

Commonwealth of Massachusetts

Executive Office of Health
and Human Services



Chapter 257 of the Acts of 2008 Provider & Consumer Advisory Council

April 27, 2016

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Agenda



- Information sharing / understanding methodology
- M.G.L 118E definition
- Finalized regulations
- Proposed & Pipeline regulations
- Remaining tier 3 projects
- FY16 overall increases
- Payment schedule – services not yet rate set
- CAF analysis
- PCAC member replacements for Deb Ekstrom and Veola Green



Chapter 257: Information sharing / understanding methodology



- The Chapter 257 website now includes a “Proposed Regulations: Supporting Materials” page.
- This page lists all activity codes affected by proposed regulations and includes links to the rate build-up and methodology.
- There are two formats available for viewing: PDF and Excel.
- These documents can be accessed without a written FOIA request and are most often available on the website within 24 hours of the announcement of Public Hearing

Public Hearing Regulation and Date	Associated Activity Codes	Rate Model Workbook(s)
101 CMR 414.00: Rates for Family Stabilization Services • Thursday, February 4, 2016	DCF FN50 DCF FN55 DDS 3700 DDS 3701 DDS 3702 DDS 3707 DDS 3709 DDS 3710 DDS 3716 DDS 3731 DDS 3735 DDS 3759 DDS 3770 DDS 3771 DDS 3772 DDS 3773 DDS 3774 DDS 3775 DDS 3776 DDS 3781 DMH 3066 MCB 2124 MCB 2403	• Family Stabilization (all codes)
101 CMR 346.00: Rates for Certain Substance-Related and Addictive Disorders Programs • Friday, February 5, 2016	DPH 3395 DPH 3434 DPH 3455 DPH 4921 DPH 4931	• Detox and Stepdown (all codes)
101 CMR 417.00: Rates for Certain Elder Care Services	ELD 8005 ELD 8014	• FOIA ELD Case Management Including Money Management (all codes)

<http://www.mass.gov/eohhs/provider/contracting/chap257/proposed-regs-materials.html>



Chapter 257 Projects: M.G.L. 118E



M.G.L. 118E, s. 13c

When establishing rates of payment for social service programs, the secretary of the executive office shall adjust rates to take into account factors, including, but not limited to:

- (i) the reasonable cost to social service program providers of any existing or new governmental mandate that has been enacted, promulgated or imposed by any governmental unit or federal governmental authority
- (ii) a cost adjustment factor to reflect changes in reasonable costs of goods and services of social service programs including those attributed to inflation
- (iii) geographic differences in wages, benefits, housing and real estate costs in each metropolitan statistical area of the commonwealth and in any city or town therein where such costs are substantially higher than the average cost within that area as a whole.



Finalized Regulations



Regulation	FY15 Spending	C.257 Proposed Spending	Annualized Impact
Substance Abuse Residential	\$47,831,294	\$63,544,386	\$15,713,092
Adult Homelessness Supports	\$8,336,994	\$9,144,415	\$807,421
General Programs - Disabilities Services	\$4,844,552	\$5,295,257	\$450,705
Community Supervision Network (in YITS)	\$6,095,392	\$6,378,699	\$283,307
In-Home Basic Living Supports	\$66,914,549	\$72,134,538	\$5,219,989
Community Based Day Supports	\$67,967,051	\$69,377,984	\$1,410,933
Supported Employment	\$59,467,841	\$61,360,042	\$1,892,201
Detox & Step Down (in SRAD)	\$24,534,220	\$25,209,743	\$675,523
YSTS	\$22,225,439	\$22,678,838	\$453,399



Proposed & Pipeline Regulations



Publically Proposed Regulations

Regulation	Regulation
Clubhouse	101 CMR 416
Case Management for Elders (Including Money Mgmt)	101 CMR 417
Family Stabilization	101 CMR 414
ALTR	101 CMR 420
Family Transitional Supports	101 CMR 412
SRAD - MAT B&V Dosing	101 CMR 346
Young Parents Program	101 CMR 425
Developmental & Support Services (Including Corp Rep Payee and TAP)	101 CMR 424
Competitive Integrated Employment Services	101 CMR 410

Pipeline Regulations

Regulation	Regulation
Placement and Support Services	101 CMR 425
ASAP Purchased Services	101 CMR 424
Early Intervention Services	101 CMR 349
Youth Intermediate-Term Stabilization (Caring Together)	101 CMR 413



Remaining Rate Reviews



Remaining Rate Reviews – to be completed in FY17

Regulation	Regulation
Ambulatory	101 CMR 346
Youth Short-term Stabilization (DPH & DYS)	101 CMR 418
Family Stabilization (Family Resource Centers)	101 CMR 414
Youth Intermediate-term Stabilization (DPH Youth Res.)	101 CMR 413



Chapter 257 Projects: Tier 3



Active Tier 3 projects

Dept.	Program
DPH	Sex Assault Prev.& Surv.
DPH	LGBT Domestic Violence Response
DPH	Refugee & Immigrant Safety (RISE)
DCF	DV General Community Based
DCF	DV Child Witness to Violence
DCF	DV Supervised Visitation
DMH	Program of Assertive Community Treatment
DCF	Family Network Lead Agency
DMH	Respite Care Services
DCF	Young Parent Support
MCD	Independent Living Service
MRC	VR Independent Living
DMH	Recovery Learning Community
DPH	Teen Pregnancy Prevention
DPH	SASI - Substance Abuse Shelter for Individuals
DPH	BSAS Supportive Case Management
DPH	Tewksbury Stab & Trans
DPH	Youth Search
DPH	Youth Intervention Programs
DMH	Community Based Flexible Support
DMH	Individual Support
DMH	Community Rehabilitative Support



