

101 CMR 411.00: RATES FOR CERTAIN PLACEMENT, SUPPORT, AND SHARED LIVING SERVICES

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411.01: General Provisions

(1) Scope. 101 CMR 411.00 governs the payment rates for certain placement, support, and shared living services 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 Children and Families (DCF), and the Department of Youth Services (DYS).

(2) Applicable Dates of Service. Rates contained in 101 CMR 411.00 apply for dates of service provided on or after July 1, 2022.

(3) Disclaimer of Authorization of Services. 101 CMR 411.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 411.00. Governmental units that purchase such services are responsible for the definition, authorization, and approval of services extended to clients.

(4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 411.00.

411.02: Definitions

As used in 101 CMR 411.00, unless the context requires otherwise, terms have the meanings in 101 CMR 411.02.

Add-on Rate. A rate that is intended to provide an additional, necessary service not included in the current programmatic model, which will be instituted at the discretion of the purchasing governmental unit.

Adoption Management Support Services (AMSS). Services that address specific client needs and provide specific services or full case management. Examples of AMSS include a provider's recruitment of an adoptive family for a specific child, the assessment of a child for adoption, the training and home study of prospective adoptive families, and the management of pre-adoptive homes. Purchasing governmental unit requests for responses contain specific definitions of AMSS. There are specific rates that are determined by the child's needs (mild, moderate, severe), or the placement of a specific number of siblings with the child in an adoptive family.

Child Home-based Rehabilitation. An IFC Other Model that provides IFC Placement and specialized, intensive foster care services for children with problem sexualized behavior and sexually abusive youth. In addition to placement in specially trained, intensive foster care homes, youth receive intensive case management, clinical, psychiatric, psychopharmacological, health care, educational, and recreational services supported by 24-hour per day, seven days per week emergency coverage.

Client. An individual who receives placement, support, and shared living services purchased by a governmental unit.

Community-based Alternative to Detention. Services that are an alternative to the juvenile locked secure detention component of the juvenile justice system.

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Community-based Alternative to Detention Bed Hold. Services to retain Community-based Alternative to Detention caregivers while a Community-based Alternative to Detention bed is unoccupied.

Complex Medical Foster Care. A foster care program that is designed to provide care and treatment supports to children and youth who have medically complex or unstable conditions and require intensive medical care management and coordination. Care often involves multiple medical specialists.

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.

Emergency Shelter Homes. An IFC Other Model that provides IFC placement for children from birth through 22 years of age for a duration not to exceed 45 days. IFC emergency foster care providers are responsible for facilitating emergency health care, emergency school placement, intensive family work to support reunification, and collaboration with community providers that have preexisting relationships with youth placed.

Enhanced Intensive Foster Care (EIFC). Services provided to a client at a higher level of intensity in accordance with specifications determined by the purchasing governmental unit.

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

Family Residential Homes. Licensed foster homes with expertise sufficiently compatible with IFC Level One clients, where the caregiver is considered an employee of the agency and up to six IFC clients can reside within the same home.

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

IFC Level One Homes. Licensed foster homes with expertise sufficient to meet the needs of children and youth referred for nonspecialized Intensive Foster Care.

IFC Level Two Homes. Licensed foster homes with expertise compatible with IFC Level One where caregivers have additional applicable training and extensive previous foster home experience.

Individual Consideration (I.C). Payment rates for certain services are designated as individual consideration (I.C.). Where I.C. rates are designated, the purchasing governmental unit will determine the appropriate payment as the actual cost of the item or service as evidenced by invoice, published tuition amount, or other price reasonably obtained by a competitive market for the product or service.

