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Administrative Bulletin 20-42

101 CMR 204.00: Rates of Payment to Resident Care Facilities 101 CMR 206.00: Standard Payments to Nursing Facilities

Effective May 11, 2020

Additional Rate Provision Applicable to Resident Care Facilities and Nursing Facility Residential Care Units to Compensate for Costs Associated with Coronavirus Disease 2019 (COVID-19) in Provider Operated Congregate Care Settings

Purpose and Effective Period

The Executive Office of Health and Human Services (EOHHS) is issuing this administrative bulletin pursuant to the authority of COVID-19 Order No. 20: *Order Authorizing the Executive Office of Health and Human Services to Adjust Essential Provider Rates During the COVID-19 Public Health Emergency* and Executive Order 591: *Declaration of State of Emergency to Respond to COVID-19*. In light of the state of emergency declared in the Commonwealth due to COVID-19, EOHHS is establishing an additional rate provision to supplement 101 CMR 204.00: *Rates of Payment to Resident Care Facilities* and 101 CMR 206.00: *Standard Payments to Nursing Facilities* to address increased costs in the provision of residential care services that are associated with COVID-19, as further described in this administrative bulletin.

This administrative bulletin is effective as of May 11, 2020, and will apply to dates of service from May 1, 2020, through June 30, 2020.

Disclaimer: This administrative bulletin is not authorization for a provider's use of the COVID-19 add-on rate. Governmental units that authorize services with rates established in 101 CMR 204.00 and 101 CMR 206.00 are responsible for authorizing and determining the use of the add-on rate.

Background

The COVID-19 public health emergency has unexpectedly made the delivery of critical services by resident care facilities and nursing facility residential care units (collectively, "residential care") more difficult and costly and existing service rates do not contemplate these increased



costs. Accordingly, EOHHS is establishing an additional rate provision to supplement the rates for residential care in 101 CMR 204.00 and 101 CMR 206.00 to address the increased costs associated with COVID-19.

Add-On Rate to Address Costs Associated with COVID-19

The following add-on rate is intended to address costs incurred that are associated with COVID-19 specific to provider operated residential congregate care settings, including increased staffing costs, infection control, and personal protective equipment (PPE), in resident care facilities and nursing facility residential care units, and supplements the rate regulations at 101 CMR 204.00 and 101 CMR 206.00.

Add-On Name	Unit	Rate
COVID-19 Residential Congregate Care Settings Supplemental Add-On	Monthly	15% of the provider's current rate and the estimated monthly publicly aided resident volume based on their 2018 submitted cost report

Public Comment

EOHHS will accept comments on the rate established via this administrative bulletin through May 25, 2020. Individuals may submit written comments by emailing ehs-regulations@state.ma.us. Please submit written comments as an attached Word document or as text within the body of the email with the name of this administrative bulletin in the subject line. All submissions of comments must include the sender's full name, mailing address, and organization or affiliation, if any. Individuals who are unable to submit comments by email may mail written comments to Kara Solimini, Director of Purchase of Services, Executive Office of Health and Human Services, 100 Hancock Street, 6th Floor, Quincy, MA 02171.

EOHHS may adopt a revised version of this administrative bulletin taking into account relevant comments and any other practical alternatives that come to its attention.