

## Appendix E - Flexible Services Program

### Flexible Services Enrollee Eligibility and Allowable Services

- A. The Contractor shall ensure that Enrollees receiving any services that are paid for using Flexible Services funding are:
1. Eligible for MassHealth and enrolled with the Contractor on the following days:
    - a. On the date the Flexible Services screening is conducted;
    - b. On the first date of a Flexible Services episode of care, which is a set of related Flexible Services (e.g., tenancy sustaining supports, home modifications, nutrition sustaining supports); and
    - c. Every subsequent 90 calendar days from the initial date of service for the Flexible Service episode of care until the conclusion of that episode.
  2. Have been assessed by the Contractor to meet at least one health needs based criteria and one risk factor, described as follows:
    - a. Health Needs Based Criteria:
      - i. The individual is assessed to have a behavioral health need (mental health or substance use disorder) requiring improvement, stabilization, or prevention of deterioration of functioning (including the ability to live independently without support); or
      - ii. The individual is assessed to have a complex physical health need, which is defined as persistent, disabling, or progressively life-threatening physical health condition(s), requiring improvement, stabilization, or prevention of deterioration of functioning (including the ability to live independently without support); or
      - iii. The individual is assessed to have a need for assistance with one or more Activities of Daily Living (ADLs) or Instrumental Activities of Daily Living (IADLs); or
      - iv. The individual has repeated incidents of emergency department use (defined as 2 or more visits within six months, or 4 or more visits within a year); or
      - v. The individual is pregnant and experiencing high risk pregnancy or complications associated with pregnancy, including:

- a) Individuals 1 year postpartum;
  - b) Their children up to one year of age; and
  - c) Their children born of the pregnancy up to one year of age.
- b. Risk Factors:
- i. Risk Factor 1: The Enrollee is experiencing homelessness, as defined by the following:
    - a) An individual, including individual Enrollees that are part of a family unit, who lacks a fixed, regular, and adequate nighttime residence, meaning:
      - (i) An individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
      - (ii) An individual living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
      - (iii) An individual who is exiting an institution where they resided for 90 days or less and who is experiencing Risk Factor 1 (1)(a) or Risk Factor 1 (1)(b);
    - b) An individual, including individual Enrollees that are part of a family unit, who will imminently lose their primary nighttime residence, provided that:
      - (i) The primary nighttime residence will be lost within 21 days of the date of verification of Flexible Services eligibility as outlined in Appendix E.2
      - (ii) No subsequent residence has been identified; and
      - (iii) The individual lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;
    - c) Any individual, including individual Enrollees that are part of a family unit, who:

- (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, unsafe, or life-threatening conditions that relate to violence, including physical or emotional, against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to or stay in their primary nighttime residence;
  - (ii) Has no other residence; and
  - (iii) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.
- ii. Risk Factor 2: The Enrollee is at risk of homelessness as defined by the following:
  - a) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place not meant for human habitation or a safe haven; and
  - b) Meets one of the following conditions:
    - (i) Has moved because of economic reasons two or more times during the 60 days immediately preceding the date of verification of Flexible Services eligibility as outlined in Appendix E.2
    - (ii) Is living in the home of another person because of economic hardship;
    - (iii) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, state, or local government programs for low-income individuals;
    - (iv) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room;
    - (v) Has a past history of receiving services in a publicly funded institution, or system of care (such as a health-care facility,

a mental health facility, foster care or other youth facility, or correction program or institution); or

- (vi) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness. Characteristics are defined as:
  - (a) Living in housing that is unhealthy (e.g., the presence of any characteristics that might negatively affect the health of its occupants, including, but not limited to, evidence of rodents, water leaks, peeling paint in homes built before 1978, absence of a working smoke detector, and/or poor air quality from mold or radon).
  - (b) Living in housing that is inadequate as defined as an occupied housing unit that has moderate or severe physical problems (e.g., deficiencies in plumbing, heating, electricity, hallways, and upkeep). Examples of moderate physical problems in a unit include, but are not limited to, two or more breakdowns of the toilets that lasted more than 6 months, unvented primary heating equipment, or lack of a complete kitchen facility in the unit. Severe physical problems include, but are not limited to, lack of running hot or cold water, lack of a working toilet, and exposed wiring.
  - (c) Rent Arrears (1 or more): Missing one or more monthly rent payment as well as situations such as receiving a Notice to Quit, being referred to Housing Court, receiving complaints from a property manager/landlord, or failure to have one's lease recertified or renewed

iii. Risk Factor 3: The Enrollee is at risk for nutritional deficiency or nutritional imbalance due to food insecurity, defined as having limited or uncertain availability of nutritionally adequate, medically appropriate, and/or safe foods, or limited or uncertain ability to acquire or prepare acceptable foods in socially acceptable ways. Limited or uncertain is defined as:

- a) Reduced quality, variety, or desirability of diet with little or no indication of reduced food intake; or

- b) Multiple indications of disrupted eating patterns and reduced food intake.

