

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 358.00: RATES OF PAYMENT FOR APPLIED BEHAVIOR ANALYSIS

Section

358.01: General Provisions

358.02: General Definitions

358.03: Rate Provisions

358.04: Noncompliance with Reporting Requirements

358.05: Severability

358.01: General Provisions

(1) Scope, Purpose, and Effective Date. 101 CMR 358.00 governs the rates effective October 1, 2015, to be used by all governmental units in making payments to eligible providers of Applied Behavior Analysis to publicly aided individuals.

(2) Disclaimer of Authorization of Services. 101 CMR 358.00 is not authorization for or approval of the services for which rates are determined pursuant to 101 CMR 358.00. Governmental units that purchase care and services are responsible for the definition, authorization, and approval of care and services provided to publicly aided individuals.

(3) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on and understanding of substantive provisions of 101 CMR 358.00.

358.02: General Definitions

Terms used in 101 CMR 358.00 have the meaning ascribed in 101 CMR 358.02.

Applied Behavior Analysis. A MassHealth service that focuses on the analysis, design, implementation, and evaluation of social and other environmental modifications to produce meaningful changes in human behavior. This service provides for the performance of behavioral assessments; interpretation of behavior analytic data; development of a highly specific treatment plan; supervision and coordination of interventions; and training other interveners to address specific objectives or performance goals in order to treat challenging behaviors that interfere with a youth's successful functioning.

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

Eligible Provider. Any person, partnership, corporation, or other entity that is authorized to provide Applied Behavior Analysis services in the Commonwealth of Massachusetts and who meets such conditions of participation as have been or may be adopted from time to time by a governmental unit.

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

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

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 358.00: RATES OF PAYMENT FOR APPLIED BEHAVIOR ANALYSIS

MassHealth. The Medicaid program of the Commonwealth of Massachusetts, administered by EOHHS pursuant to M.G.L. c. 118E, Titles XIX and XXI of the Social Security Act, and other applicable laws and waivers thereto.

Publicly Aided Individual. A person for whose medical and other services a governmental unit is in whole or in part liable under a statutory program.

358.03: Rate Provisions

- (1) Rates as Full Compensation. The rates under 101 CMR 358.03 constitute full compensation for Applied Behavior Analysis services provided by eligible providers to publicly aided individuals, including full compensation for necessary administration and professional supervision associated with patient care.
- (2) Rates of Payment. Payment rates under 101 CMR 358.03 are the lowest of:
  - (a) the eligible provider's usual charge to the general public; or
  - (b) the schedule of allowable rates for services as set forth in 101 CMR 358.03(3).
- (3) Fee Schedule.
  - (a) Rate Period 1 is from October 1, 2015 through September 30, 2016.
  - (b) Rate Period 2 begins on October 1, 2016.

Code	Rate Period 1	Rate Period 2	Service Description
H2019-U2	\$14.49	\$14.73	Direct instruction by a paraprofessional working under the supervision of a licensed professional. 15 minute rate
H2012-U2	\$109.53	\$111.36	Direct instruction by a licensed professional/parent training for home services by a licensed professional. Hourly rate
H0031-U2	\$27.38	\$27.84	Assessment and case planning for home services by a licensed professional. 15 minute rate
H0032-U2	\$27.38	\$27.84	Supervision for home services by a licensed professional. 15 minute rate

- (4) Coding Updates and Corrections. EOHHS may publish procedure code updates and corrections in the form of an administrative bulletin. The publication of such updates and corrections will list
  - (a) codes for which only the code numbers changed, with the corresponding cross-walk;
  - (b) codes for which the code number remains the same but the description has changed; and
  - (c) deleted codes for which there is no cross-walk. In addition, for entirely new codes that require new pricing, EOHHS will list these codes and apply individual consideration in reimbursing these new codes until rates are established.

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 358.00: RATES OF PAYMENT FOR APPLIED BEHAVIOR ANALYSIS

(5) Billing. Each eligible provider must bill the governmental unit according to the appropriate fee schedule on a prescribed form. Each specific service must be separately enumerated on the bill.

358.04: Noncompliance with Reporting Requirements

Penalty for Non-compliance: EOHHS may reduce the payment rates by 15% for any eligible provider that fails to submit required information to the Center. EOHHS will notify the eligible provider in advance of its intention to impose a rate reduction. The rate reduction will remain in effect until the Center receives the required information.

358.05: Severability

The provisions of 101 CMR 358.00 are severable. If any provision of 101 CMR 358.00 or application of such provision to any eligible provider or 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 358.00 or application of such provisions to eligible provider or circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 358.00: M.G.L. c. 118E.