

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 330.00: RATES FOR TEAM EVALUATION SERVICES

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330.01: General Provisions

- (1) Scope. 101 CMR 330.00 governs the rates of payment by governmental units for team evaluation services purchased by a governmental unit.
- (2) Applicable Dates of Service. Rates contained in 101 CMR 330.00 apply for dates of service provided on or after September 1, 2021.
- (3) Disclaimer of Authorization of Services. 101 CMR 330.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 330.00. Governmental units that purchase the services described in 101 CMR 330.00 are responsible for the definition, authorization, and approval of services provided to clients.
- (4) Exclusion. 101 CMR 330.00 does not govern rates of payment to hospitals, community health centers and mental health centers for team evaluation services. Community health center rates are governed by 101 CMR 304.00: *Rates for Community Health Centers*. Mental health center rates are governed by 101 CMR 306.00: *Rates of Payment for Mental Health Services Provided in Community Health Centers and Mental Health Centers*. Pursuant to M.G.L. c. 118E, § 13F, no acute hospital may charge governmental units at a rate higher than the rate payable by the MassHealth agency for these services.
- (5) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 330.00
- (6) Services and Rates Covered by Other Regulations. Rates of payment for the following services are not included within the scope of 101 CMR 330.00 and instead are governed by other regulations promulgated by EOHHS as described in 101 CMR 330.01(6).

Service(s)	Regulation
Medical evaluations	101 CMR 317.00: <i>Medicine</i>
Physical therapy evaluations, and those for occupational therapy, and speech pathology	101 CMR 339.00: <i>Restorative Services</i>
Audiological evaluations	101 CMR 323.00: <i>Rates for Hearing Services</i>
Radiological evaluations	101 CMR 318.00: <i>Radiology</i>
Visual evaluations	101 CMR 315.00: <i>Vision Care Services and Ophthalmic Materials</i>
Clinical laboratory testing	101 CMR 320.00: <i>Clinical Laboratory Services</i>
Psychological evaluations. An exception holds for comprehensive neuropsychological assessments. For this service, see 101 CMR 330.04(2).	101 CMR 329.00: <i>Psychological Testing, Treatment, and Related Services</i>

330.02: Definitions

Assessment. A professionally sound, complete, and suitably individualized examination and assessment of a child's need for special education and treatment services described in 603 CMR 28.00: *Special Education*, in the context of the child's physical, developmental, social, and educational history and current circumstances. Such an assessment is rendered by an authorized professional as defined in 101 CMR 330.02 and trained in the area of suspected need and generally includes a written assessment report as defined in 101 CMR 330.02. Types of assessments may include, but are not limited to, the following.

(a) Medical Assessment. A comprehensive health assessment by an authorized physician that identifies medical problems that may affect the child's education, such as physical constraints, chronic illness, neurological and sensory deficits, and developmental dysfunction. The medical assessment generally includes at least the following:

1. a medical history to include health of family, prenatal and birth history, developmental history, and history of significant medical conditions, including hospitalization, injuries, and accidents;
2. a complete physical examination to include blood pressure and nutritional assessment;
3. neurological and developmental assessments to include gross motor functioning, fine motor functioning, language, visual and auditory functioning;
4. tests for visual acuity and hearing by audiometry;
5. the ordering and interpretation of diagnostic tests to include, if indicated, hematocrit or hemoglobin, sickle cell test (if appropriate), blood lead test, urinalysis (with culture for females), tuberculosis skin test, and other tests as indicated;
6. a dental assessment and referral for a complete dental examination, if one has not been done within six months; and
7. a written assessment report.

(b) Psychological Assessment. An assessment by an authorized psychologist or school psychologist including an individual psychological examination and culminating in specific recommendations. Sensory, motor, language, perceptual, attentional, cognitive, affective, attitudinal, self-image, interpersonal, behavioral, interest, and vocational factors are evaluated in regard to the child's maturity, integrity, and dynamic interaction within the educational context. The assessment is based on the child's developmental and social history, diagnostic observation of the child in familiar surroundings (such as a classroom), and psychological testing as indicated. Psychological testing may include, but is not limited to, a vocational interest evaluation, educational achievement testing, intelligence testing, personality evaluation, and neuropsychological examination.

(c) Home Assessment. An assessment by an authorized social worker, nurse, or counselor of pertinent family history and home situation factors including, with prior written parental consent, a home visit. This assessment includes a description of pertinent family history and individual developmental history and estimates of adaptive behavior at home, in the neighborhood, and in local peer groups. Estimates of adaptive behavior are based to the greatest possible degree on information obtained by direct observation of the child or direct interview of the child in the neighborhood setting.

(d) Educational Assessment. An assessment of the student's educational progress and status in relation to the general education curriculum consistent with 603 CMR 28.04(2): *Initial Evaluation* and conducted by a certified educator(s).

