

114.4 CMR 15.00: RATES FOR COMMUNITY-BASED DAY SUPPORT SERVICES

Sections

- 15.01: General Provisions
- 15.02: Definitions
- 15.03: Rate Provisions
- 15.04: Filing and Reporting Requirements
- 15.05: Severability

15.01: General Provisions

(1) Scope. 114.4 CMR 15.00 governs the payment rates effective July 1, 2012 for Community-Based Day Support Services that assist individuals to participate in community activities by improving communication, self-care and relationship-building skills.

(2) Disclaimer of Authorization of Services. 114.4 CMR 15.00 is neither authorization for nor approval of the Services for which the regulation establishes payment rates. Purchasing Agencies are responsible for the definition, authorization, and approval of Services as specified in a contract between the Provider and the Purchasing Agency.

(3) Administrative Bulletins. The Division may issue administrative bulletins to clarify its policy on substantive provisions of 114.4 CMR 15.00.

(4) Authority. 114.4 CMR 15.00 is adopted pursuant to M.G.L. c. 118G.

15.02: Definitions

Meaning of Terms. As used in 114.4 CMR 15.00, unless the context requires otherwise, terms shall have the meanings ascribed in 114.4 CMR 15.00.

Client. An individual that receives Services under a contract between a Provider and a Purchasing Agency.

Community-Based Day Support Services (Services). Community-Based Day Support Services assist Clients to build and maintain their ability to participate in community activities by focusing on skill areas that include communication, self-care, relationship-building and community involvement.

Division. The Division of Health Care Finance and Policy established under M.G.L. c. 118G.

Fiscal Year (FY). The period from July 1 through June 30.

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

Program. An integrated and coordinated delivery of Services provided at a specific site pursuant to a contract between a Provider and the Purchasing Agency.

Provider. Any individual, group, partnership, trust, corporation or other legal entity that contracts with a Purchasing Agency to provide Community-Based Day Support Services.

114.4 CMR 15.00: RATES FOR COMMUNITY-BASED DAY SUPPORT SERVICES

Purchasing Agency. A Governmental Unit that purchases Community-Based Day Support Services.

Transition Period. The period from July 1, 2012 through June 30, 2015.

15.03: Rate Provisions

(1) Services included in the Rate. The payment rates in 114.4 CMR 15.00 are payment for all Services provided to a Client by a Provider, subject to the terms of the contract between the Provider and the Purchasing Agency.

(2) Reimbursement as Full Payment. Each Provider shall, as a condition of acceptance of payment by a Purchasing Agency for Services provided to a Client, accept the payment rates established by 114.4 CMR 15.00 as full payment and discharge of all obligations for the Services provided. The Provider may not seek additional or supplemental payment from Clients or other third parties for Services for which rates are established by 114.4 CMR 15.00. If a Provider receives any Client funds or third party payments for Services provided to a Client, the Purchasing Agency's obligation for Services to the Client shall be offset by the amount received.

(3) Payment Limitations. Except as provided in 114.4 CMR 15.04(2), each Purchasing Agency shall pay for Services at the rates established in 114.4 CMR 15.03(4).

(4) Approved Rates. The payment rate for Services is based on the Intensity Level assigned to each Client by the Purchasing Agency, as adjusted by the Transition Rate Factor established in 114.4 CMR 15.04(5).

Intensity Level	Staff to Client Ratio		Unit	Rate
	From:	To:		
A	1: 1	1: 1.25	15 min	\$10.22
B	1: 1.26	1: 2.25	15 min	\$5.73
C	1: 2.26	1: 3.25	15 min	\$4.10
D	1: 3.26	1: 4.25	15 min	\$3.40
E	1: 4.26	1: 5.25	15 min	\$3.00
F	1: 5.26	1: 6.25	15 min	\$2.44
G	Greater than 1 : 6.25		15 min	\$1.94

(5) Transitional Rate Factors. During the Transition Period, the payment rates established in 114.4 CMR 15.04(4) shall be adjusted by the Transition Rate Factors.

(a) The Division will determine the Transition Factor for each Program based on the difference between FY2012 Program revenue from Services and projected FY2013 Program revenue from Services.

(b) For the purpose of computing Transitional Rate Factors the Division will adjust FY 2012 Program revenue by subtracting any revenue for Client transportation that will be removed from the Service definition

(c) For the purpose of computing Transitional Rate Factors the Division will determine each Program's projected FY2013 revenue based on the number of Program Clients and each Client's Intensity Level and service units for FY 2012 as determined by the Purchasing Agency.

114.4 CMR 15.00: RATES FOR COMMUNITY-BASED DAY SUPPORT SERVICES

(d) Transitional Rate Factor percentages to be applied to payment rates:

<i>Percentage Difference</i>	<i>Loss or Gain</i>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>
Above 40%	Gain	0.78	0.89	1.00
25%-40%	Gain	0.88	1.00	1.00
0-25%	Gain	1.00	1.00	1.00
No change	N/A	1.00	1.00	1.00
12.5%-0	Loss	1.00	1.00	1.00
30%-12.5%	Loss	1.13	1.00	1.00
Above 30%	Loss	1.42	1.21	1.00

15.04: Filing and Reporting Requirements

(1) Required Reports. Each Provider must file:

- (a) an annual Uniform Financial Statement and Independent Auditor's report completed in accordance with the filing requirements of Division of Purchased Services Regulation 808 CMR 1.00;
- (b) any cost report supplemental schedule as issued by the Division; and
- (c) any additional information requested by the Division within 21 days of a written request.

(2) All reports, schedules, additional information, books, and records that are filed or made available to the Division shall be certified under pains and penalties of perjury as true, correct and accurate by the Executive Director or Chief Financial Officer of the Provider.

(3) Each Provider shall make available to the Division or Purchasing Agency upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.

(4) Penalties. The Division may reduce the payment rates by 15% for any Provider that fails to submit required information, subject to the approval of the Purchasing Agency. The Division will notify the Provider in advance of its intention to impose a rate reduction. The rate reduction will remain in effect until the required information is submitted to the Division.

15.05: Severability

The provisions of 114.4 CMR 15.00 are severable. If any provision of 114.4 CMR 15.00 or the application of any provision of 114.4 CMR 15.00 is held invalid or unconstitutional, such provision will not be construed to affect the validity or constitutionality of any other provision of 114.4 CMR 15.00 or the application of any other provision.

REGULATORY AUTHORITY

114.4 CMR 15.00: M.G.L. c 118G