



## **FY22 DAY & EMPLOYMENT RATES AND CONTRACTING POLICIES JANUARY 1, 2022 RATE UPDATES AND LEVEL ENHANCEMENT POLICY JANUARY 4, 2022**

### **Background**

This guidance document summarizes changes to payment rates and contracting policies for Community Based Day Support (CBDS) and Supported Employment (SE) services. During FY22, the Department of Developmental Services (DDS) has been enhancing payment rates to providers through a combination of policies. First, DDS has enhanced service levels in CBDS & SE such that providers are reimbursed one level higher than the normal reimbursement rate. This policy was enacted in recognition of significant reductions in service utilization resulting from the COVID-19 public health emergency and was intended to stabilize provider revenue. Second, DDS has reimbursed providers at 10% enhanced rates authorized under *101 CMR 447.00: Rates for Certain Home- and Community-based Services Related to Section 9817 of the American Rescue Plan Act* (ARPA). These rate enhancements have been supported by funding from Federal ARPA legislation and were implemented in recognition of significant challenges in addressing workforce shortages. The combined impact of these two policies has been an average rate increase of 35%.

These rate enhancement policies were never intended to be permanent. During FY22, DDS has been working with the Executive Office of Health and Human Services (EOHHS), and in partnership with impacted families and the Association for Developmental Disabilities Providers (ADDP), to develop payment rates that will better support these programs long-term. New regulations have recently been promulgated that rebase service models to support higher qualified direct care staff, additional transportation resources, and additional funding for community integration activities.

### **Policy**

Effective January 1, 2022, DDS will transition to new payment rates established in *101 CMR 415.00: Rates for Community-Based Day Support Services* and *101 CMR 419.00: Rates for Supported Employment Services* and will no longer reference rates from *101 CMR 447*. In addition, DDS will no longer authorize enhancements to service levels; all individuals will revert to their normal service level.

Finally, DDS will be establishing caps to contract maximum funding levels. This policy is similar to the policy enacted in FY21; overall contract values will be capped based on the funding level programs would have received at the standard reimbursement rates (i.e. non-level adjusted) and full utilization. Caps will be inclusive of the ARPA enhancements as well as the increased rates effective January 1, 2022.

This policy is effective for Community Based Day Supports (3163), Individual Supported Employment (3168), Group Supported Employment (3181), and Transportation (to/from job component only) (3196).

DDS will also be retaining existing policies for virtual/remote delivery of Day & Employment services through June 30, 2022. Please refer to Section V of this guidance for a summary of these policies, which have been aggregated here from previous guidance documents issued by DDS.

### **I. Updated Rates for CBDS and Supported Employment**

Effective January 1, 2022, rate regulations *101 CMR 415.00: Rates for Community-Based Day Support Services* and *101 CMR 419.00: Rates for Supported Employment Services* have been updated with new rates reflecting updated program assumptions. These include:

- Increased funding for Direct Care Staff
- Increased funding for transportation
- Addition of “Community Connector” position
- Addition of funding to defray costs of community activities
- Addition of funding for technology expenses

### **II. Enhanced Service Levels: 3163, 3168 and 3181**

Effective January 1, 2022 DDS will no longer reimburse providers at enhanced service levels for Community Based Day Supports, Individual Supported Employment, and Group Supported Employment. Reimbursement rates will revert to the standard regulated rate associated with the individual’s assessed service level.

These changes will be automatically implemented in EIM. Providers should continue to submit attendance using the same attendance status codes for in-person and virtual service delivery that have been used to-date in FY22.

### **III. Contract Maximum Funding Levels**

Due to the implementation of enhanced service levels in FY22, DDS will be instituting limits to the maximum funding levels of contracts. Overall contract values will be capped based on the funding level programs would have received at the standard reimbursement rates and full utilization. For the purposes of this guidance document “standard reimbursement rates” refers to the rate at the standard service level with the inclusion of the ARPA 10% rate increase from July – December and the C257 regulated rate increase from January – June.

Rate enhancements were implemented for the purpose of stabilizing programs where utilization has been significantly impacted by the public health emergency. Where programs have been able to sustain higher utilization levels, they will only receive reimbursement up to the levels supported by standard rates.