Chapter 257 Projects: Tier 3



Remaining Tier 3 projects

Dept.	Program
DCF	Comprehensive Emergency Services
DCF	FBS Clinical
DCF	Protective Investigations
DCF	Residential Shelter
DMH	Day Services
DPH	Recovery High School
DPH	Office Based Opioid Treatment Services
DPH	HIV/AIDS Corrections to Community Reintegration Program
DPH	OHA HIV/AIDS Case Management and Health Related Support
DPH	HIV Prevention, Testing and Referral Services



Chapter 257 Projects: FY16 Increases



Regulation	FY15 Spending	C.257 Proposed Spending	Annualized Impact	Comments
Substance Abuse Residential	\$47,831,294	\$63,544,386	\$15,713,092	Emergency Regulation effective 7/1/15 for rate review services - Jail Diversion and FSL to be procured and rates payable on 1/1/16
Adult Homelessness Supports	\$8,336,994	\$9,144,415	\$807,421	Emergency Regulation effective 9/1/15 - services to be procured and rates payable on 1/1/16
General Programs - Disabilities Services	\$4,844,552	\$5,295,257	\$450,705	Emergency Regulation effective 1/1/16 - Majority of services to be procured and rates payable on 4/1/16
Community Supervision Network (YITS)	\$6,095,392	\$6,378,699	\$283,307	Emergency Regulation effective 1/1/16 - CSN service to be procured and rates payable on 4/1/16
In-Home Basic Living Supports	\$66,914,549	\$72,134,538	\$5,219,989	Emergency Regulation effective 1/1/16 - In Home Service to be procured and rates payable on 4/1/16
Community Based Day Supports	\$67,967,051	\$69,377,984	\$1,410,933	Emergency Regulation effective 1/1/16 for Rate review services - Active Treatment Service to be procured and rates payable on 4/1/16.
Supported Employment	\$59,467,841	\$61,360,042	\$1,892,201	Emergency Regulation effective 1/1/16 for Rate review services
SRAD - Detox & Step Down	\$24,534,220	\$25,209,743	\$675,523	Emergency Regulation effective 1/1/16 for Rate review services for Detox and Stepdown services only
YSTS	\$22,225,439	\$22,678,838	\$453,399	Emergency Regulation effective 1/1/16 for Rate review services
Clubhouse	\$18,792,460	\$23,222,824	\$4,430,364	Regulation effective 1/1/16 for Rate Review services
Case Management for Elders	\$77,080,157	\$79,532,775	\$2,452,618	Emergency Regulation effective 1/1/16 for Rate review services
Family Stabilization	\$102,292,560	\$105,575,052	\$3,282,492	Emergency Regulation effective 1/1/16 for Rate review services
ALTR	\$934,980,821	\$937,717,479	\$2,736,658	Emergency Regulation effective 4/1/16 for Rate review services
	\$1,441,363,330	\$1,481,172,032	\$39,808,702	



Chapter 257 Projects: Payment Schedule – unset rates



From Agreement for Judgment, ¶ 2

(a) EOHHS shall pay to each c. 257 Provider that is a party to a c. 257 Contract with the Commonwealth and is not the subject of Initial Rate Regulations promulgated by EOHHS by June 30, 2016, an additional payment in the form of a Cost Adjustment Factor ("CAF") percentage determined pursuant to ¶ 5 of this Agreement. If, as of the date that the additional CAF payment is due under this paragraph, no new CAF methodology has been determined pursuant to ¶ 5 of this Agreement, then the CAF methodology then being utilized by EOHHS for c.257 rates at the time such additional CAF payment is due shall be utilized to determine the CAF percentage payable under this paragraph. That payment shall be designated as the "FY17 Payment", and shall be determined by applying the CAF to (i) the Provider's FY16 contract funding level, plus (ii) the 3.75% Payment received by the Provider for FY16.

*(b) The FY 17 Payments shall be paid by EOHHS to all c.257 Providers entitled to an FY17 Payment in equal quarterly installments as follows: **first quarterly payment on or around August 15, 2016; second quarterly payment on or around October 15, third quarterly payment on or around January 15, 2017; and four quarterly payment on or around April 15, 2017. Payment to each eligible c.257 Provider shall be contingent upon the timely execution and return to EOHHS of a Commonwealth Standard Contract Form.***

(c) If an Initial Rate Regulation is promulgated and implemented by EOHHS prior to any date described in subparagraph (b) for the payment of a quarterly FY17 Payment, the c.257 Providers covered by such newly promulgated Initial Rate Regulation shall receive a FY17 Payment for the quarter in which the Initial Rate Regulation is implemented, but shall not receive any further quarterly FY17 Payments.

- Base amounts for calculation will include FY16 contract funding level + FY16 3.75% payment amount
- Commonwealth encumbrance deadline mid May (date not yet set)
- Percentage factor will be calculated using Spring 2016 Global Insights index
- Contracts to be mailed mid June.



Chapter 257 Projects: Open Items



- ❑ CAF Analysis
 - ✓ Currently in the procurement process

- ❑ PCAC replacement members
 - ✓ Welcome Beth Pond
 - ✓ Ellen Attaliades

- ❑ FY2016 Budget, Outside Section 180 – C. 257 reporting requirement, provision v:
 - ✓ “the extent to which each human service provider organization benefitting from rate increases under said chapter 257 has increased wages and benefits for its front-line human service employees”



Chapter 257: PCAC Information



Upcoming Meetings for the Provider and Consumer Advisory Council

Thursday, July 21, 2016 - 2:00 – 3:00 pm

Thursday, October 20, 2016 - 2:00 – 3:00 pm

<http://www.mass.gov/eohhs/provider/contracting/chap257/provider-advisory-council.html>