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Notice of Proposed Agency Action

SUBJECT: MassHealth: Payments for Chronic Disease and Rehabilitation Hospital Services
Effective October 1, 2023

AGENCY: Massachusetts Executive Office of Health and Human Services (EOHHS)

Summary of Proposed Action

Under the provisions of M.G.L. c. 118E, §13A, rates and terms of payment for services rendered by chronic disease and rehabilitation hospitals to patients entitled to medical assistance under M.G.L. c. 118E, §1, *et seq.*, are established by contract between the MassHealth program and participating hospitals. This notice describes the proposed methods and standards for the establishment of payment methods and rates by contract for rate year (RY) 2024 which begins October 1, 2023, between the Executive Office of Health and Human Services (EOHHS) and participating chronic disease and rehabilitation (CDR) hospitals.

Description of Proposed Methods and Standards

EOHHS proposes to establish a comprehensive inpatient per diem rate for each participating hospital, covering both routine and ancillary services provided to inpatients. EOHHS derives the inpatient per diem rate from the 2019 operating and capital cost information for each hospital. An efficiency standard is applied to inpatient capital costs. The efficiency standard is the median base year unit cost, determined and applied separately for a chronic disease hospital group and a rehabilitation hospital group. The operating and capital costs are updated from fiscal year 2019 (base year), using a composite index comprising two cost categories: labor and non-labor. These categories are weighted according to the weights used by the Center for Medicare & Medicaid Services (CMS) for Inpatient Rehabilitation Facilities (IRF). The inflation proxy for the labor cost category is the Massachusetts Consumer Price Index. The inflation proxy for the non-labor cost category is the non-labor portion of the CMS IRF-specific market basket.

The MassHealth program proposes to establish a facility-specific rate for short-stay administrative days (AD) (short-stay AD rate) and a statewide standard rate for long-stay administrative days (long-stay AD rate), each derived from a common AD base rate. The AD base rate comprises a statewide AD routine per diem amount and a statewide AD ancillary per diem amount. The statewide AD routine per diem is derived from the weighted average Medicaid rate in calendar year 2003 for nursing facility case mix

category T (10). The statewide AD ancillary per diem amount is the weighted average ancillary add-on amount derived from hospital ancillary claims data for AD patients in hospital fiscal year (HFY) 2003. The sum of the statewide AD routine per diem and ancillary add-on amount equals \$513.05. This sum is then inflated by 6.95%, resulting in an AD base rate of \$548.71.

For each participating CDR Hospital, the RY 2024 short-stay AD rate will be the AD base rate increased by 5.5% increase of the RY2023 rate.

The RY 2027 long-stay AD rate will continue remain at a single statewide rate of \$740.75.

The MassHealth program proposes to establish a quality performance incentive payment paid in one installment for CDR hospitals that serve Medicaid members on an inpatient basis and that meet a quality performance threshold that is based on CMS's 2021 Inpatient Rehab Facility Compare and Long Term Care Hospital Compare measures, as designated by EOHHS and as described herein.

The MassHealth program also proposes to use a hospital-specific cost-to-charge ratio for outpatient services that is derived from historical cost and charge information. The cost-to charge ratio will be applied to the hospital's usual and customary charges on file with the Center for Health Information and Analysis (CHIA), as of July 1, 2017, for outpatient services.

The methods and standards described herein are being proposed to establish rates and payments by contract that accurately reflect the efficient and economic provision of chronic disease services and/or comprehensive rehabilitation services. The proposed methods and standards described herein are projected to result in a 5.5% increase in annual aggregate expenditures in RY 2024. The actual change in aggregate expenditures is estimated to be \$2,595,000 but may vary depending on actual utilization of services.

Included with this notice are the proposed rates of payment, effective October 1, 2023. Please contact Pavel Terpelets, MassHealth Office of Long Term Services and Supports, One Ashburton Place, 3rd Floor, Boston, MA 02108, to request copies of any written comments about this notice.