Maximum funding levels will be determined by the FY22 roster. **As a companion to this guidance, DDS has released an updated FY22 Day/Work roster that must be used by all providers when executing**

**FY22 amendments.** This roster has been posted to the [DDS POS website](#). Due to the rate change effective January 1<sup>st</sup>, the new roster computes maximum funding levels by splitting units between the two rate periods, applying the appropriate rate to each period.

In order to determine the appropriate contract total, providers must submit an updated FY22 roster with the following guidance:

- Roster should reflect current FY22 names and weekly authorization amounts
- Rates reflect the standard rate level in each period. A rate chart has been inserted in the roster for reference. The roster must use the appropriate rates from the reference chart.
- Maximum of 50 weeks (can be less for programs that operate on shorter calendar)
- Maximum of 95% utilization adjustment (can be less for programs with low utilization)

**The total value listed on the Service Summary Form may not exceed the total amount calculated by the roster.** Attendance reported in excess of the total contract value will not be reimbursed.

SSFs should not enumerate the rate level enhancements or attempt to associate the actual units billed with various rate levels. The SSF should continue to only list the standard rate levels for the program (split by the two rate periods). Total units may not exceed the total “Negotiated Units” from the roster.

Regions may establish lower contract amounts at their discretion, accounting for the contract’s utilization/spending trend. Some contracts may require upwards adjustments, but do not have projected utilization that requires funding up to the total calculated by the roster. In cases where contract totals are set below the maximum, additional amendments may be executed later to increase to the maximum if utilization warrants.

#### **IV. Contract Amendments**

Regional contract offices will notify providers when to initiate contract amendment processes for contracts impacted by this policy. ***Do not update rosters or SSFs unless you are directed to by your DDS regional contract office.*** Amendments will only be executed for contracts that require additional funding based on the region’s review of utilization. Amendments will be initiated on a rolling basis throughout the remainder of the fiscal year based on the timeline determined by the region. Throughout the course of FY22, some contracts have already been amended; if the regional contract office believes that the contract has sufficient funding, the existing roster and SSF will remain in force and no updates are required.

For all contracts that are amended, please update forms in accordance with the sample data provided below.

#### ***Service Summary Form & Roster Sample***

The SSF and Roster must tie out. Below is an example of the key information for a sample CBDS Level D contract.

