

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 304.00: RATES FOR COMMUNITY HEALTH CENTERS

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304.01: General Provisions

- (1) Scope, Purpose and Effective Date. 101 CMR 304.00 governs the payment rates effective October 1, 2013, to be used by Governmental Units and workers compensation insurers for Community Health Center services.
- (2) Coverage. The rates of payment under 101 CMR 304.00 shall constitute full compensation for community health center services provided to Publicly Aided Individuals as well as full compensation for necessary administration, professional supervision, and supporting services associated with patient care. Any client resources or third party payments received on behalf of a publicly assisted client shall reduce, by that amount, the amount of the purchasing Governmental Unit's obligation for services rendered to the publicly assisted client.
- (3) Disclaimer of Authorization of Services. 101 CMR 304.00 is not authorization for or approval of the services for which rates are determined. The purchasing governmental agency or insurer is responsible for the definition, authorization, and approval of services.
- (4) Coding Updates and Corrections. EOHHS may publish procedure 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 only the code numbers change, with the corresponding cross references between existing and new codes;
 - (b) deleted codes for which there are no corresponding new codes; and
 - (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.
- (5) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 304.00 or to publish procedure code updates and corrections. In addition, EOHHS may issue administrative bulletins that specify the information and documentation necessary to implement 101 CMR 304.00.

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(6) Authority. 101 CMR 304.00 is adopted pursuant to M.G.L. c. 118E.

304.02: Definitions

Meaning of Terms. As used in 101 CMR 304.00, unless the context requires otherwise, terms shall have the meanings ascribed in 101 CMR 304.02.

Certification. Determination by the MassHealth agency pursuant to 130 CMR 405.000: *Community Health Center Services*.

Community Health Center (CHC). A clinic that provides comprehensive ambulatory services and that is not financially or physically an integral part of a hospital.

Cost Report. The document used to report cost and other financial and statistical data in a format requested by and approved by the Center.

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

Early and Periodic Screening, Diagnosis and Treatment Services. A face-to-face meeting between an Early and Periodic Screening, Diagnosis and Treatment Services member and a physician, physician assistant, nurse practitioner, or registered nurse for the purposes of performing a comprehensive health assessment in accordance with MassHealth's Early and Periodic Screening, Diagnosis and Treatment Services regulations.

Emergency Care. Medical care required immediately due to illness or injury with symptoms of sufficient severity that a prudent lay person would believe there is an immediate threat to life or high risk of permanent damage to the individual's health. Emergency conditions are those that require immediate medical treatment at the most accessible hospital equipped to provide emergency services. Emergency care does not include elective, primary, or urgent care.

Enhanced Global Delivery. The provision and supervision of case management, perinatal counseling (including, but not limited to, obstetrical-risk assessment and monitoring), in addition to pelvic or cesarean delivery, all routine prenatal visits, and one postpartum visit.

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

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

Group Medical Visit. A session conducted by a physician, physician assistant, nurse practitioner, or registered nurse to introduce appropriate health care topics that could include but are not limited to preventive medicine approaches to personal health and safety and to present self-help

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and personal management information concerning family medicine, adult medicine, sex education, and chronic illness.

Individual Medical Visit. A face-to-face meeting between a recipient and a physician, physician assistant, nurse practitioner, or registered nurse within the community health center setting, for purposes of examination, diagnosis, or treatment.

Individual Mental Health Visit. A face-to-face meeting at the center between a recipient and a psychiatrist for mental health examination and diagnosis. An Individual Mental Health Visit conducted by a person other than a psychiatrist (for example, a psychologist, nurse, physician assistant, social worker, counselor) or provided in a Community Health Center certified as a mental health center is not reimbursable according to the provisions of 101 CMR 304.00. Other mental health services provided in a community health center so certified may be reimbursed according to 114.3 CMR 6.00: *Rates of Payment for Mental Health Services Provided in Community Health Centers and Mental Health Centers.*

New Provider. A community health center that has experienced less than one year of operation as a Provider of community health care services, or has instituted a significant change in service.

Nurse-Midwife Medical Visit. A face-to-face meeting at the center between a recipient and a Nurse-Midwife for prenatal and postpartum services. If a center chooses to be reimbursed by the Enhanced Global Delivery rate set forth in 114.3 CMR 16.00: *Surgery and Anesthesia Services*, a nurse-midwife medical visit is not reimbursable.

