



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
One Ashburton Place, Room 1109  
Boston, Massachusetts 02108

CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

MARYLOU SUDDERS  
Secretary

Tel: (617) 573-1600  
Fax: (617) 573-1891  
[www.mass.gov/eohhs](http://www.mass.gov/eohhs)

### **Administrative Bulletin 20-54**

## **101 CMR 359.00: Rates for Home and Community Based Services Waivers**

Effective May 29, 2020

### **Additional Rate Provision Applicable to Providers of Day Services to Address Changes in Service Modalities Associated with Coronavirus Disease 2019 (COVID-19)**

#### **Purpose, Scope, 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 under 101 CMR 359.00: *Rates for Home and Community Based Services Waivers* to address required changes in service modalities for the provision of Day Services due to COVID-19, and as further described in this administrative bulletin.

This administrative bulletin is effective as of May 29, 2020, and shall apply to dates of services from April 1, 2020, through June 30, 2020.

Disclaimer: This administrative bulletin is not authorization for a provider's use of the rates listed below. Authorization for the provision of, and billing and payment for, Day Services are pursuant to authorization by the purchasing governmental unit.

#### **Background**

The COVID-19 public health emergency has required the temporary closure of Day Services program sites and forced providers of Day Services to modify both the manner in which they deliver services and the hours and scope of their services. These changes in modality are not contemplated in the current rate structure for Day Services under 101 CMR 359.00. Accordingly, EOHHS is establishing an additional rate provision under 101 CMR 359.00 to address the changes in modality associated with COVID-19 and which will ensure the continued delivery of these critical services.



### Additional Rate Provisions to Address COVID-19

The regulation at 101 CMR 359.03 is being temporarily expanded at 101 CMR 359.03(4) to include the following additional rate for Day Services in the rate chart contained therein. It is intended to address the required changes in service modality for Day Services as a result of COVID-19.

<b>Service</b>	<b>HCBS Waiver</b>	<b>Units</b>	<b>Agency Rate</b>	<b>Non-agency Rate</b>
Day Services	ABI-N, ABI-RH, MFP-CL, MFP-RS	Per 15 Min.	<i>See 101 CMR 415.00: Rates for Community-Based Day Support Services; Level C (\$4.40)</i>	N/A

### Public Comment

EOHHS will accept comments on the rate established via this bulletin through June 12, 2020.

Individuals may submit written comments by emailing: [ehs-regulations@state.ma.us](mailto: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 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 EOHHS, c/o D. Briggs, 100 Hancock Street, 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.