### Key Information on the Roster

<p><u>Unit Rate</u> – Enter the appropriate standard rate from the reference table</p> <p><u>Program Weeks</u> – The maximum entered should be 50 weeks</p> <p><u>Utilization Adjustment</u> – Maximum of 95%. Where utilization has been low, regions may determine lower utilization adjustment.</p>	<div style="margin-bottom: 10px;"> <u>Activity code:</u> <span style="border: 1px solid black; padding: 2px 10px;">3163</span> </div> <div style="margin-bottom: 10px; text-align: center;"> <span style="margin: 0 10px;">Jul-Dec</span> <span style="margin: 0 10px;">Jan-Jun</span> </div> <div style="margin-bottom: 10px;"> <u>Unit Rate:</u> <span style="border: 1px solid black; padding: 2px 10px; background-color: yellow;">\$18.00</span> <span style="border: 1px solid black; padding: 2px 10px; background-color: yellow;">\$18.40</span> </div> <div style="margin-bottom: 10px;"> <u>Unit Type:</u> <span style="border: 1px solid black; padding: 2px 10px;">HOURL</span> </div> <div style="margin-bottom: 10px;"> <u>Program Weeks:</u> <span style="border: 1px solid black; padding: 2px 10px;">50</span> </div> <div style="margin-bottom: 10px;"> <u>Utilization Adjustment:</u> <span style="border: 1px solid black; padding: 2px 10px;">95%</span> </div>																																																																									
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<p>The roster is designed so that you can copy/paste data from the original roster to the new format. Copy columns A-I (Area Office – Negotiated Units). Copy this data and update with any authorized changes during FY22.</p> <p>Based on this information, the roster will automatically split the units between the two rate periods.</p> <p><b><i>The SSF total may not exceed the total allocation on the roster.</i></b></p>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="2">Start Date</th> <th rowspan="2">End Date</th> <th colspan="5">Engagement Data</th> </tr> <tr> <th>Max Units per Week</th> <th>Negotiated Units Original Roster</th> <th>New Units Jul-Dec</th> <th>New Units Jan-Jun</th> <th>Total Allocation</th> </tr> </thead> <tbody> <tr><td>7/1/2021</td><td>6/30/2022</td><td>30.0</td><td>1,425</td><td>718</td><td>707</td><td>\$ 25,932.80</td></tr> <tr><td>7/1/2021</td><td>10/31/2021</td><td>30.0</td><td>485</td><td>485</td><td>0</td><td>\$ 8,730.00</td></tr> <tr><td>8/15/2021</td><td>12/19/2021</td><td>30.0</td><td>513</td><td>513</td><td>0</td><td>\$ 9,234.00</td></tr> <tr><td>10/15/2021</td><td>2/18/2022</td><td>30.0</td><td>513</td><td>315</td><td>198</td><td>\$ 9,313.20</td></tr> <tr><td>1/1/2022</td><td>6/30/2022</td><td>30.0</td><td>713</td><td>0</td><td>713</td><td>\$ 13,119.20</td></tr> <tr><td>4/15/2022</td><td>5/22/2022</td><td>30.0</td><td>143</td><td>0</td><td>143</td><td>\$ 2,631.20</td></tr> <tr> <td colspan="2"><b>Total:</b></td><td><b>180.0</b></td><td><b>3,792</b></td><td><b>2,031</b></td><td><b>1,761</b></td><td><b>\$ 68,960.40</b></td></tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>Roster Summary</th> <th>Units</th> <th>Allocation</th> </tr> </thead> <tbody> <tr> <td>Subtotal Roster:</td> <td>3,792</td> <td>\$ 68,960.40</td> </tr> <tr> <td>Subtotal Unit Change:</td> <td>0</td> <td>\$</td> </tr> <tr> <td><b>Total:</b></td> <td><b>3,792</b></td> <td><b>\$ 68,960.40</b></td> </tr> </tbody> </table>	Start Date	End Date	Engagement Data					Max Units per Week	Negotiated Units Original Roster	New Units Jul-Dec	New Units Jan-Jun	Total Allocation	7/1/2021	6/30/2022	30.0	1,425	718	707	\$ 25,932.80	7/1/2021	10/31/2021	30.0	485	485	0	\$ 8,730.00	8/15/2021	12/19/2021	30.0	513	513	0	\$ 9,234.00	10/15/2021	2/18/2022	30.0	513	315	198	\$ 9,313.20	1/1/2022	6/30/2022	30.0	713	0	713	\$ 13,119.20	4/15/2022	5/22/2022	30.0	143	0	143	\$ 2,631.20	<b>Total:</b>		<b>180.0</b>	<b>3,792</b>	<b>2,031</b>	<b>1,761</b>	<b>\$ 68,960.40</b>	Roster Summary	Units	Allocation	Subtotal Roster:	3,792	\$ 68,960.40	Subtotal Unit Change:	0	\$	<b>Total:</b>	<b>3,792</b>	<b>\$ 68,960.40</b>
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### Key Information on the SSF

Version #	Brief Description	Dates of Service	Number of Units	Unit Rate	Unit Type	Estimated Expenditure
Initial	Community Based Day Supports	07/01/21 - 06/30/22	TBD	\$15.40	HOUR	\$35,038.08
2	Community Based Day Supports	07/01/21 - 06/30/22	TBD	\$15.40	HOUR	(\$35,038.08)
3	Community Based Day Supports	07/01/21 - 12/31/21	2,031	\$18.00	HOUR	\$36,558.00
4	Community Based Day Supports	01/01/22 - 06/30/22	1,761	\$18.40	HOUR	\$32,402.40
<b>Totals:</b>			<b>3,792.00</b>			<b>\$68,960.40</b>

Key points on the SSF:

- Back out all dollars that have been entered to-date on the roster (original amount, plus any subsequent amendment(s) as applicable)
- Enter separate lines for the July – December period and January – June period
- Enter the appropriate units/rate for each period that aligns with the roster
  - Refer to roster subtotals for correct units in each period
- The total Estimated Expenditure amount may not exceed the amount listed on the roster

### **V. DDS Policies for Virtual Delivery of Employment and Day Services**

The following section is an aggregation of existing DDS policies on virtual delivery of services in CBDS, Supported Employment, and Day Habilitation programs. There are no changes to these policies, they are simply re-stated here.

DDS will continue to authorize the delivery of virtual services through June 30, 2022. Providers must continue to report virtual services separately using the appropriate attendance status codes in EIM.