Physicians. Includes all MDs and Doctors of Osteopathic Medicine (DOs), but does not include psychiatrists.

Primary or Elective Care. Medical care required by individuals or families that is appropriate for the maintenance of health and the prevention of illness. This care includes but is not limited to physical examination, diagnosis and management of illness, ongoing health maintenance, accident prevention and referral when necessary. This care does not require the specialized resources of a hospital emergency department.

Provider. A community health center that meets the conditions of participation that have been or may be adopted by a Governmental Unit purchasing community health center services. Minimally, a community health center must meet the following criteria:

In State:

- (a) be licensed as a freestanding clinic by the Massachusetts Department of Public Health pursuant to M.G.L. c. 111, § 51; and
- (b) meet the qualifications for certification (or provisional certification) by and enter into a provider agreement with MassHealth pursuant to 130 CMR 405.000: *Community Health Center Services.*

Out of State: meet criteria for Provider eligibility and enter into a provider agreement with MassHealth pursuant to 130 CMR 405.000: *Community Health Center Services.*

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

Supporting Services. These include, but are not limited to, Health Education, Health Outreach, Medical Social Work Services, Nutrition Services (other than the WIC program), and Translation Services.

Urgent Care. Services required promptly to prevent impairment of health due to symptoms that a prudent lay person would believe require medical attention, but are not life threatening and do not pose a high risk of permanent damage to an individual's health. Urgent care does not include elective, emergency, or primary care.

304.03: General Rate Provisions and Maximum Allowable Fees

(1) Rate Determination. Rates of payment for authorized community health center services to which 101 CMR 304.00 applies are the lower of

- (a) the Provider's usual charge to the general public (other than Publicly Aided Individuals or industrial accident patients) for the same or similar services; or
- (b) the schedule of allowable fees set forth in 101 CMR 304.04.

(2) Individual Consideration (I.C.). Non-listed procedures and services designated I.C. are individually considered items. The Provider's bill for such an item must be accompanied by a brief report of the procedure or service provided, including a pertinent history and diagnosis, a description of the service 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, the purchasing agency shall use the following criteria:

- (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).

304.04: Allowable Fees

<u>Service Code</u>	<u>Allowable Fee, Effective 10/1/13</u>	<u>Allowable Fee, Effective 7/1/14</u>	<u>Service Description</u>
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(1) Medical Diagnosis and Treatment.

T1015	\$137.76	\$138.78	Individual Medical Visit
T1015-HQ	\$ 27.55	\$27.76	Group Medical Visit

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99050	\$ 45.40	\$45.74	Urgent Care Provided Monday through Friday from 5:00 P.M. to 6:59 A.M., and Saturday from 7:00 A.M. to Monday 6:59 A.M. (This code may be billed in addition to the individual medical visit.)
T1015-TH	\$137.76	\$138.78	Nurse-Midwife Medical Visit

(2) Early and Periodic Screening, Diagnosis and Treatment Services.

99381	\$144.65	\$145.73	Initial evaluation and management of a healthy individual requiring a comprehensive history, a comprehensive examination, the identification of risk factors, and the ordering of appropriate laboratory/diagnostic procedures; infant (age under one year)
99382	\$144.65	\$145.73	Initial evaluation and management of a healthy individual requiring a comprehensive history, a comprehensive examination, the identification of risk factors, and the ordering of appropriate laboratory/diagnostic procedures; early childhood (age one through four years)
99383	\$144.65	\$145.73	Initial evaluation and management of a healthy individual requiring a comprehensive history, a comprehensive examination, the identification of risk factors, and the ordering of appropriate laboratory/diagnostic procedures; late childhood (age five through 11 years)
99384	\$144.65	\$145.73	Initial evaluation and management of a healthy individual requiring a comprehensive history, a comprehensive examination, the identification of risk factors, and the ordering of appropriate laboratory/diagnostic procedures; adolescent (age 12 through 17 years)
99385	\$144.65	\$145.73	Initial evaluation and management of a healthy individual requiring a comprehensive history, a comprehensive examination, the identification of risk factors, and the ordering of appropriate laboratory/diagnostic procedures; 18 through 39 years
99391	\$144.65	\$145.73	Periodic reevaluation and management of a healthy individual requiring a comprehensive history, comprehensive examination, the identification of risk factors, and the ordering of appropriate laboratory/diagnostic procedures, established patient; infant (age under one year)
99392	\$144.65	\$145.73	Periodic reevaluation and management of a healthy individual requiring a comprehensive history, comprehensive examination, the identification of risk factors and the ordering of appropriate

