

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 445.00: COVID-19 PAYMENT RATES FOR CERTAIN DAY PROGRAMS

Section

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445.01: General Provisions

(1) Scope. 101 CMR 445.00 governs the payment rates for Adult Day Health Services, ~~Community Based Day Services~~, Day Habilitation Services, ~~Day Habilitation Supplemental Services~~, Day Services, Prevocational Services, and Supported Employment Services as defined in section 101 CMR 445.02, purchased by a governmental unit, ~~including, but not limited to, the Department of Developmental Services (DDS), Massachusetts Commission for the Blind (MCB), the Massachusetts Rehabilitation Commission (MRC), as well as the MassHealth (MH) program.~~

(2) Applicable Dates of Service. Rates contained in 101 CMR 445.00 apply for dates of service as stated in 101 CMR 445.03(2).

(3) Disclaimer of Authorization of Services. 101 CMR 445.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 445.00. Governmental units that purchase the services described in 101 CMR 445.00 are responsible for the definition, authorization, and approval of services provided to clients.

(4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 445.00.

~~(5) Services and Rates Covered by Other Regulations. For dates of service on or after July December 1, 2020, rates for the following services are not included within the scope of 101 CMR 445.00 and are governed by the following EOHHS rate regulations:~~

Service	Regulation
Community-Based Day Support Services	101 CMR 415.00: Rates for Community-based Day Support Services
Supported Employment Services	101 CMR 419.00: Rates for Supported Employment Services
Day Habilitation Supplemental Services	101 CMR 424.00: Rates for Certain Developmental and Support Services

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445.02: Definitions

As used in 101 CMR 445.00, unless the context requires otherwise, terms have the meanings in 101 CMR 445.02.

Client. An individual receiving services purchased by a governmental unit.

~~Community-based Day Support Services. Community-based day support services assist clients to build and maintain their ability to participate in community activities by focusing on skill areas that include communication, self-care, relationship building, and community involvement.~~

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.

~~COVID-19 Day Program Retainer. Provisions that are intended to address the required changes in service modality for community-based day support services and supported employment services as a result of COVID-19.~~

COVID-19 Payment Rate. A rate that is intended to take into account the change in program model necessary due to COVID-19 requirements, which will be instituted at the discretion of the purchasing governmental unit.

Day Habilitation Program. A structured, goal-oriented active treatment program of medically oriented, therapeutic, and habilitation services to raise recipients' levels of functioning and facilitate independent living and self-management in their communities.

~~Day Habilitation Supplemental Service Supports. Certain clients may need supplemental services in the form of additional staff assistance to enable their participation in the day habilitation program listed in 101 CMR 348.02: *General Definitions*. For those qualifying clients, the approved individual aide rate includes salary, payroll taxes, and fringe benefits for an individual aide for a specific client.~~

~~(a) The supplemental rate applies when both of the following conditions exist.~~

- ~~1. The purchasing agency determines that the specific client could not participate in a day habilitation program without supplemental one to one care.~~
- ~~2. The need for supplemental services is documented in the client's individual service plan or similar plan of care.~~

~~(b) Approved supplemental services are as follows:~~

- ~~1. Program Aide. Direct care services provided by the equivalent of a direct care/program staff I as defined in the *UFR Audit & Preparation Manual*.~~
- ~~2. Paraprofessional and Other Credentialed Aides or Those Requiring Experience Beyond That of a Direct Care/Program Staff I. This includes, but is not limited to, physical therapy aides, certified occupational therapy aides, or behavioral specialists.~~

Day Services (HCBS). A structured, site-based, group program for participants that fosters community integration and offers assistance with the acquisition, retention, or improvement in self-help, socialization, and adaptive skills, and that takes place in a nonresidential setting separate from the participant's private residence or other residential living arrangement. Services often include

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assistance to learn activities of daily living and functional skills; language and communication training; compensatory, cognitive and other strategies; interpersonal skills; prevocational skills; and recreational and socialization skills.

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

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

Prevocational Services. A service that consists of a range of learning and experimental type activities that prepares a participant for paid or unpaid employment in an integrated, community setting. Services are not job-task oriented but instead, are aimed at a generalized result (*e.g.*, attention span, motor skills). The service may include teaching such concepts as attendance, task completion, problem solving, and safety as well as social skills training, improving attention span, and developing or improving motor skills. Basic skill-building activities are expected to specifically involve strategies to enhance a participant's employability in integrated, community settings.