#### ***DDS Community Based Day Supports (3163)***

Approved activities will typically involve small groups connected using group communication technology. These activities may vary based on how providers have organized or previously delivered their CBDS program services and schedules in community settings. The importance and benefits of establishing and maintaining regular communication with individuals for moral support, interactions with friends, and continuity of skills is recognized in any remote or virtual setting. Virtual services may be arranged using remote communication tools, including Skype, Zoom, Apple FaceTime, Facebook Portal or related streaming service.

There may also be situations where a group of CBDS program participants live together in a group residence operated by the same provider and direct support staff may deliver CBDS activities within the residence in person. This is allowed if there is coordination and oversight of program activities by CBDS managers. These activities will be billed as remote service delivery and can be billed up to 5 hours per day maximum.

**Virtual / Remote CBDS activities may include:**

- Group Daily Meetings/Virtual Meet-ups
- Group Enrichment Activities
  - Yoga
  - Zumba/Dance
  - Meditation/Relaxation for stress relief
  - Art Classes
  - Music
  - Reading/Book Clubs
- Group Skill-Building Activities
  - Staying safe and healthy- eating properly; physical activity
  - Social skills
  - Money management and financial literacy
  - Self-advocacy
  - Online travel instruction
  - Being an effective volunteer
  - Staying safe on-line
  - Practice using technology- different apps, etc.
- Virtual Tours
  - Museums
  - Local Landmarks
  - Places of Interest
- Special Projects
- Exploration of Career Interests: Provide exposure and opportunities to learn or discuss different types of jobs, job tasks, and work settings available in the community. Online programs may be a resource.

***DDS Individual Supported Employment (3168)***

Individual Supported Employment provides flexibility in delivering services where staff may not be present with individuals. During this period, providers are encouraged to use virtual meetings and remote supports while modifying activities to enable continuity of needed supports. Virtual services may be arranged using remote communication methods, including Skype, Zoom, Apple FaceTime, Facebook Portal or related streaming service.

**Virtual / Remote Individual Supported Employment activities may include:*****Career Planning:***

- Discovery Interviews: A process of interviews and discussion with the individual and family members or others who know the person well to identify interests, hobbies, preferred activities, skills, likes/dislikes, attributes, and types of support needed in different environments. This can lead to the development of a positive personal employment profile or employment plan
- Career Exploration: Provide exposure and opportunities to learn or discuss different types of jobs, job tasks, and work settings available in the community. Online programs may be a resource

*Job Development:*

- Development of a resume or other alternatives, including virtual resumes or portfolios
- Development and support of interview skills
- Development of “soft skills” including positive work habits and behaviors, teamwork, problem-solving, etc.
- Instructional learning (i.e. computer skills)
- Completing job applications and outreach to prospective employers

*Job Coaching and Ongoing Supports:*

- To provide job coaching or supports, it is preferred these are delivered virtually for the individual as well as their supervisor/employer. This can be done by a phone call or other technology
- If the person would most benefit from “in-person” supports, this could continue depending on the policy of the business and the provider, although virtual delivery is preferred and recommended

*Public Benefit Education and Support:*

- Provide resources, information, and dispel myths about public benefits, including assistance in reporting income to Social Security Administration or navigating questions/issues that may arise. For individuals who are no longer working:
  - If employment is interrupted (layoff, furlough) the job coach could assist the individual to apply for unemployment insurance, if applicable
  - The individual and their team should assess and determine if another employment situation is needed and should be pursued, which could lead to career planning, updating their resume, and job development

***DDS Group Supported Employment (3181)***

Approved activities will typically involve small groups connected using group communication technology. Providers are encouraged to use virtual meetings and remote supports while modifying activities to enable continuity of needed supports. Virtual services may be arranged using remote communication methods, including Skype, Zoom, Apple FaceTime, Facebook Portal or related streaming service.

**Virtual / Remote Group Supported Employment activities may include:**

*Career Planning:*

- Career Exploration: Provide exposure and opportunities to learn or discuss different types of jobs, job tasks, and work settings available in the community. Online programs may be a resource
- Discussion and interactive exercises to identify people’s interests, hobbies, preferred activities, skills, likes/dislikes and preferred environments, to help identify job interests and goals. This could lead to the development of a positive personal employment profile

*Employment Planning and Job Seeking Skills Development:*

- Development of a resume or other alternatives, including virtual resumes or portfolios
- Development and support of interview skills

- Development of “soft skills” including positive work habits and behaviors, teamwork, and problem-solving, etc.
- Specific skill development

*Public Benefit Education and Support:*

- Provide resources, information, and dispel myths about public benefits, including assistance in reporting income to Social Security Administration or navigating questions/issues that may arise.