STATUTORY AUTHORITY:

M.G.L. c.118E; 42 USC 1396

Related Regulations:

42 CFR Part 447

**Executive Office of Health and Human Services
Chronic Disease and Rehabilitation Hospitals
Proposed Methods and Standards
For Rates Effective October 1, 2023**

The following sections describe the proposed methods and standards to be used by the Executive Office of Health and Human Services (EOHHS) to establish rates of payment by contract, to be effective October 1, 2023, for services rendered by CDR Hospitals to patients entitled to medical assistance under M.G.L. c. 118E, §1, *et seq.*

Section 1: Inpatient Per Diem Rate

The inpatient per diem rate is an all-inclusive daily rate paid for any, and all, inpatient care and services provided by a hospital to a MassHealth member, except for any, and all, Administrative Days (see Section 3). The inpatient per diem rate is derived using the following method: (a) the sum of a hospital's base year inpatient operating costs (Section 1, paragraph B) and the allowable capital costs (Section 1, paragraph C) divided by a hospital's base year patient days, inflated by the Adjustment to Base Year Costs (Section 1, paragraph D).

A. Data Sources.

1. The base year for inpatient costs is HFY 2019. The MassHealth program uses the costs, statistics, and revenue reported in the HFY 2019 CHIA D403 cost report.
2. Inpatient costs include only costs incurred or to be incurred in the provision of hospital care and services, supplies, and accommodations and determined in accordance with the Principles of Reimbursement for Provider Costs under 42 U.S.C. §§1395, *et seq.*, as set forth in 42 CFR 413, *et seq.*, and the Provider Reimbursement Manual, the HURM Manual, and generally accepted accounting principles. All references to specific schedules, columns, and lines refer to the CHIA D403 report filed with and reviewed by the Center for Health Information and Analysis (CHIA). Except where noted, all references are to the HFY 2019 version of the CHIA D403.
3. The calculations use each hospital's costs and statistics, as adjusted as a result of prior audits or reviews conducted by CHIA. The MassHealth program may also request additional information, data, and documentation from a hospital or CHIA as necessary to calculate rates.
4. If the specified data source is unavailable or inadequate, the MassHealth program will determine and use the best alternative data source and/or it may perform a statistical analysis to ensure comparability of data. If the required information is not furnished by a hospital within the applicable time period, it may not receive any increase to its rate.

B. Determination of Base Year Inpatient Operating Costs.

Base Year Inpatient Operating Costs are the sum of Inpatient Direct Routine Costs, Inpatient Direct Ancillary Costs, and Inpatient Overhead Costs described as follows.

1. Inpatient Direct Routine Costs. Inpatient Direct Routine Costs are a hospital's Total Inpatient Routine Costs derived from the CHIA D403.
2. Inpatient Direct Ancillary Costs. Inpatient Direct Ancillary Costs are calculated as follows.

Inpatient Direct Ancillary Costs are calculated by multiplying each hospital's chronic and rehabilitation inpatient ancillary expenses times the ratio of Total Direct Ancillary Expenses to Total Ancillary Expenses (including overhead). The resulting product constitutes the Total Inpatient Direct Ancillary Cost.

3. Total Inpatient Overhead.

Total Inpatient Overhead Costs are calculated as follows.

- a. Inpatient Routine Overhead cost is calculated by subtracting Inpatient Direct Routine Cost from Inpatient Routine Cost after step-down of overhead.
- b. Inpatient Ancillary Overhead Cost is calculated by subtracting the Total Inpatient Direct Ancillary Cost determined in Section 1, paragraph B.2.a, from the Total Chronic and Rehabilitation Inpatient Ancillary Expenses reported on the CHIA D403.
- c. The Allowable Chronic Disease and Rehab Inpatient Overhead Expense is then determined by adding together the amounts just described in a. and b.

C. Allowance for Inpatient Capital.

1. Each hospital's base year capital costs consist of the hospital's actual HFY 2019 patient care capital requirement for historical depreciation for building and fixed equipment; reasonable interest expenses; amortization; and leases and rental of facilities.
2. The limitations applicable to base year capital costs are:
 - a. Interest expense attributable to balloon payments on financed debt is excluded. Balloon payments are those in which the final payment on a partially amortized debt is scheduled to be larger than all preceding payments.
 - b. Where there was a change of ownership after July 18, 1984, the basis of the fixed assets used in the determination of depreciation and interest expense is the lower of the acquisition cost to the new owner or the basis allowed for reimbursement purposes to the immediate prior owner. The depreciation expense is calculated using the full useful lives of the assets.
 - c. All costs (including legal fees, accounting and administrative costs, travel costs, and the costs of feasibility studies) attributable to the negotiation or settlement of the sale or purchase of any capital asset after July 18, 1984 (by acquisition or merger), for which payment has previously been made by any payer, and which have been included in any portion of prior years' rates, are subtracted from capital costs.
3. Each hospital's base year inpatient unit capital cost equals the base year inpatient capital cost divided by the actual base year routine patient days.
4. The Inpatient Unit Capital amounts of all chronic hospitals in the Chronic Disease Hospital Group (listed in the following paragraph) are calculated and the median is set as the efficiency standard, which serves as the Chronic Disease Hospital Allowance for Inpatient Capital. Each chronic hospital in the Chronic Disease Hospital Group will be paid the lower of their actual costs or the Chronic Disease Hospital Allowance for Inpatient Capital.