Intensive Foster Care (IFC). Programs that provide therapeutic services and supports in a family-based placement setting to children and youth, from birth through 22 years of age, for whom a traditional foster care environment is not sufficiently supportive; who are transitioning from a residential/group home level of care and require the intensity of services available through this program; or who are discharging from a hospital setting. Referred children and youth come from diverse cultural, linguistic, religious, ethnic, or racial backgrounds and have varying sexual or gender orientations. They may have a range of behavioral, cognitive, and mental health strengths and needs. With the appropriate program strengths, safety planning, and supports, this range for IFC could include children with fire-setting, sexual offending and sexual reactive behaviors, or various medical needs. Ideally, and when appropriate, children remain in their communities, attend their school of origin, maintain their social network, and continue contact with their families. Some are teenage mothers who need support and guidance with their parenting skills.

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Intensive Foster Care Other Models (IFC Other Models). Service models designed to meet the unique challenges that face a specialized population of foster care children and youth. These models represent an array of service requirements and program designs specified by the purchasing governmental unit.

Multiple Acute A. An IFC Other Model consisting of therapeutic foster care providing placement services that meet a combination of substantial medical, psychiatric, and cognitive needs of youth and their families. The placement population is more challenging than the children typically placed into IFC. It provides placement supports and family services that are specially designed to meet the complex challenges of children who have been abused and neglected and present with cognitive and physical impairments. Children and youth may also exhibit one or both of the following: a range of behavioral or emotional needs; or a wide range of disabilities including developmental disabilities, psychiatric disorders, chronic illnesses, and severe physical impairments.

Multiple Acute B. An IFC Other Model consisting of therapeutic foster care providing placement services that meet a combination of substantial medical, psychiatric, and cognitive needs of youth and their families. The placement population is more challenging than the children and youth typically placed into IFC. It provides placement supports and family services that are specially designed to meet the complex challenges of children and youth who have been abused and neglected and present with cognitive and physical impairments. These children and youth may also exhibit one or both of the following: a range of behavioral or emotional needs; or a wide range of disabilities including developmental disabilities, psychiatric disorders, chronic illnesses, and severe physical impairments. Additionally, it provides transportation and housing for children needing wheelchair accessibility.

Multiple Foster Parent Support Services. Services that represent a diverse set of services designed to support DCF foster parents. These services include trainings (pre- and post-approval), respite services, a helpline for weekends and after hours, emergency child care, a family resource liaison service (foster parents helping other foster parents), foster parent membership services, and satisfaction surveys shared with DCF.

Multiple Pre-adoption Services. Services that encompass a variety of adoption-related services, primarily a comprehensive recruitment effort for potential adoptive families. Other services include the provision of a central statewide clearing house for adoption information and referral, and events that facilitate the identification of new families and matches between children and approved families.

Multiple Post-adoption Services. A diverse set of services that are intended to provide a statewide program available to adoptive families in Massachusetts. The focus is on support and preservation services following the adoption. The services include family support groups (for the children or adoptive parents), respite services (an approved caregiver provides short term supervision of a child for the adoptive parents), support for families, therapeutic intervention through regional response teams trained to handle crises, and training for teachers, social workers, and mental health providers who work with adopted individuals and their families.

One-time Resource Purchase. Reimbursement to a provider for supplying a licensed pre-adoptive family with whom a child or sibling group has been placed. Payment is made after 60 days of placement. Payment is made when the responsibility for the operation of the provider's home on behalf of the child or sibling group is transferred to DCF for payment authorization of the adoption or guardianship subsidy. DCF makes a one-time product payment for the recruitment, home study, and use of a foster home, based on the same rate as AMSS Purchase of Home. The payment is made on successful completion of the foster home's six-month probationary period. No payment is made when the new home is a former DCF home.

Operational Service. The portion of the complete IFC or Shared Living service that reflects the various caregiver support services specified by the purchaser including, but not limited to, therapeutic services contributing to successful placement for a client. These rates are separate from caregiver stipends.

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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 UFR.

Sexually Exploited Youth Services. An IFC Other Model consisting of placement services provided for the child welfare service needs of sexually exploited children including, but not limited to, services for sexually exploited children residing in the Commonwealth at the time they are taken into custody by law enforcement or who are identified by DCF or DYS as sexually exploited children. These services are provided for the duration of any legal or administrative proceeding in which they are either the complaining witness, the defendant, or the subject child. This includes appropriate services provided to a child reasonably believed to be a sexually exploited child in order to safeguard the child's welfare.

