

101 CMR 412.00: RATES FOR FAMILY TRANSITIONAL SUPPORT SERVICES

Section

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412.01: General Provisions

- (1) Scope. 101 CMR 412.00 governs the payment rates for family transitional support (FTS) services purchased by a governmental unit.
- (2) Applicable Dates of Service. Rates contained in 101 CMR 412.00 apply for dates of service provided on or after July 1, 2024.
- (3) Disclaimer of Authorization of Services. 101 CMR 412.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 412.00. Governmental units that purchase the services described in 101 CMR 412.00 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 412.00.
- (5) Services and Rates Covered by Other Regulations. Payment rates for the services listed in 101 CMR 412.01(5) are not included within the scope of 101 CMR 412.00 and are governed by other regulations promulgated by EOHHS as follows.

| Service | Regulation |
|---|--|
| Client Financial Assistance/Flex Funding Administration | 101 CMR 414.00: <i>Rates for Family Stabilization Services</i> |

412.02: Definitions

As used in 101 CMR 412.00, unless the context requires otherwise, terms have the meanings in 101 CMR 412.02.

Client. A family that receives family transitional support services purchased by a governmental unit.

Client Financial Assistance/Flexible Funding. A method whereby, subject to availability, a purchasing governmental unit may provide individual resource allocations to both families of children and adults across the state. Flexible funding may be provided through a number of means, including: a stipend issued directly to the family; reimbursement to the family for specific expenses and support services; or funds directed by the family to a qualified provider for specific services.

Client Financial Assistance/Flexible Funding Administration. A service in which the provider performs the function necessary to successfully administer flexible funding expenditures to families for permissible support services, services, or goods.

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.

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Domestic Violence, Substance Misuse, and Trauma (DVSMT) Services. Residential programs that help individuals who need to leave an unsafe situation due to domestic and/or sexual violence, and who need longer-term recovery support to address substance misuse and/or trauma. In addition to housing, DVSMT programs provide a range of activities and services designed to support the individual, familial, and social needs of survivors of domestic violence and their children and/or dependents. Service locations must be designed and furnished to offer families a welcoming and child-friendly environment, in addition to being physically accessible, safe, and secure. Providers who can shelter individuals and families in their own community are preferred.

Emergency Shelter. A program that provides individuals and families who need to leave an unsafe situation with timely and easy access to shelter within their own communities to help them achieve immediate safety while retaining access to school, work, and other supportive connections. The program must

- (a) allow adults and children to remain connected to informal support from family, friends, counselors, pastors, and others they depend upon in the community; and
- (b) demonstrate the capacity to shelter and serve children as well as adults, and be able to accommodate families requiring assistance with visitation and/or reunification.

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

Family Transitional Support (FTS) Services. A service class of programs that provide families with temporary housing in a specialized congregate or individual setting, to enable stabilization and transition to a safe, permanent, and self-sufficient home environment.

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

Housing Stabilization Advocacy and Supportive Services. A type of residential housing stabilization program that is either located in donated space or receives additional funding to cover facility costs from another funding source. This program provides supportive services to help survivors of domestic violence locate and maintain employment and/or complete their education, parent their children and establish routines with them, make it possible to be involved in a faith community of their choosing, provide opportunities for children and youth to be involved in after-school activities, prepare survivors for economic independence, and ultimately secure more permanent housing.

Individual Consideration (IC). Payment rates for certain services are designated as individual consideration (IC). If IC rates are designated, the purchasing governmental unit determines 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.

Lower Facility Cost Program. A program identified by the purchasing governmental unit as having nominal facility related costs due to either donated space or additional funding that covers the cost of the residence.

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 Uniform Financial Statements and Independent Auditor's Report (UFR).

Residential Housing Stabilization. A program that helps victims and their families find stability within their communities, expand their networks of support, and build their capacity to live independently and securely. Support services help program participants access and maintain permanent housing, access employment and/or attend school, parent their children, and generally prepare for economic independence. Housing may be

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- (a) scattered site rental apartments in which families assume the lease once the program has provided the unit;
- (b) condominiums or single family homes purchased by families through home buying assistance provided by the program; or
- (c) apartments in multiple dwelling buildings.

412.03: 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 by the purchasing governmental unit(s).
- (2) Reimbursement as Full Payment. Each eligible provider must, as a condition of payment by any purchasing governmental unit, accept the approved rate as full payment and discharge of all obligations for the services rendered. Payment by the purchasing governmental unit for services rendered to the client are reduced by the amount of any payment by any other source.
- (3) Payment Limitations. No purchasing governmental unit may pay less than or more than the approved rate.
- (4) Approved Rates. 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 412.03(4).

| Program/Service Type | Rate | Unit |
|--|-------------|------------------|
| Emergency Shelter: Full program rate | \$257.67 | Per room per day |
| Emergency Shelter: Lower facility cost program | \$240.11 | Per room per day |
| Residential Housing Stabilization: Full program rate | \$131.15 | Per room per day |
| Residential Housing Stabilization: Lower facility cost program | \$109.93 | Per room per day |
| Housing Stabilization Advocacy and Supportive Services | \$73.00 | Per room per day |
| Domestic Violence, Substance Misuse, and Trauma: Full program rate | \$295.25 | Per room per day |
| Client Financial Assistance/Flex Funding | IC | N/A |

| Add-on Staff | | |
|---------------------|------------------------|----------------|
| Title | Unit of Service | .25 FTE |
| Direct Care Staff | Monthly | \$1,264.87 |

412.04: 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 purchasing governmental unit upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.

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- (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 412.04(3).

412.05: Severability

The provisions of 101 CMR 412.00 are severable. If any provision of 101 CMR 412.00 or application of any provision to an applicable individual, entity, or circumstance is held invalid or unconstitutional, that holding will not be construed to affect the validity or constitutionality of any remaining provisions of 101 CMR 412.00 or application of those provisions to applicable individuals, entities, or circumstances.

REGULATORY AUTHORITY

101 CMR 412.00: M.G.L. c. 118E.