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).

State Funding. The aggregate state fiscal year amount of payments to a provider by a governmental unit for services purchased at rates established in this regulation. State funding does not include any amounts attributable to federal funding or grant funds.

Supported Employment Services. Services that provide assistance to individuals or groups of individuals to help them prepare for, acquire, and maintain integrated employment in the community for clients that require provider support and/or supervision.

445.03: 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).

(2) Reimbursement as Full Payment. Each provider must, as a condition of acceptance of payment by a purchasing agency for services provided to a client, accept the payment rates established by 101 CMR 445.00 as full payment and discharge of all obligations for the services provided. The provider may not seek additional or supplemental payment from clients or other third parties for services for which rates are established by 101 CMR 445.00. If a provider receives any client funds or third party payments for services provided to a client, the purchasing agency's obligation for services to the client will be offset by the amount received.

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(a) ~~Rates with Applicable Dates of Service Provided on or after July 1, 2020.~~

Name	Unit	Rate
COVID-19 Community Based Day Support Services Retainer	Monthly	50% of the Provider's average monthly state funding for the months of November 2019 through January 2020
COVID-19 Supported Employment Service Retainer	Monthly	50% of the Provider's average monthly state funding (excluding funding for transportation) for the months of November 2019 through January 2020
COVID-19 Day Habilitation Supplemental Supports Retainer	15 minutes	100% of the current per member, per unit, rate for Day Habilitation Supplemental Services

(b) Rates with Applicable Dates of Service Provided on or after August-December 1, 2020.

Service Description	Code	Unit	Rate
Adult Day Health - Basic Level of Care	S5102	<i>Per Diem</i>	\$87.74
Adult Day Health - Complex Level of Care	S5102 TG	<i>Per Diem</i>	\$111.10
Adult Day Health - Basic Level of Care	S5100	Per 15 Min.	\$3.65
Adult Day Health - Basic Level of Care	S5101	Per 3 Hours	\$43.85
Adult Day Health - Complex Level of Care	S5100 TG	Per 15 Min.	\$4.62
Adult Day Health - Complex Level of Care	S5101 TG	Per 3 Hours	\$55.44
Day Habilitation - Skills training and development, per 15 minutes (community program, low need)	H2014	Per 15 Min.	\$4.09
Day Habilitation - Skills training and development, per 3 hours (community program, low need)	S5101	Per 3 Hours	\$49.06
Day Habilitation - Skills training and development, per 6 hours (community program, low need)	S5102	Per 6 Hours	\$98.11
Day Habilitation - Skills training and development per 15 minutes, intermediate level of care (community program, moderate need)	H2014-TF	Per 15 Min.	\$4.62
Day Habilitation - Skills training and development per 3 hours, intermediate level of care (community program, moderate need)	S5101-TF	Per 3 Hours	\$55.44
Day Habilitation - Skills training and development per 6 hours, intermediate level of care (community program, moderate need)	S5012-TF	Per 6 Hours	\$111.10

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Service Description	Code	Unit	Rate
Day Habilitation - Skills training and development, per 15 minutes, complex/high tech level of care (community program, high need)	H2014-TG	Per 15 Min.	\$5.99
Day Habilitation - Skills training and development, per 3 hours complex/high tech level of care (community program, high need)	S5101-TG	Per 3 Hours	\$71.90
Day Habilitation - Skills training and development, per 6 hours complex/high tech level of care (community program, high need)	S5102-TG	Per 6 Hours	\$143.81
Day Habilitation - Skills training and development per 15 minutes (nursing facility, one-to-two or one to three staffing level)	H2014-U1	Per 15 Min.	\$5.77
Day Habilitation - Skills training and development per 3 hours (nursing facility, one-to-two or one to three staffing level)	S5101-U1	Per 3 Hours	\$69.22
Day Habilitation - Skills training and development per 6 hours (nursing facility, one-to-two or one to three staffing level)	S5102-U1	Per 6 Hours	\$138.43
Day Habilitation - Skills training and development, per 15 minutes (nursing facility, one-to-one staffing level)	H2014-U2	Per 15 Min.	\$10.40
Day Habilitation - Skills training and development, per 3 hours (nursing facility, one-to-one staffing level)	S5101-U2	Per 3 Hours	\$124.82
Day Habilitation - Skills training and development, per 6 hours (nursing facility, one-to-one staffing level)	S5102-U2	Per 6 Hours	\$249.65
Day Habilitation - Skills training and development, per 15 minutes, unusual procedural service, when the service(s) provided is greater than that usually listed for the listed procedure (supplemental staffing for nursing facility residents in community day habilitation)	H2014-22	Per 15 Min.	\$4.77
Day Habilitation - Skills training and development, per 3 hours, unusual procedural service, when the service(s) provided is greater than that usually listed for the listed procedure (supplemental staffing for nursing facility residents in community day habilitation)	S5101-22	Per 3 Hours	\$57.29
Day Habilitation - Skills training and development, per 6 hours, unusual procedural service, when the service(s) provided is greater than that usually listed for the listed procedure (supplemental staffing for nursing facility residents in community	S5102-22	Per 6 Hours	\$114.58