Shared Living. Programs that provide recruitment, placement, training, resources for clinical or behavioral consultative services, and oversight of caregivers and living situations for individuals who either live in the home of a designated care provider or live in their own homes with a designated care provider. These services are provided in one of three levels of intensity that are characterized by increasing levels of supervision and support to the caregiver by the contracting organization. Designated care providers are responsible for providing supervision and ongoing support in areas of daily living, maintaining optimal health care, creating and enhancing relationships with chosen family members and friends, and other areas of assistance specified in individuals' ISPs. Caregivers are paid a stipend and additional paid staff hours may be provided to augment the supports necessary to sustain an individual in the placement.

Sibling Rate. The payment for a client's sibling who does not need IFC services, but is placed in an IFC home in order to stay with a brother or sister who requires IFC-level services.

Stipend. Compensation paid to a caregiver for providing personal care services to an eligible client residing either in the caregiver's home or in the client's own home. For Shared Living services stipend rates and related information, *see* 101 CMR 411.03(4)(b)4.b.

Teen Parent Rate. The payment for the placement of a teen and the teen's child in an IFC home. The payment of the teen parent IFC rate is made only when both the teen and the teen's child are in the care or custody of DCF or DYS.

Transitions to Adult Services. An IFC Other Model involving IFC and the intensive support services package for children, youth, and adolescents leaving residential schools who have special cognitive, language, and behavioral needs. These individuals may have received diagnoses such as severe learning disabilities or developmental disabilities. This program seeks to find foster families who are committed to providing permanent homes that will eventually be funded under adult foster care, and who are able to implement highly technical behavioral treatment plans and use augmentative communication strategies in order to achieve safety and stability within the community.

Transitions to Adulthood Services. An IFC Other Model that provides IFC foster care services to young adults 18 through 22 years of age, assisting them in transitioning to adulthood, in order to assist the participants to develop lifelong family connections while gaining skills to lead self-sufficient, healthy, productive, and responsible adult lives. The program uses a Positive Youth Development Approach that focuses on safety, relationship building, youth participation, skill building, and community involvement and a team approach that includes the participant, the caregiver, and community professionals.

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Youth Permanency Connections. A service that addresses the core need of helping youth who are transitioning from structured settings (residential, group home, foster care) toward independent living, by identifying committed responsible adults to help ensure the transitioning youth's success. The model focuses on identifying positive adults, connecting them with youth, and providing the youth with training and support, including youth support groups. Promoting permanency through task and goal-setting is a core principal, and regular team meetings (youth, adults, collateral individuals) are an integral component of the program. This service is established on a *per diem* rate basis.

411.03: 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 or units.

(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 is 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, except as cited in 101 CMR 411.03.

(4) Blended Contract Rate Calculation. Purchasing governmental units may pay a 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.

(5) Approved Program Rates. For all purchases, 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 411.03(5).

(a). Intensive Foster Care.

| Service | Operational | Stipend | Total Rate | Unit |
|---|-------------|---------|------------|--------------------------|
| Community-based Alternative to Detention Bed Hold | N/A | \$30.72 | \$30.72 | Per Day |
| Sibling | \$8.45 | \$30.72 | \$39.17 | Per Placement Per Day |
| Intensive Foster Care One | \$65.05 | \$66.36 | \$131.41 | Per Placement Per Day |
| Intensive Foster Care Two | \$65.05 | \$77.46 | \$142.51 | Per Placement Per Day |
| Community-based Alternative to Detention | \$67.14 | \$92.57 | \$159.71 | Per Placement Per Day |
| Teen Parent | \$73.80 | \$97.08 | \$170.88 | Per Placement Per Day |
| Enhanced Intensive Foster Care | \$115.77 | \$99.64 | \$215.41 | Per Placement Per Day |