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99393	\$144.65	\$145.73	laboratory/diagnostic procedures, established patient; early childhood (age one through four years) Periodic reevaluation and management of a healthy individual requiring a comprehensive history, comprehensive examination, the identification of risk factors and the ordering of appropriate laboratory/diagnostic procedures, established patient; late childhood (age five through 11 years)
99394	\$144.65	\$145.73	Periodic reevaluation and management of a healthy individual requiring a comprehensive history, comprehensive examination, the identification of risk factors and the ordering of appropriate laboratory/diagnostic procedures, established patient; adolescent (age 12 through 17 years)
99395	\$144.65	\$145.73	Periodic reevaluation and management of a healthy individual requiring a comprehensive history, comprehensive examination, the identification of risk factors and the ordering of appropriate laboratory/diagnostic procedures, established patient; 18 through 39 years

(3) Mental Health Examination and Diagnosis.

90899	\$137.76	\$138.78	Individual Mental Health Visit
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(4) Other Community Health Center Services. The rates of payment for other community health center services provided to publicly aided patients shall be based on the applicable regulation and rates of payment for the specific care and services rendered as issued by EOHHS or the Governmental Unit where the latter's schedules have not been superseded by 101 CMR 304.00. Rules for such care and services shall include, but not be limited to, those furnished by dentists, pharmacies, independent clinical laboratories, optometrists, opticians, podiatrists, psychologists, and other individual practitioners and noninstitutional providers.

304.05: Adjustment to Ensure Title XIX Access or Quality

A Provider may request an adjustment of rates if it can demonstrate that access to service delivery is threatened. In order to qualify, the Provider must obtain certification from the MassHealth agency that, without an increase in rates, access to services to MassHealth members will be jeopardized or that the quality of service will fall below levels acceptable to the MassHealth agency and required by Title XIX. If the MassHealth agency makes such a certification, the Provider may submit an application for a rate adjustment. The Provider's application must include a copy of the MassHealth agency certification, the number of clients in need of the particular service, the number of visits required, evidence of the direct relationship

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between services and the cost of providing care and the minimal additional costs to adequately provide the services. EOHHS shall review and act on a request for a change in rates within 60 days of the receipt of a completed application.

304.06: Program Innovation Provision

(1) Review of Program Innovation Applications. A Provider may apply for a prospective adjustment of its Medical Visit Rate or establishment of a rate separate from its Medical Visit Rate in order to implement a high priority policy initiative sponsored by a Governmental Unit of the Commonwealth. EOHHS shall review and act on a request for a prospective change in rate or establishment of a rate separate from the Medical Visit Rate within 60 days after receipt of a program innovation application consisting of, but not limited to, a statement of support from the sponsoring state agency that would bear the majority or resultant cost increases; a description of the purpose and scope of the program innovation, including number of personnel involved and proposed implementation process; and a detailed budget of expected additional costs and project volume associated with the program innovation.

(2) Criteria. An agency may apply for a prospective change in rate or establishment of a rate separate from the Medical Visit Rate on the basis of implementing a program innovation that accomplishes current high priority policy initiatives of a state agency, in which timely implementation is essential.

(3) Implementation Schedule. EOHHS will not approve an application for an adjustment in rate or establishment of a rate separate from the Medical Visit Rate due to a program innovation unless the Provider demonstrates that it will implement the program within three months of the effective date of the new rate. Dates of implementation and supportive documentation must accompany the application. The effective date of an approved rate will be the date on which the most costs are incurred by the agency for the implementation of the program. Evidence of expenditures must be submitted to EOHHS within three months of the effective date of the approved rate. EOHHS reserves the right to lower the rate retroactive to the date on which the program innovation became effective if the program innovation is not implemented or if actual costs are lower than projected.