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Service Description	Code	Unit	Rate
day habilitation)			
Day Habilitation - Non-emergency transportation; encounter/trip (used only when serving four or more individuals in a nursing facility)	T2003	Per Trip/ Encounter	\$5.11
Community Based Day Supports :Level A	Multiple	Per 15 Min.	\$15.30
Community Based Day Supports :Level B	Multiple	Per 15 Min.	\$8.68
Community Based Day Supports :Level C	Multiple	Per 15 Min.	\$6.16
Community Based Day Supports :Level D	N/A	Per 15 Min.	\$5.11
Community Based Day Supports :Level I	Multiple	Per 15 Min.	\$10.85
Day Services – HCBS (ABI/MFP)	Multiple	<i>Per Diem</i>	\$147.14
Day Services – HCBS (ABI/MFP) – partial day	Multiple	Per 3 Hours	\$73.57
Day Habilitation Supplemental Supports	-	-	-
Direct Care / Program Staff	N/A	Per 15 Min.	\$7.11
Licensed Practical Nurse (LPN)	N/A	Per 15 Min.	\$14.07
Registered Nurse (RN)	N/A	Per 15 Min.	\$21.28
Individual Supported Employment	Multiple	Per 15 Min.	\$18.16
Group Supported Employment	N/A	Per 15 Min.	\$5.25
High intensity Group Supported Employment	N/A	Per 15 Min.	\$7.91
Transportation to Individual Job Sites (up to one hour)	N/A	Per 15 Min.	\$10.30
Supported Employment Direct Care Add-on	N/A	Per 15 Min.	\$6.30
Supported Employment Specialized Direct Care Add-on	N/A	Per 15 Min.	\$8.01
Enhanced Staffing for Higher Intensity Clients (Combined Add-on and Base Service Rates)			
1:1 Group Supported Employment	N/A	Per 15 Min.	\$11.55
1:3 Group Supported Employment	N/A	Per 15 Min.	\$7.35
Prevocational Services	T2019	Per 15 Min.	\$13.09

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(eb) Rates with Applicable Dates of Service Provided on or after ~~October-March 1, 2020~~2021.

Service Description	Code	Unit	Rate
Adult Day Health - Basic Level of Care	S5102	<i>Per Diem</i>	\$78.34
Adult Day Health - Complex Level of Care	S5102 TG	<i>Per Diem</i>	\$99.20
Adult Day Health - Basic Level of Care	S5100	Per 15 Min.	\$3.26
Adult Day Health - Basic Level of Care	S5101	Per 3 Hours	\$39.15
Adult Day Health - Complex Level of Care	S5100 TG	Per 15 Min.	\$4.13
Adult Day Health - Complex Level of Care	S5101 TG	Per 3 Hours	\$49.50
Day Habilitation - Skills training and development, per 15 minutes (community program, low need)	H2014	Per 15 Min.	\$3.65
Day Habilitation - Skills training and development, per 3 hours (community program, low need)	S5101	Per 3 Hours	\$43.80
Day Habilitation - Skills training and development, per 6 hours (community program, low need)	S5102	Per 6 Hours	\$87.60
Day Habilitation - Skills training and development per 15 minutes, intermediate level of care (community program, moderate need)	H2014-TF	Per 15 Min.	\$4.13
Day Habilitation - Skills training and development per 3 hours, intermediate level of care (community program, moderate need)	S5101-TF	Per 3 Hours	\$49.50
Day Habilitation - Skills training and development per 6 hours, intermediate level of care (community program, moderate need)	S5102-TF	Per 6 Hours	\$99.00
Day Habilitation - Skills training and development, per 15 minutes, complex/high tech level of care (community program, high need)	H2014-TG	Per 15 Min.	\$5.35
Day Habilitation - Skills training and development, per 3 hours complex/high tech level of care (community program, high need)	S5101-TG	Per 3 Hours	\$64.20
Day Habilitation - Skills training and development, per 6 hours complex/high tech level of care (community program, high need)	S5102-TG	Per 6 Hours	\$128.40
Day Habilitation - Skills training and development per 15 minutes (nursing facility, one-to-two or one to three staffing level)	H2014-U1	Per 15 Min.	\$5.15
Day Habilitation - Skills training and development per 3 hours (nursing facility, one-to-two or one to three staffing level)	S5101-U1	Per 3 Hours	\$61.80
Day Habilitation - Skills training and development per 6 hours (nursing facility, one-to-two or one to three staffing level)	S5102-U1	Per 6 Hours	\$123.60