411.03: continued

(b) Intensive Foster Care Specialty.

| Service | Operational | Stipend | Total Rate | Unit |
|---------------------------------|-------------|----------|------------|-----------------------|
| Transitions to Adulthood | \$90.59 | \$75.23 | \$165.82 | Per Placement Per Day |
| Emergency Shelter Homes | \$79.89 | \$86.33 | \$166.22 | Per Placement Per Day |
| Child Home-based Rehabilitation | \$80.26 | \$88.55 | \$168.81 | Per Placement Per Day |
| Transitions to Adult Services | \$160.91 | \$67.78 | \$228.69 | Per Placement Per Day |
| Multiple Acute Level A | \$137.44 | \$117.27 | \$254.71 | Per Placement Per Day |
| Multiple Acute Level B | \$236.09 | \$117.27 | \$353.36 | Per Placement Per Day |
| Sexually Exploited Youth | \$133.86 | \$121.84 | \$255.70 | Per Placement Per Day |
| Family Residential | \$200.08 | N/A | \$200.08 | Per Placement Per Day |

(c) AMSS. All rates are paid upon completion of the particular product-based service.

| AMSS Product-based Services | Rate |
|--|------------|
| 1. Adoption Consultation Services: | |
| Adoption Assessment of a Child | \$1,960.44 |
| Adoption Assessment/Home Study of a Foster/relative family (with whom the child is placed) | \$1,960.44 |
| Adoption Assessment/Home Study of a relative (child is not in the home) | \$2,465.78 |
| MAPP training/Home Study of a referred person or couple | \$2,465.78 |
| Appearance fee | \$296.28 |
| MAPP Training only | \$511.31 |
| 2. Adoption Placement Case Management Services: | |
| Case acceptance/assignment | \$511.31 |
| Adoption Assessment of a child | \$1,960.44 |
| Adoption Assessment/Home Study of a family with whom the child is placed | \$1,960.44 |
| Placement | |
| Mild | \$4,069.02 |
| Moderate | \$6,546.76 |
| Severe | \$9,894.21 |
| Family Development | |
| Mild | \$3,267.40 |
| Moderate | \$5,239.80 |
| Severe | \$7,859.69 |
| Reevaluations | |
| Mild | \$801.62 |
| Moderate | \$1,306.96 |
| Severe | \$1,960.44 |
| Child(ren)/Legalization | |
| Mild | \$4,069.02 |
| Moderate | \$6,546.76 |
| Severe | \$9,894.21 |
| Adjustment for a case held at least three years, but less than five. | \$616.45 |

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| Sibling Bonus in Same Home/Legalization | |
|---|-------------------------|
| Two siblings | \$1,158.82 |
| Three siblings | \$2,465.78 |
| Four siblings | \$4,561.23 |
| Five or more siblings | \$1,455.10 |
| Family Bonus for Provider's Home at Legalization per child, minimum of two children | \$511.31 |
| Closure | \$1,306.96 |
| Case Maintenance | \$358.38 |
| Delayed Adoption-legal Delay/Appeal | \$444.41 |
| Conflict of Interest Family Resource | \$246.09 |
| Transfer of case | \$1,158.82 |
| 3. Adoption Family Development Services: | |
| Purchase of Home | \$4,931.57 |
| Reuse of a Closed Home | \$1,744.21 |
| 4. Recruitment: | |
| Child-specific recruitment | \$1,744.21 |
| Child-specific recruitment renewal | \$1,744.21 |
| 5. Intervention Services | \$48.78 per hour |
| 6. Interstate Cases: | |
| Home Study | \$2,314.86 |
| Assignment | \$511.31 |
| Case Supervision | \$4,069.02 |
| 7. Puerto Rico Cases: | |
| Family Evaluation Home Study in Puerto Rico | \$1,671.33 |
| Family Evaluation Home Study in Puerto Rico (Daily Rate) | \$28.20 |
| 8. International Cases: | |
| International Family Evaluation Home Study | I.C. |