The Chronic Disease Hospital Group consists of PAM Health Specialty Hospital, New England Sinai Hospital, Vibra Hospital of Western Mass, and Spaulding Hospital-Cambridge.

5. The Inpatient Unit Capital amounts of all rehabilitation hospitals in the Rehabilitation Hospital Group (below) are calculated and the median is set as the efficiency standard, which serves as the Rehabilitation Hospital Allowance for Inpatient Capital. Each rehabilitation hospital in the Rehabilitation Hospital Group will be paid the lower of their actual costs or the Rehabilitation Hospital Allowance for Inpatient Capital.

The Rehabilitation Hospital Group consists of Encompass Health of Braintree, Fairlawn Rehab Hospital, Vibra Hospital of Southeastern Massachusetts, Encompass Health Rehab Hospital of New England, Spaulding Hospital-Cape Cod, Vibra Hospital of Western Massachusetts, Spaulding Rehabilitation Hospital-Boston, Whittier Rehabilitation Hospital-Bradford, and Whittier Rehabilitation Hospital-Westborough.

D. Adjustment to Base-Year Operating and Capital Costs.

Total base-year inpatient operating costs and capital costs are updated using a composite index comprising two cost categories: labor and non-labor. The categories are weighted according to the weights used by CMS for inpatient rehabilitation facilities (IRF) hospitals. The inflation proxy for the labor cost category is the Massachusetts Consumer Price Index (optimistic forecast). The inflation proxy for the non-labor cost category is the non-labor portion of the CMS IRF-specific market basket. The update factor covering the period from the base year updated to 2023 applied to the rate year beginning October 1, 2023 is 8.665%.”

**Section 2: Determination of Inpatient Rate for New Hospitals
(i.e., Newly Licensed as Chronic Disease or Rehabilitation Hospitals after October 1, 2018).**

- A. The allowable overhead, routine, and ancillary per diem costs will be established at the median of HFY 2019 per diem costs reported by chronic and rehabilitation hospitals, updated by the inflation factor calculated pursuant to Section 1, paragraph D.
- B. The allowable capital per diem costs will be established at the efficiency standards as calculated pursuant to Section 1, paragraph C.

Section 3: Determination of Rate for Administrative Day Patients.

A hospital will be paid for administrative days using either a facility-specific short-stay or statewide standard long-stay administrative day per diem rate (AD Rate). AD Rates are all-inclusive daily rates.

The short-stay and long-stay AD Rates are based on an AD base per diem rate comprising the statewide AD routine per diem amount and the statewide AD ancillary per diem amount. The statewide AD routine per diem amount is derived from the weighted average Medicaid payment rate for case mix category T (10) patients in nursing facilities in 2003. The statewide AD ancillary per diem amount is derived from the statewide weighted average Medicaid ancillary payment for AD patients in chronic disease and rehabilitation hospitals in FY 2003. The sum of the routine per diem and ancillary add-on amount equals \$513.05. which is then inflated by 6.95%, resulting in an AD base per diem rate of \$548.71.

For RY2024, the short-stay AD per diem rate is the AD base per diem rate of \$548.71 increased by 64% of the difference between each hospital’s inpatient per diem rate and the AD base per diem rate.

For RY2024, the long-stay AD per diem rate is the AD base per diem rate of \$548.71 increased by 35%, for a single statewide per diem rate of \$740.75.

Section 4: Determination of Outpatient Rate.

