person or circumstance is held to be invalid, the validity of the remainder of 940 CMR 36.00 and the applicability of such provision to other persons or circumstances will not be affected.

REGULATORY AUTHORITY

940 CMR 36.00: St. 2016, c. 333.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

NON-TEXT PAGE

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

Docket # 37

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Notice of Correction

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: **956 CMR 5.00**

CHAPTER TITLE: **Minimum Creditable Coverage**

AGENCY: **Commonwealth Health Insurance Connector Authority**

ORIGINAL PUBLICATION REFERENCE: **1407** *Date:* **12/27/2019**

SUMMARY OF CORRECTION:
1. In 956 CMR 5.03(3)(d), the word "organization" in the prefatory clause was erroneously pluralized to read as "organizations" and should be changed to remove the "s". 2. Provision 956 CMR 5.03(d)(1) was not included in the printed version. A corrected version should be published including (d)(1). 3. Provision 956 CMR 5.03(d)(3) was erroneously split into two provisions: (d)(3) and (d)(4). A corrected version should be published with (d)(3) made whole and the subsequent provisions correctly re-numbered.

AGENCY CONTACT: **Andrew R. Egan** PHONE: **617-233-9101**

ADDRESS: **100 City Hall Plaza, 6th Floor, Boston, MA 02108**

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 17 2021**

Publication *To be completed by the Regulations Division*

MASSACHUSETTS REGISTER NUMBER: **1453** DATE: **10/01/2021**

EFFECTIVE DATE: **10/01/2021**

CODE OF MASSACHUSETTS REGULATIONS

Remove these pages:	*Insert these pages:*
31 - 32.2	**31 - 32.2**

A TRUE COPY ATTEST
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
DATE 09/17/2021 CLERK MG

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

5.03: continued

(c) A Health Benefit Plan:

1. may not impose an overall Annual Maximum Benefit limitation for the plan that applies to all Covered Services collectively;

2. may not impose an overall Annual Maximum Benefit limitation based on dollar amount or utilization that caps covered Core Services, whether individually or collectively, for a year or for any single illness or condition;

3. may not impose an overall Annual Maximum Benefit limitation based on dollar amount on prescription drugs;

4. may apply utilization limits, so long as limits are quantitative or based on other reasonable medical management techniques, rather than based on dollar limits. However, the Connector, in its discretion, may determine that a Health Benefit Plan does not meet the standards for minimum creditable coverage if:

a. the Annual Maximum Benefit limitations established by the Health Benefit Plan are clearly inconsistent with standard employer-sponsored coverage; and

b. the Annual Maximum Benefit limitations established by the Health Benefit Plan do not represent innovative ways to improve quality or manage the utilization or cost of services delivered.

(d) A Health Benefit Plan may not limit its contractual commitment to the subscriber to an Indemnity Schedule of Benefits for any Core Services. Nothing in 956 CMR 5.03(1)(d) is intended to prohibit carriers from agreeing with providers to fee schedules as a basis for reimbursement for their services, from employing reasonable and customary fee schedules as a basis for reimbursing subscribers or providers, or from otherwise devising provider payment methodologies.

(e) A Health Benefit Plan must cover Preventive Health Services on an annual basis without imposing a Deductible.

(f) A Health Benefit Plan, or the aggregate of multiple Health Benefit Plans, that provide(s) coverage for dependents must provide coverage for all Core Services and all of the benefits included in the broad range of medical benefits in accordance with 956 CMR 5.03(1)(a) for all Covered Persons under the Health Benefit Plan.

(2) A Health Benefit Plan, or the aggregate of multiple Health Benefit Plans, that otherwise meets the requirements of 956 CMR 5.03(1) may incorporate the following and continue to be considered as providing minimum creditable coverage:

(a) A Health Benefit Plan may impose reasonable exclusions and limitations, including different benefit levels for in-network and out-of-network providers. Exclusions and limitations on benefits should be identified in plain language and non-discriminatory in their design and application. For a Health Benefit Plan that does not have a network design, the overall Health Benefit Plan design must meet the requirements of 956 CMR 5.03(1) to be considered as providing minimum creditable coverage.