(e) Other Assessment. An assessment, other than a medical, psychological, or home assessment, by an authorized professional in a medically related area that is related to a child's suspected need for special education and services described in 603 CMR 28.00: *Special Education*. Such assessments, when necessary, may include, but are not limited to, assessments by a medical specialist (for example, a neurologist, a psychiatrist, or an ophthalmologist), a physical therapist, an occupational therapist, a speech pathologist, or an audiologist.

Authorized Professional. An individual who, at a minimum, meets the qualifications for the particular assessment services to be performed as specified in 101 CMR 330.02 (a) through (i), as well as such requirements as have been adopted by a governmental unit purchasing assessments from eligible providers.

(a) Medical Assessment Services. These services must be performed by a pediatrician or other physician, other than an intern, resident, fellow, or house officer, who is licensed to practice by the Massachusetts Board of Registration in Medicine.

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- (b) Radiology Services. These services must be performed by a licensed physician or licensed osteopath other than an intern, resident, fellow, or house officer.
- (c) Psychological Assessment Services. These services must be performed by
 1. a psychologist who is licensed to practice by the Massachusetts Board of Registration of Psychologists; or
 2. a school psychologist who is certified by the Massachusetts Department of Elementary and Secondary Education.
- (d) Home Assessment Services. These services must be performed by
 1. a social worker who has a master's degree in social work and who is licensed by the Massachusetts Board of Registration of Social Workers as
 - a. a certified social worker; or
 - b. an independent clinical social worker;
 2. a nurse who is registered by the Massachusetts Board of Registration in Nursing; or
 3. a counselor who has a master's degree in counseling education, counseling psychology, or rehabilitation counseling.
- (e) Medical Specialist Services. These services must be performed by a physician, other than an intern, resident, fellow, or house officer, who is licensed to practice by the Massachusetts Board of Registration in Medicine.
- (f) Restorative Services. These services must be performed by
 1. a physical therapist who is currently licensed by the Board of Registration in Allied Health Professions;
 2. an occupational therapist who is currently licensed by the Board of Registration in Allied Health Professions; or
 3. a speech pathologist who is currently licensed by the Board of Registration for Speech-language Pathology and Audiology.
- (g) Rehabilitation Clinic Services. These services must be performed by
 1. a physical therapist who is currently licensed by the Board of Registration in Allied Health Professions;
 2. an occupational therapist who is licensed by the Board of Registration in Allied Health Professions;
 3. a speech pathologist who is currently licensed by the Board of Registration for Speech-language Pathology and Audiology; or
 4. a physician who is licensed to practice by the Massachusetts Board of Registration in Medicine.
- (h) Audiological Services. These services must be performed by an audiologist who is currently licensed by the Board of Registration for Speech-language Pathology and Audiology.
- (i) Educational Assessment Services. These services must be performed by a teacher holding certification by the Massachusetts Department of Elementary and Secondary Education, or a licensed psychologist.

Comprehensive Neuropsychological Assessment.

- (a) A comprehensive neurological assessment generally includes, but is not limited to
 1. record review;
 2. patient interview: presenting problems and history (medical, psychological, educational, vocational);
 3. collateral interview(s) *e.g.*, by a teacher or parent(s) of the child, as indicated;
 4. testing of neuropsychological functions (attention, executive and other frontally based functions, language, visuoperceptual and visuoconstructional functions, memory, sensory functions, motor functions, some emotional and personality functions, and other functions as indicated); scoring and analysis; and interpretation of data;
 5. educational assessment, as indicated;
 6. integration of test results with information from interview(s) and records;
 7. formulations of conclusions, diagnosis(es), and recommendations;
 8. report preparation; and
 9. a follow-up meeting to review findings.
- (b) If a provider performs a comprehensive neuropsychological assessment, then the provider may not also bill for a neurobehavioral interview or a partial neuropsychological assessment. The allowed range of hours for this assessment is nine through 24 hours.

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Comprehensive Pediatric (21 Years of Age and Younger) Restorative Evaluation. An all-inclusive, in-depth assessment of a child's medical condition and level of functioning and limitations by a physical, occupational, or speech pathologist, to determine the need for treatment and, if necessary, to develop a plan of treatment. This evaluation includes a written report.

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

Governmental Unit. The Commonwealth, any department, agency, board, or commission of the Commonwealth and any political subdivision of the Commonwealth. Governmental Units include public school departments.

Individual Consideration (I.C.). Those rates for authorized services that are determined by a governmental unit based upon the nature, extent, and need for such service and the degree of skill and time required for its provision. Providers must maintain adequate records to determine the appropriateness of their I.C. claims and must provide these documents to the purchasing agency upon demand.