304.07: Modifiers for Provider Preventable Conditions That Are National Coverage Determinations

The following are modifiers for use in reporting provider preventable conditions that are National Coverage Determinations.

Modifier	Description
PA	Surgical or other invasive procedure performed on the wrong body part
PB	Surgical or other invasive procedure performed on the wrong patient
PC	Wrong surgical or other invasive procedure performed on a patient

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For more information on the use of these modifiers, please see Appendix V of the MassHealth *Community Health Center Manual*.

304.08: Filing and Reporting Requirements

- (1) Required Reports: Existing Providers. Unless exempted, each Provider must file the following information according to the schedule cited in 101 CMR 304.08(4):
 - (a) one electronic and two paper copies of a Center-approved community health center cost report and any supplemental schedules as supplied and/or required by the Center;
 - (b) two paper copies of financial statements certified by a certified public accountant. In the absence of certified statements, the agency may submit uncertified statements or a Balance Sheet and Operating Statement prepared by the health center;
 - (c) one electronic copy of the Uniform Financial Statement and Independent Auditor's Report completed in accordance with the filing requirements of the Operational Services Division, Department of Administration and Finance, if submission is required by the Operational Services Division; and
 - (d) one paper copy of the Medicare Federally Qualified Health Center Cost Report, as filed with the Medicare fiscal intermediary, if submission is required by Centers for Medicare and Medicaid Services (CMS).

- (2) Filing Exemption. A Provider may file a written request to waive the filing requirements set forth in 101 CMR 304.08(1) for good cause. The factors that the Center will consider in determining whether to grant such a waiver, include, but are not limited to, provider service volume and revenues, current MassHealth volume and revenues, current uncompensated care/free care volume, expenditures and revenues, and BlueCross/BlueShield volume and revenues. If an approval is granted, its duration is limited to one fiscal year and, when applicable, the following must be submitted for the waived fiscal year:
 - (a) two paper copies of the audited financial statements;
 - (b) one electronic copy of the Uniform Financial Statement and Independent Auditor's Report, if applicable; and
 - (c) one copy of the Medicare Federally Qualified Health Center Medicare Cost Report, if applicable.

- (3) Special Provisions.
 - (a) New Providers. New Providers shall submit the required documentation cited in 101 CMR 304.08(1) and (2) and in accordance with the schedule set forth in 101 CMR 304.08(4), upon completion of a full fiscal year of operation.
 - (b) Mergers, Acquisitions, Other Transfers. Any Provider involved in a merger, acquisition, purchase, pooling of interest or other arrangement involving the transfer of business between two or more Providers becomes a single Provider for purposes of filing information under this section.

- (4) Filing Deadlines. Each Provider must file the required documents cited in 101 CMR 304.08(1) and (2) according to the following schedule.

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- (a) For Providers with fiscal periods ending July 1st through December 31st, reports are due by December 1st of the following year.
 - (b) For Providers with fiscal periods ending January 1st through June 30th, reports are due by December 1st of the same year.
- (5) Additional Information Requested by the Center. Each Provider shall file such additional information as the Center requests within 15 business days from the date of request, unless a different time is specified. The Center may, for cause, extend the filing date of the requested information, in response to a written request for an extension of time.
- (6) General Provisions.
- (a) Accurate Data. All reports, schedules, additional information, books, and records made available to the Center shall be certified under pains and penalties of perjury as true, correct, and accurate by the Executive Director or Chief Financial Officer of the community health center.
 - (b) Examination of Records. Each health center shall make available all records relating to its operation and all records relating to a realty service or holding company or any entity in which there may be a common ownership or interrelated directorate upon request of the Center for examination.
 - (c) Field Audits. The Center shall determine if a field audit is necessary to substantiate information provided to the Center. The Center shall make reasonable attempts to schedule an audit at a convenient time for both parties.

304.09: Severability

The provisions of 101 CMR 304.00 are severable, and if any provision of 101 CMR 304.00 or application of such provision to any community health center or any circumstances shall be held to be invalid or unconstitutional, such invalidity shall not be construed to affect the validity or constitutionality of any remaining provisions of 101 CMR 304.00 or applications of such provisions to community health centers or circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 304.00: M.G.L. c. 118E and c. 12C.