- A. The base year for outpatient costs is HFY 2014. The MassHealth program uses the costs, statistics, and revenue reported in the HFY 2014 CHIA D403 cost report.
- B. A hospital will be paid for outpatient services using a hospital-specific outpatient cost-to-charge ratio. The outpatient cost-to-charge ratio is a fixed percentage that is applied to a hospital's usual and customary charges for outpatient services, based on charges filed with the CHIA as of July 1, 2017. Payment for a particular outpatient service shall be equal to the product of the cost-to-charge ratio times the hospital's usual and customary charge for the outpatient service in effect as of July 1, 2017. Any such payment shall not exceed the hospital's usual and customary charge.
- C. The cost-to-charge ratio for a specific hospital is calculated by dividing its outpatient costs (Schedule XVIII) by its outpatient service revenue (Schedule VI), as derived from the CHIA D403.

Section 5: Quality Performance Incentive Payments to CDR Hospitals Other Than Pediatric CDR Hospitals

Subject to legislative authorization; compliance with all applicable federal statutes, regulations, state plan provisions, the availability of funds, and full federal financial participation, in RY 2024, EOHHS proposes to make a total aggregate amount of \$3 million available for Quality Performance Incentive Payments to qualifying CDR Hospitals, described as follows.

- A. Qualification. To qualify for a Quality Performance Incentive Payment for RY2024, a CDR Hospital must meet the following criteria.
 - 1. Be a CDR Hospital (other than a Pediatric CDR Hospital) located in Massachusetts and serve MassHealth members; and
 - 2. Have recorded performance on the following Centers for Medicare & Medicaid Services (CMS 2022 Inpatient Rehabilitation Facility Compare and Long Term Care Hospital Compare measures, as reported by CMS, and updated as of June 21, 2023).
 - Quality Measure: Catheter-associated urinary tract infections (CAUTI) from LTCH/IRF (Measure Period: 07/01/2021-06/30/2022; Improvement Base Period:07/01/2020-06/30/2021);
 - Quality Measure: Rate of potentially preventable hospital readmissions 30 days after discharge from an LTCH/IRF (Measure Period for both IRF and LTCH: 07/01/2019-12/31/2019 and 07/01/2020-06/30/2021. Improvement Base Period for IRF and LTCH: 10/01/2017-09/30/2019;
 - Quality Measure: Percentage of patients with pressure ulcers/pressure injuries that are new or worsened (Measure Period for both IRF and LTCH 10/01/2021- 09/30/2022. Improvement Base Period for IRF and LTCH 10/01/2020-09/30/2021

B. Quality Performance Measurement Methodology.

A CDR Hospital's performance on the quality measure previously described will be calculated using a quality point system. CDR hospitals can earn points based on where the CDR Hospital's recorded performance on each quality measure falls, relative to the attainment and benchmark thresholds for the applicable measure period, and for improvement from the applicable improvement base period for each quality measure.

The benchmark threshold is the mean of the 10th percentile scores for all hospitals in the national database during the measure period as applicable to each quality measure. The attainment threshold is the national median score during the measure period as applicable to each quality measure.

Attainment Point Scale. CDR Hospitals will be awarded attainment points as follows:

1. 10 points if the hospital's recorded performance is above the benchmark threshold;
 2. 0.5-9.5 points if the hospital's recorded performance is above the attainment threshold, but at or below the benchmark threshold; and,
 3. zero points if performance is at or below the attainment threshold.
- a. Attainment Point Calculation. The number of attainment points a CDR hospital receives is determined by the ratio of the difference between the CDR hospital's measure rate and the attainment threshold divided by the difference between the benchmark threshold and the attainment threshold. That ratio is then multiplied by 9 and increased by 0.5. A CDR hospital's attainment points earned = $((\text{attainment threshold} - \text{hospital measure rate}) / (\text{attainment threshold} - \text{benchmark})) \times 9 + 0.5$.
 - b. Improvement Point Scale. CDR Hospitals will be awarded improvement points based on how much the CDR Hospital's recorded performance on each quality measure has improved from the applicable improvement base period. A CDR hospital will be awarded between 0 and 10 points if performance improves over the previous year.
 - c. Improvement Point Calculation. The number of improvement points a CDR Hospital receives is determined by the ratio of the difference between the CDR Hospital's recorded performance and the previous year's recorded performance, as applicable to each quality measure, divided by the difference between the benchmark threshold and the previous year's recorded performance. This ratio is multiplied by 10 and decreased by 0.5. A CDR Hospital's improvement points earned = $((\text{CDR hospital's recorded performance} - \text{previous year's recorded performance}) / (\text{benchmark threshold} - \text{previous year's recorded performance})) \times 10 - 0.5$

C. Calculation of the Quality Performance Incentive Payment.

EOHHS will calculate the amount of each qualifying CDR hospital's quality incentive payment as follows.