(b) A Health Benefit Plan may impose varied levels of Co-payments, Deductibles and Co-insurance, provided that:

1. the plan must disclose to Covered Persons the Deductible, Co-payment and Co-insurance amounts applicable to in-network and out-of-network Covered Services;

2. any Deductible(s) for in-network Covered Services that are provided as part of the plan benefits shall not in combination exceed $2,000 for an individual and $4,000 for a family;

3. the dollar amounts for individuals specified in 965 CMR 5.03(2)(b)2. shall, unless the Connector Board establishes otherwise for a given calendar year, be adjusted each year by an amount equal to the product of that amount and the premium adjustment percentage for a calendar year as determined by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 18022(c)(4). Such amounts are typically published by the Secretary in the annual *Notice of Benefit and Payment Parameters* regulations. If the amount of any adjustment is not a multiple of $50, such adjustment shall be rounded down to the next lowest multiple of $50. The dollar amounts for a family specified in 956 CMR 5.03(2)(b)2. shall be increased each year to an amount equal to twice the amount in effect for an individual, as adjusted pursuant to 956 CMR 5.03(2)(b)3.; and

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

5.03: continued

4. the dollar amount of any separate Deductible imposed for prescription drug coverage shall, unless the Connector Board establishes otherwise for a given calendar year, not exceed an amount equal to 12.5% of the total Deductible limits for individuals and families, respectively, as determined by 956 CMR 5.03(2)(b)3. If the amount of any adjustment is not a multiple of $10, such adjustment shall be rounded down to the nearest multiple of $10.

(c) If a Health Benefit Plan includes deductibles, Co-payments, or Co-insurance for in-network covered Core Services, the plan must set Out-of-pocket Maximums for in-network Covered Services.

1. The Out-of-pocket Maximum for in-network Covered Services, or the sum of the Out-of-pocket Maximums for in-network Covered Services, shall not exceed the dollar amounts in effect under the Internal Revenue Code § 223(c)(2)(A)(ii) for self-only and family coverage, respectively, for each taxable year.

2. The dollar amounts for individuals specified in 956 CMR 5.03(2)(c)1. shall refer to the dollar amount in effect under the Internal Revenue Code § 223(c)(2)(A)(ii) during the tax year 2014, adjusted by an amount equal to the product of that amount and the premium adjustment percentage for a calendar year as determined by the United States Secretary of Health and Human Services. If the amount of any increase is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50. The dollar amounts for a family specified in 956 CMR 5.03(2)(c)1. shall be increased to an amount equal to twice the amount in effect for individuals as described in 956 CMR 5.03(2)(c)2.

(d) A Health Benefit Plan with Deductibles exceeding 956 CMR 5.03(2)(b) and/or Out-of-pocket Maximums for in-network Covered Services exceeding 956 CMR 5.03(2)(c) may be combined with a health reimbursement arrangement, or HRA, so that, together, the "net" Deductible amount (*i.e.*, the annual Deductible less the annual HRA funding) and Out-of-pocket Maximum of the combined Health Benefit Plans satisfy 956 CMR 5.03(2)(b) and (c).

(e) A Health Benefit Plan that does not meet the standards for minimum creditable coverage under 956 CMR 5.03(1) and (2) on its own may be combined with additional Health Benefit Plans so that, together in the aggregate, the combined health benefit plans (the net result thereof) satisfy 956 CMR 5.03(1) and (2). For purposes of aggregating multiple Health Benefit Plans under 956 CMR 5.03, the following are examples of permissible aggregations:

1. A Health Benefit Plan that excludes prescription drug coverage may be combined with a separate prescription drug-only Health Benefit Plan so that, together in the aggregate, the combined Health Benefit Plans satisfy 956 CMR 5.03(2)(b).

2. A Health Benefit Plan that excludes coverage for mental health services may be combined with a separate mental health services Health Benefit Plan so that, together in the aggregate, the combined Health Benefit Plans satisfy the standards of minimum creditable coverage.

(3) Notwithstanding any other requirement under 956 CMR 5.03, the following shall be deemed to provide minimum creditable coverage:

(a) a Catastrophic Health Plan as defined in 42 U.S.C. § 18022(e);

(b) any health benefit coverage defined as "creditable coverage" in M.G.L. c. 111M, § 1(b) through (l);

(c) a high deductible health plan ("HDPH") which:

1. complies with federal statutory and regulatory requirements under 26 U.S.C. § 223; and

2. complies with 956 CMR 5.03(1)(a), (c), (d) and (e) (to the extent the requirements of 956 CMR 5.03(1) are not inconsistent with federal statutory and regulatory requirements for an HDHP under 26 U.S.C. § 223); and either

3. the carrier or plan sponsor facilitates access to an HSA administrator (*i.e.*, financial institution) to enable a Covered Person to establish and fund an HSA in combination with a federally compliant HDHP; or

4. the plan sponsor establishes and maintains a Health Reimbursement Arrangement ("HRA") in combination with a federally compliant HDHP.