(d) Additional Support Services.

| Support Contracts | Rate | Unit |
|---|-------------|------------------------------|
| Youth Permanency Connections | \$53.63 | Per Client Per Day Rate |
| Multiple Pre-adoption Services | \$70,806 | Accommodation Rate Per Month |
| Complex Foster Care Medical | \$326.21 | Per Client Per Day Rate |
| Multiple Post-adoption Services | \$151,092 | Accommodation Rate Per Month |
| Multiple Foster Parent Support Services | \$175,629 | Accommodation Rate Per Month |

(e) Shared Living.

1. Operational Rates.

| Service | Operational | Units |
|--------------------------------|--------------------|-----------------------|
| A | \$55.81 | Per Placement Per Day |
| B | \$78.05 | Per Placement Per Day |
| C | \$125.37 | Per Placement Per Day |
| Direct Care Add-on Rate | \$22.76 | Per Hour |
| Clinician (LCSW) Add-on Rate | \$45.96 | Per Hour |
| Registered Nurse (RN) | \$65.20 | Per Hour |
| Licensed Practical Nurse (LPN) | \$43.28 | Per Hour |

411.03: continued

2. Stipend Rates.

a. Stipend amounts for caregivers are established at a rate within the applicable rate range for a given Operational Rate tier, as noted in the chart in 101 CMR 411.403(5)(e)2.a.

| Operational Rate Level | Minimum Stipend Level | Maximum Stipend Level |
|------------------------|-----------------------|-----------------------|
| A | 1 | 12 |
| B | 2 | 16 |
| C | 3 | 21 |

b. Purchasing governmental units may approve exceptions to the maximum stipend level in 101 CMR 411.03(4)(b)4.b. for caregivers providing services as of September 30, 2016. In these cases, the stipend rate is no higher than the amount paid as of September 30, 2016, as may be adjusted to reflect applicable stipend inclusions and exclusions, in keeping with provisions contained in the procurement for these services. This payment level continues at the current level until such time as material changes in client circumstances occur to warrant a reassessment of the stipend level or a change in caregiver takes place, at which point revised stipend levels may not exceed applicable maximum amounts. Stipend levels 22 through 25 are available only by special application to the purchasing governmental unit.

| Shared Living Stipend Levels | | |
|------------------------------|--------------------|---------------|
| Level | Daily Stipend Rate | Stipend Level |
| 1 | \$30.54 | \$10,597 |
| 2 | \$42.17 | \$14,633 |
| 3 | \$50.60 | \$17,558 |
| 4 | \$59.04 | \$20,487 |
| 5 | \$67.47 | \$23,412 |
| 6 | \$75.91 | \$26,341 |
| 7 | \$84.34 | \$29,266 |
| 8 | \$92.77 | \$32,191 |
| 9 | \$101.21 | \$35,120 |
| 10 | \$109.65 | \$38,049 |
| 11 | \$118.07 | \$40,970 |
| 12 | \$126.51 | \$43,899 |
| 13 | \$134.95 | \$46,828 |
| 14 | \$143.37 | \$49,749 |
| 15 | \$151.81 | \$52,678 |
| 16 | \$160.25 | \$55,607 |
| 17 | \$168.69 | \$58,535 |
| 18 | \$177.11 | \$61,457 |
| 19 | \$185.55 | \$64,386 |
| 20 | \$193.99 | \$67,315 |
| 21 | \$202.42 | \$70,240 |
| 22 | \$210.01 | \$72,873 |
| 23 | \$219.29 | \$76,094 |
| 24 | \$228.56 | \$79,310 |
| 25 | \$236.16 | \$81,948 |

411.04: 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 UFR 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 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 411.04(3).

411.05: Severability

The provisions of 101 CMR 411.00 are severable. If any provision of 101 CMR 411.00 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 411.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 411.00: M.G.L. c. 118E.

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