Physician's Comprehensive Rehabilitation Evaluation. A cardiopulmonary, neuromuscular, orthopedic, functional assessment performed at a rehabilitation clinic by a physician.

Psychological Testing. The use of standardized test instruments and procedures by an eligible provider in order to evaluate aspects of an individual's functioning including, but not limited to, aptitudes, educational achievements, cognitive processes, emotional conflicts, and type and degree of psychopathology. These tests must be published, valid, and in general use as defined by listing in the *Mental Measurements Yearbook* or by conforming to the *Standards for Educational and Psychological Tests* of the American Psychological Association.

Publicly Aided Individual. A person for whose mental and physical health evaluation, as defined by 603 CMR 28.00: *Special Education*, governmental units of the Commonwealth are in whole or in part liable under a statutory public program.

Team Evaluation. An evaluation by a multidisciplinary team that consists of assessments in all areas related to the child's suspected need for special education and services described in 603 CMR 28.00: *Special Education*. Such assessments may include, but are not limited to, a medical assessment and associated diagnostic medical laboratory and radiological testing, a psychological assessment, a home assessment, and such other assessments as may be required in a child's diagnosis. (For the purposes of 101 CMR 330.00, Team Evaluation excludes the educational assessment by the school department and the classroom assessment by a teacher defined in 603 CMR 28.00. Rates of payment for these assessments are not the subject of 101 CMR 330.00.) Independent evaluation services are included under the authority of 101 CMR 330.00.

Team Evaluation Services. The individual services comprising team evaluation assessments. This includes services performed in independent team evaluation assessments.

Therapist Evaluation. Evaluation performed by a physical therapist, an occupational therapist, or a speech pathologist at a rehabilitation clinic.

Written Assessment Report. A report summarizing in writing the procedures employed in an assessment, the results, and the diagnostic impression. This report defines in detail and in educationally relevant and common terms, the child's needs and offers explicit means of meeting those needs.

603 CMR 28.00: *Special Education*. Regulations for the implementation of M.G.L. c. 71B.

330.03: General Rate Provisions

(1) General Rate Provisions. The rates of payment for team evaluation services to which 101 CMR 330.00 applies are the lower of

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- (a) the eligible provider's usual charge to the general public for the same or similar services; or
- (b) the rates of payment listed in 101 CMR 330.04.

(2) Reimbursement as Full Payment. The rates of payment contained in 101 CMR 330.00 constitute full compensation for services rendered to publicly aided individuals as well as for administrative or supervisory duties associated with those services. Any third-party payments or sliding fees received on behalf of a publicly assisted client reduces, by that amount, the amount of the purchasing unit's obligation for services rendered.

(3) Written Assessment Report. The provision of a written report in connection with a team evaluation assessment is considered an administrative duty associated with patient services for which, in accordance with 101 CMR 330.03(2), no additional payment will be received.

330.04: Rates of Payment

(1) Specific services performed as part of a team evaluation are reimbursed on a fee-for-service basis. The rates of payment for the services performed are those set forth in 101 CMR 330.01(6). A listing of a number of other regulations that may apply to team evaluation services is presented in 101 CMR 330.01(6). Rates of payment from 101 CMR 330.01(6) apply to all providers eligible under 101 CMR 330.00, except in cases where such providers and services are governed by other EOHHS regulations (such as community health centers and mental health centers).

(2) For certain team evaluation services, no other EOHHS regulation contains rates of payment for that service. This includes home assessment services, participation in team meetings, educational assessments conducted by certified educational personnel or licensed psychologists, diagnostic observation by psychologists, and comprehensive neuropsychological assessments. Rates of payment for these services are as stated below in 101 CMR 303.04(2).

Service/Description	Rate of Payment
Home assessment, including a written assessment, not to exceed 2.5 hours	\$106.00
Participation in team meeting by psychologist (if requested by an administrator of special education, or the parent)	\$83.86/hour
Participation in team meeting by authorized social worker, nurse, or counselor	\$42.40/hour
Educational assessment by certified educational personnel, or a licensed psychologist, including a written assessment report, not to exceed 7.5 hours	\$86.22/hour
Diagnostic observation: Observation by an authorized psychologist or school psychologist of a child in a familiar setting such as the home, workplace, the classroom or proposed classroom, or other community settings to examine and determine the child's physical, psychological, social, economic, educational, and vocational assets and disabilities for purposes of developing a diagnostic formulation and designing a treatment plan	\$83.86/hour
Comprehensive neuropsychological assessment. The allowed range of hours is nine through 24 hours.	\$98.95/hour

330.05: Filing and Reporting Requirements

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

(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 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 330.05(3).

330.06: Severability

The provisions of 101 CMR 330.00 are severable, and if any such provisions or the application of such provisions to any person or 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 providers or circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 330.00: M.G.L. c. 118E.