



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
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NOTICE OF AGENCY ACTION

SUBJECT: MassHealth: Payment Rates for Day Habilitation Services

AGENCY: Massachusetts Executive Office of Health and Human Services

SUMMARY OF PROPOSED ACTION: Implementation of Individual Staffing Supports (ISS) rate for day habilitation services under the state plan effective for dates of service on or after October 1, 2022.

EOHHS adopted by emergency regulation rates for Day Habilitation services at 101 CMR 348.00 on July 1, 2022. Rates for Individual Staffing Supports (ISS) were also adopted on July 1, 2022, at 101 CMR 348.00 and are effective for dates of service on or after October 1, 2022.

Justification of the Amended Regulation.

As set forth in the Commonwealth's notice of public hearing on 101 CMR 348.00 published on June 30, 2022, base rates for day habilitation services increased effective July 1, 2022. As amended, 101 CMR 348.00 also established rates for ISS, which had previously been purchased by the Department of Developmental Services as "Day Habilitation Supplemental Support Services" and paid under 101 CMR 424.00: Rates for Certain Developmental and Support Services. These services provide supplemental one-to-one care to eligible individuals who may need supplemental services in the form of additional staff assistance to enable their participation in the day habilitation program.

The amendments to 101 CMR 348.00 adopted supplemental support services and codified the corresponding codes and rates. Supplemental support services in 101 CMR 348.00 are referred to as Individualized Staffing Supports (ISS). EOHHS adopted the rates for supplemental support services in 101 CMR 424.00 effective July 1, 2022, as the rates for ISS in 101 CMR 348.00. EOHHS is making these changes, subject to federal approval, to ensure that payments for ISS are reasonable and adequate to meet the costs that incurred by efficiently and economically operated facilities and to ensure that payment rates for ISS are consistent with efficiency, economy, and quality of care.

Fiscal Impact

The estimated increase in annual aggregate expenditures of these amendments is \$37.3M.

PUBLISHED ON WEB: November 16, 2022

Statutory Authority: M.G.L. c. 118E; 42 USC 1396
Related Regulations: 42 CFR Part 447.