

101 CMR 429.00: RATES FOR CERTAIN SEXUAL AND DOMESTIC VIOLENCE SERVICES

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429.01: General Provisions

- (1) Scope. 101 CMR 429.00 governs the payment rates for certain sexual and domestic violence services purchased by a governmental unit.
- (2) Applicable Dates of Service. Rates contained in 101 CMR 429.00 apply for dates of service provided on or after July 1, 2023.
- (3) Disclaimer of Authorization of Services. 101 CMR 429.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 429.00. Governmental units that purchase the services described in 101 CMR 429.00 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 429.00.

429.02: Definitions

As used in 101 CMR 429.00, unless the context requires otherwise, terms have the meanings in 101 CMR 429.02.

Client. An individual that receives certain sexual and domestic violence services purchased by a governmental unit.

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.

Domestic Violence Community-based Services. The Domestic Violence (DV) programs, which include supervised visitation and Child Witness to Violence, offer an array of services to survivors of domestic violence and their families. Domestic violence providers help victims of verbal abuse, financial abuse, emotional, sexual, and physical abuse by delivering specialized direct services and access to community resources.

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

Extraordinary Circumstances/Flex Funding. A method whereby, subject to availability, a purchasing governmental unit may provide resource allocations to a client and/or provider across the state. Flexible funding may be provided through a number of means including, but not limited to, reimbursement to client for specific support services or funds directed to a qualified provider for extraordinary circumstances.

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

Housing Stabilization Flexible Funding. An additional support to survivors of domestic violence who are not eligible for other assistance and/or have exhausted other assistance available to them for the stabilization of current housing and/or securing more permanent housing.

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.

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Intimate Partner Abuse Education Program. The Massachusetts Department of Public Health certified Intimate Partner Abuse Education Programs (IPAEPs) work to increase the safety of domestic violence victims and survivors by holding their intimate partners accountable for abusing them. These 80-hour educational programs help abusers to develop respectful and non-abusive attitudes and behaviors toward their partners and children. IPAEPs contact victims and survivors to help them to plan for their safety, to refer them to support services like domestic violence service agencies and child witness to violence programs, and to ask about their abuser's behavior at home.

New Sexual Assault Nurse Examiner (SANE) Site Development. One-time rate for start-up costs associated with a new MA SANE-designated hospital site or MA SANE-designated telemedicine hospital site within a rape crisis center's DPH-established service area.

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.

Rape Crisis Center Services. The Rape Crisis Centers (RCC), part of the Sexual Assault Prevention and Survivor Services (SAPSS), serve as a vital community resource for survivors of sexual violence. Services are focused on the needs of the survivor and help with the short- and long-term community and health needs. Specific services include, but are not limited to, 24/7 hotline services; accompaniment to hospitals, police stations, and court appointments; and individual and group counseling.

Rape Crisis Center Statewide Specialized Hotline. A statewide hotline created to support primary and secondary survivors of sexual violence who are from a specific population at high-risk of experiencing sexual violence or who experience specific barriers to accessing resources including, but not limited to, language barriers. Any such hotline will provide these services under the supervision of a DPH-funded rape crisis center. Hours of service and other service provision conditions will be negotiated with DPH.

Rape Crisis Satellite Center. An additional physical point of access to clients with established and maintained office hours in locations external to the main RCC site.

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).

Sexual and Domestic Violence Equity Services. Sexual and domestic violence (SDV) affects some groups of people at disproportionate levels as seen in higher prevalence, poorer access to services, and/or worse outcomes from SDV. Research on disparities has identified some of these groups as Black women, LGBTQ, immigrants, people with disabilities, people who are deaf or hard of hearing, and people in rural areas. The service offers, but is not limited to, supports services, outreach, education, and community engagement with groups and individuals who are disproportionately adversely affected.

Sexual and Domestic Violence Equity Legal Services. Services for the relief/amelioration of immigration or humanitarian crises encountered by refugees and immigrants, such as legal representation and humanitarian relief following natural disasters, immigration raids, *etc.*

429.03: 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(s).

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(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 will be 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.

(4) Certain Unit Contract Payment Rates for Certain Sexual and Domestic Violence Services. The payment rate for certain sexual and domestic violence services established in 101 CMR 429.03(6)(a), provided pursuant to contracts purchasing only one unit in total, is at the rate established in 101 CMR 429.03(6)(a) times a factor of 1.18. The payment rate for certain sexual and domestic violence services established in 101 CMR 429.03(6)(a), provided pursuant to contracts purchasing only two units in total, is at the rate established in 101 CMR 429.03(6)(a) times a factor of 1.06

(5) Administrative Adjustment for Extraordinary Circumstances. A method whereby, subject to availability of funds, a purchasing governmental unit may provide additional resource allocations to a qualified provider in response to unusual and unforeseen circumstances that substantially increase the cost of service delivery in ways not contemplated in the development of current rates. It must be demonstrated that such cost increases gravely threaten the stability of service provision such that client or consumer access to necessary services is at risk. The purchasing governmental unit will evaluate the need for the administrative adjustment, determine whether funding is available, and convey that information to EOHHS for review to determine the amount of any adjustment.

(6) 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 429.03.

(a) Rates of Payment for Certain Sexual and Domestic Violence Services.

Program	Unit	Rate	Frequency
Domestic Violence Community-based Services	.25 Direct Care FTE	\$2,201	Monthly
Child Exposed to Domestic Violence Services	.25 Direct Care FTE	\$2,310	Monthly
Supervised Visitation Services	.25 Direct Care FTE	\$2,201	Monthly
Sexual and Domestic Violence Equity Services	.25 Direct Care FTE	\$2,201	Monthly
Sexual and Domestic Violence Equity Legal Services	.25 Direct Care FTE	\$3,282	Monthly
Intimate Partner Abuse Education Services	Per cohort	\$2,973	Monthly

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(b) Rates of Payment for Rape Crisis Centers and for Certain Sexual and Domestic Violence Service Add-ons.

Program	Unit	Rate	Frequency
Rape Crisis Centers – Dual Agency	Tier 1	\$74,503	Monthly
	Tier 2	\$65,419	Monthly
	Tier 3	\$56,335	Monthly
	Tier 4	\$47,252	Monthly
	Tier 5	\$38,168	Monthly
	Tier 6	\$29,084	Monthly
	Tier 7	\$20,001	Monthly
	Tier 8	\$10,917	Monthly
Rape Crisis Centers – Stand-alone Agency	Tier 1	\$77,240	Monthly
	Tier 2	\$67,821	Monthly
	Tier 3	\$58,403	Monthly
	Tier 4	\$48,984	Monthly
	Tier 5	\$39,566	Monthly
	Tier 6	\$30,147	Monthly
	Tier 7	\$20,729	Monthly
	Tier 8	\$11,310	Monthly

Add-on Rates	Rate	Frequency
Rape Crisis Satellite Center	\$45.18	Hourly
Rape Crisis Statewide Specialized Hotline	\$1,949	Monthly
Rape Crisis Direct Care .25 FTE	\$2,201	Monthly
Housing Stabilization	I.C.	N/A
Extraordinary Circumstances/Flex Funding	I.C.	N/A
New SANE or SANE Telemedicine Site Development	I.C.	N/A
Supervised Visitation Security Add-on per Site	\$952.26	Monthly
Intimate Partner Abuse Education Services – Outreach and Development	\$488	Monthly

429.04: 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.

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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 429.04(3).

429.05: Severability

The provisions of 101 CMR 429.00 are severable. If any provision of 101 CMR 429.00 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 429.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 429.00: M.G.L. c. 118E.