***DDS Day Habilitation (3664) & Day Habilitation Supplemental Services (3285)***

The definitions adopted by MassHealth for Day Habilitation virtual / remote services differ from definitions adopted by DDS. As such, DDS will reimburse for remote services as follows:

- 1) Day Habilitation (3664): For individuals that are authorized for Day Habilitation services, DDS will reimburse for services that are provided remotely (i.e. via tele/video conference) or in-person in a family/individual home, but not for Day Habilitation services provided in a residential/group home. Qualified providers must seek approval from the appropriate Area Office to provide remote Day Habilitation services as defined above.

To determine if an individual is eligible for Day Habilitation remote services as defined above, please refer to the most recent MassHealth Day Habilitation bulletin posted to the [MassHealth COVID-19 Guidance for Day Program Providers](#) website. DDS anticipates that MassHealth will publish updated guidance related to Day Habilitation virtual / remote services in early January 2022.

- 2) Day Habilitation Supplemental Services (3285): For individuals that are authorized for Day Habilitation Supplemental Services, ***DDS will reimburse for 1:1 services provided in-person in an individual or family home only.*** DDS will not reimburse for tele/video conference services or services provided in a residential/group home. By definition, Day Habilitation Supplemental Services are a 1:1 service and a provider must maintain documentation that an individual is unable to participate in Day Habilitation program without additional 1:1 staff assistance. Please refer to 101 CMR 424.00 and the DDS RFR for Supplemental Day services for more information.

While MassHealth has established temporary per-diem and partial day per-diem rates, DDS will maintain 15-minute service units and reimbursement. Therefore, ***a provider may only invoice for the actual number of units of Day Habilitation or Day Supplemental services provided.*** For example, if a provider invoices MassHealth for half day per-diem rate, but only provided 2 hours of Day Habilitation services, DDS will only reimburse for 8 units of authorized Day Habilitation Supplemental services.

Providers should use current EIM attendance codes to invoice for remote services. Attendance submitted using the retainer attendance codes made available from April-July will be rejected.

***Split Billing between CBDS, Employment and Day Habilitation***

101 CMR 447 authorizes MassHealth to reimburse Day Habilitation programs using half per diem (3-hour) and per diem (6-hour) rates instead of the traditional 15-minute rates. For DDS individuals that split their day between MassHealth funded Day Habilitation and DDS funded CBDS and Employment



programs, it is important that the combined number of hours billed does not exceed 6 hours per day when billing the MassHealth per diem rates.

In cases where providers bill MassHealth the half per diem rate (3-hour), billing to DDS may not exceed 3 hours, regardless of the actual number of hours provided.

In cases where providers bill MassHealth the per diem rate (6-hour), provider may not submit billing to DDS.

## VI. EIM Attendance Status Codes

Activity Code	Service Code	In-Person Attendance Code	Virtual Attendance Code
Community Based Day Supports (3163)	CBDSA	XA	XM
	CBDSB	XB	XN
	CBDSC	XC	XO
	CBDS D	XD	XP
	CBDSI	XI	XQ
	CBDSZ	XZ	XR
Individual Supported Employment (3168)	INDSUPPEMPA	XA	XM
	INDSUPPEMPB	XB	XN
Group Supported Employment (3181)	GRPSUPEMP	XA	XM
	GRPSUPEMPHI	XB	XN
	GRPSUPEMP1TO1	XC	XO
	GRPSUPEMP1TO3	XD	XP
Day Habilitation Supplemental Services (3285)	DH SUPP DC 1	XA	XM
	DH SUPP DC 2	XB	XN
	DH SUPP LPN	XC	XO
	DH SUPP RN	XD	XP
	DH SUPP DC 1X2	XE	XQ
	DH SUPP DC 2X2	XF	XR
Day Habilitation (3664)	DH STATE 1L	XA	XM
	DH STATE 2M	XB	XN
	DH STATE 3H	XC	XO
Facility Day Habilitation (3764)	DH FACIL 1L	XA	XM
	DH FACIL 2M	XB	XN
	DH FACIL 3H	XC	XO