(d) any health arrangement provided by an established religious organization comprised of individuals with sincerely held beliefs, provided that the organization:

1. is not a for-profit organization;

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

5.03: continued

2. does not make any direct or indirect representation that the organization has sufficient financing to meet members' anticipated financial or medical needs or that it has had a successful history of meeting members' financial or medical needs, provided that this requirement shall not apply to any financial statement that the organization is otherwise required to disclose by law;

3. does not use compensated sales agents, sales tactics, or deceptive marketing practices to solicit or enroll members, including that it does not use common insurance terms, such as "health plan," "coverage," "copay," "copayment," "deductible," "premium," and "open enrollment," or refer to itself as "licensed" in advertisements, marketing material, brochures, or other materials related to the arrangement;

4. does not use funds paid by members for medical needs to cover administrative costs;

5. provides disclosure that the organization is not an insurance company and does not guarantee that medical bills will be paid by the organization or any other individuals; such disclosure must be made at initial contact with a prospective member, at the time of any material modification to the terms of the sharing arrangement, and in all advertising, brochures, and marketing materials;

6. reports annually to the Connector any information about membership, operations, and finances as the Connector may require; and

7. meets such other criteria that the Connector may deem appropriate to ensure that individuals participating in such arrangements participate only in those operating in a manner consistent with the requirements described in 956 CMR 5.03(3)(d)(1)-(6).

(e) any currently operating U.S. Veterans Administration healthcare program administered by the U.S. Veterans Administration;

(f) any health plan offered or approved by the Corporation for National and Community Service for members of the AmeriCorps National Service Network (*i.e.*, AmeriCorps State, AmeriCorps National, Volunteers in Service to America (VISTA), and National Civilian Community Corps (NCCC)), pursuant to the Domestic Volunteer Service Act (42 U.S.C. § 4950 *et seq.*) or the National and Community Service Act (42 U.S.C. § 12501 *et seq.*); and

(g) a Health Benefit Plan that does not meet every element of minimum creditable coverage required under 956 CMR 5.03(1), but which the Connector, in its discretion, has determined:

1. conforms with the regulatory requirements under 956 CMR 5.00 relating to Core Services (without limitation) and a "broad range of medical benefits";

2. does not fail the standards of minimum creditable coverage established in 956 CMR 5.03(1)(c)3; and

3. has an actuarial value equal to or greater than any Bronze-level plan offered through the Connector as certified by an actuary.

(4) A group health plan that is maintained pursuant to a collective bargaining agreement in effect on January 1, 2009, may be deemed, in the Connector's discretion, to meet minimum creditable coverage for a period not to exceed one year following the expiration date of the collectively bargained agreement that is in effect on January 1, 2009 or, if part of a Multi-employer Health Benefit Plan, one year following the date of the last renewing collectively bargained agreement that is part of the Multi-employer Health Benefit Plan.

(5) The following shall not be considered to be providing minimum creditable coverage: a plan issued as a supplemental health insurance policy including, but not limited to, accident only, credit only, or limited scope vision or dental benefits if offered separately; hospital indemnity insurance policies if offered as independent, non-coordinated benefits which shall mean policies issued under M.G.L. c. 175 which provide a benefit not to exceed $500 per day, as adjusted on an annual basis by the amount of increase in the average weekly wages in the commonwealth as defined in M.G.L. c. 152, § 1, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured or a dependent; disability income insurance; coverage issued as a supplement to liability insurance; specified disease insurance that is purchased as a supplement and not as a substitute for a health plan and that meets any requirements the commissioner of insurance, by regulation, may set; insurance arising out of a workers' compensation law or similar law; automobile medical payment insurance; insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance; long-term care if offered separately; coverage supplemental to the coverage provided under 10 U.S.C. § 55 if offered as a separate insurance policy; or any policy subject to M.G.L c. 176K or any similar policies issued on a group basis, including Medicare Prescription drug plans.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

5.04: Administrative Bulletins

The Connector may periodically issue administrative bulletins containing interpretations of 956 CMR 5.00 and other information to assist compliance under 956 CMR 5.00.

5.05: Severability

The provisions of 956 CMR 5.00 are hereby declared to be severable. If any section or portion of sections 956 CMR 5.00, or the applicability thereof to any person or circumstances, is held invalid by any court of competent jurisdiction, the remainder of 956 CMR 5.00, or the applicability thereof to other persons or circumstances, will not be affected thereby.

REGULATORY AUTHORITY

956 CMR 5.00: M.G.L. c. 111M, § 1 and M.G.L. c. 176Q, § 3.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.

The text of the regulations published in the electronic version of the Massachusetts Register is unofficial and for informational purposes only.
The official version is the printed copy which is available from the State Bookstore at http://www.sec.state.ma.us/spr/sprcat/catidx.htm.