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Service Description	Code	Unit	Rate
Day Habilitation - Skills training and development, per 15 minutes (nursing facility, one-to-one staffing level)	H2014-U2	Per 15 Min.	\$9.29
Day Habilitation - Skills training and development, per 3 hours (nursing facility, one-to-one staffing level)	S5101-U2	Per 3 Hours	\$111.45
Day Habilitation - Skills training and development, per 6 hours (nursing facility, one-to-one staffing level)	S5102-U2	Per 6 Hours	\$222.90
Day Habilitation - Skills training and development, per 15 minutes, unusual procedural service, when the service(s) provided is greater than that usually listed for the listed procedure (supplemental staffing for nursing facility residents in community day habilitation)	H2014-22	Per 15 Min.	\$4.26
Day Habilitation - Skills training and development, per 3 hours, unusual procedural service, when the service(s) provided is greater than that usually listed for the listed procedure (supplemental staffing for nursing facility residents in community day habilitation)	S5101-22	Per 3 Hours	\$51.15
Day Habilitation - Skills training and development, per 6 hours, unusual procedural service, when the service(s) provided is greater than that usually listed for the listed procedure (supplemental staffing for nursing facility residents in community day habilitation)	S5102-22	Per 6 Hours	\$102.30
Day Habilitation - Non-emergency transportation; encounter/trip (used only when serving four or more individuals in a nursing facility)	T2003	Per Trip/ Encounter	\$4.56
Community Based Day Supports: Level A	Multiple	Per 15 Min.	\$13.66
Community Based Day Supports: Level B	Multiple	Per 15 Min.	\$7.75
Community Based Day Supports: Level C	Multiple	Per 15 Min.	\$5.50
Community Based Day Supports: Level D	N/A	Per 15 Min.	\$4.56
Community Based Day Supports: Level I	Multiple	Per 15 Min.	\$9.69
Day Services – HCBS (ABI/MFP)	Multiple	Per Diem	\$131.38
Day Services – HCBS (ABI/MFP) – partial day	Multiple	Per 3 Hours	\$65.69
Day Habilitation Supplemental Supports			
Direct Care / Program Staff	N/A	Per 15 Min.	\$6.35
Licensed Practical Nurse (LPN)	N/A	Per 15 Min.	\$12.56
Registered Nurse (RN)	N/A	Per 15 Min.	\$19.00

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Service Description	Code	Unit	Rate
Individual Supported Employment	Multiple	Per 15 Min.	\$16.21
Group Supported Employment	N/A	Per 15 Min.	\$4.69
High intensity Group Supported Employment	N/A	Per 15 Min.	\$7.06
Transportation to Individual Job Sites (up to one hour)	N/A	Per 15 Min.	\$9.20
Supported Employment Direct Care Add-on	N/A	Per 15 Min.	\$5.63
Supported Employment Specialized Direct Care Add-on	N/A	Per 15 Min.	\$7.15
Enhanced Staffing for Higher Intensity Clients (Combined Add-on and Base Service Rates)			
1:1 Group Supported Employment	N/A	Per 15 Min.	\$10.31
1:3 Group Supported Employment	N/A	Per 15 Min.	\$6.56
Prevocational Services	T2019	Per 15 Min.	\$11.69

445.04: 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 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 reduce the payment rates by 15% for 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 445.04(3).

445.05: Severability

The provisions of 101 CMR 445.00 are severable. If any provision of 101 CMR 445.00 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 445.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

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REGULATORY AUTHORITY

101 CMR 445.00: M.G.L. c. 118E.