1. For each CDR Hospital, the hospital's point total is the sum of 75% of the hospital's attainment point score and 25% of the hospital's improvement point score.
2. For each CDR Hospital, an adjusted point total is calculated by multiplying the point total by the hospital's Medicaid days, excluding Medicaid MCO days.

3. For each eligible CDR Hospital, the CDR hospital's quality incentive supplemental payment equals the ratio of the hospital's adjusted point total divided by the statewide sum of the adjusted point total for all eligible hospitals, times \$3 million.

D. Payment.

EOHH will issue the RY2024 quality performance incentive payment to qualifying CDR hospitals in one installment during RY2024, as follows: April 2024.

Section 6: RY2024 Discharge Planning Centered Quality Performance Incentive Payments to CDR Hospitals other than Pediatric CDR Hospitals.

EOHHS will make discharge planning-centered (DPC) quality performance incentive payments to qualifying CDR hospitals. The criteria for receiving a quality incentive payment are as follows.

1. Qualification: To qualify for a DPC quality performance incentive payment, a CDR hospital must meet the following criteria:
 - a. Be a CDR Hospital other than: a pediatric CDR Hospital or nonacute chronic hospital with no fewer than 500 licensed beds as of June 30, 2005, with no fewer than 150,000 Medicaid patient days in the state fiscal year ended June 30, 2006, and with an established geriatric teaching program for physicians, medical students, and other health professionals;
 - b. Be a CDR Hospital located in Massachusetts and serving MassHealth members;
 - c. Demonstrate to EOHHS that the CDR hospital made appropriate efforts to discharge MassHealth member(s) in accordance with criteria as designated by EOHHS; and
 - d. Bill for unpaid administrative days using appropriate billing codes as designated by EOHHS.

2. Payment

Subject to legislative authorization; compliance with all applicable federal statutes, regulations, state plan provisions; the availability of funds; and full federal financial participation, EOHHS will make available \$700 to each qualifying CDR Hospital for each patient day on which the hospital meets the criteria designated pursuant to Section 6.1.c . for a MassHealth member, for up to a maximum of 45 qualifying patient days per member.

EOHHS will issue the DPC Quality Performance Incentive Payments to qualifying CDR Hospitals on or before the last day of the month following the month that the discharge planning form was submitted to EOHHS.

**Chronic Disease and Rehabilitation Hospital
Final Medicaid Inpatient and Outpatient
Per Diem Rates and Outpatient Cost/Charge Ratios
October 1, 2023 - September 30, 2024**

Facility	Inpatient Per Diem	Inpatient Short-Stay AD Per Diem	Outpatient Cost/Charge Ratio
Encompass Health of Braintree	\$1,070.21	\$ 882.47	66.58 %
Fairlawn Rehab Hospital	\$1,127.13	\$918.90	78.11 %
Vibra Hospital of Southeastern MA	\$1,382.58	\$1082.38	51.92 %
Encompass Health Rehab Hosp of New England	\$1,214.72	\$974.96	80.48%
New England Sinai Hospital	\$1,325.32	\$1,045.74	65.39 %
PAM Health Specialty Hospital	\$1,754.81	\$1,320.61	39.48 %
Vibra Hospital of Western MA	\$1,374.94	\$1,077.49	N/A
Spaulding Rehab Hospital-Cape Cod	\$1,786.67	\$1,341.00	38.96 %
Encompass Health Rehab Hospital West MA	\$1,097.56	\$899.97	83.13 %
Spaulding Rehab Hospital-Boston	\$2,057.04	\$1,514.04	44.08 %
Whittier Rehab-Bradford	\$1,453.17	\$1,127.56	46.51 %
Whittier Rehab-Westborough	\$1,416.99	\$1,104.41	36.95 %
Spaulding Hospital-Cambridge	\$2,228.90	\$1,624.03	90.63 %