B. Allowable Flexible Services<sup>1</sup>

The Contractor shall only provide Flexible Services as specified below:

1. Pre-Tenancy Supports – Individual Supports must be one or more of the following:
  - a. Assessing and documenting the member’s preferences related to the tenancy the member seeks, including the type of rental sought, the member’s preferred location, the member’s roommate preference (and, if applicable, the identification of one or more roommates), and the accommodations needed by the member
  - b. Assisting the member with budgeting for tenancy/living expenses, and assisting the member with obtaining discretionary or entitlement benefits and credit (e.g., completing, filing, and monitoring applications to obtain discretionary or entitlement benefits and credit as well as obtaining or correcting the documentation needed to complete such applications)
  - c. Assisting the member with obtaining, completing, and filing applications for community-based tenancy
  - d. Assisting the member with understanding their rights and obligations as tenants
  - e. Assisting the member with obtaining services needed to establish a safe and healthy living environment
  - f. Assisting or providing the member with transportation to any of the approved pre-tenancy supports when needed
2. Pre-Tenancy Supports – Transitional Assistance includes:
  - a. Assisting the member with obtaining and/or providing the member with one-time household set-up costs and move-in expenses, incurred during the transition period and the surrounding time, including, but not limited to:
    - i. First and last month’s rent

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<sup>1</sup> Allowable Services subject to change pending CMS approval

- ii. Security deposit
  - iii. Back utilities
  - iv. Utility deposits (e.g., electricity, gas, heating fuel, water, sewer)
  - v. Costs for filing applications
  - vi. Obtaining and correcting needed documentation
  - vii. Purchase of household furnishings needed to establish community-based tenancy
- b. Assisting or providing the member with transportation to any of the approved pre-tenancy supports when needed
3. Tenancy Sustaining Supports
- a. Assisting the member with communicating with the landlord and/or property manager regarding the member's disability, and detailing the accommodations needed by the member
  - b. Assisting the member with the review, update, and modification of the member's tenancy support needs, as documented in the member's FS Plan, on a regular basis to reflect current needs and address existing or recurring barriers to retaining community tenancy
  - c. Assisting the member with obtaining and maintaining discretionary or entitlement benefits and establishing credit, including, but not limited to obtaining, completing, filing, and monitoring applications
  - d. Assisting the member with obtaining appropriate sources of tenancy training, including trainings regarding lease compliance and household management
  - e. Assisting the member in all aspects of the tenancy, including, when needed, legal advocacy (in the form of coaching, supporting, and educating the member) during negotiations with a landlord, and directing a member to appropriate sources of legal services
  - f. Assisting the member with obtaining or improving the adaptive skills needed to function and live independently and safely in the community and/or family home, including advising the member of the availability of community resources.

- g. Assisting or providing the member with transportation to any of the tenancy sustaining supports when needed

4. Home Modification

Home Modifications consist of limited physical adaptations to the member's community-based dwelling, when necessary, to ensure the member's health, welfare, and safety, or to enable the member to function independently in a community-based setting. These may include, but are not limited to:

- a. Installation of grab bars and hand showers
- b. Doorway modifications
- c. In-home environmental risk assessments
- d. Refrigerators for medicine such as insulin
- e. HEPA filters
- f. Vacuum cleaners
- g. Pest management supplies and services
- h. Air conditioner units
- i. Hypoallergenic mattresses and pillow covers
- j. Traction or non-skid strips
- k. Night lights
- l. Training to use such supplies and modifications correctly

5. Nutrition Sustaining Supports

- a. Assisting the member with obtaining discretionary or entitlement benefits and credit, including but not limited to completing, filing, and monitoring applications as well as obtaining and correcting the documentation needed to complete such applications
- b. Assisting the member with obtaining and/or providing household supplies needed to meet nutritional and dietary need
- c. Assisting or providing the member with access to foods that meet nutritional and dietary need that cannot otherwise be obtained through existing discretionary or entitlement programs

- d. Assisting or providing the member with nutrition education and skills development
- e. Providing healthy, well-balanced, home-delivered meals for the member
  - 1) If the member is a child/adolescent (0-18 years of age) or a pregnant person meeting needs-based criteria, additional meal support may be provided for the household
- f. Assisting the member in maintaining access to nutrition benefits including, when needed, legal advocacy (in the form of coaching, supporting, and educating the member) during appeals of benefit actions (e.g., denial, reduction, or termination) and directing member to appropriate sources of legal services
- g. Assisting or providing the member with obtaining transportation to any of the NSS services, or transportation supporting the member's ability to meet nutritional and dietary needs (e.g., providing a member with transportation to the grocery store)

C. The Contractor shall not use its Flexible Services Allotment funding for any of the following:

- Ongoing payment of rent or other room and board costs including, but not limited to, temporary housing, motel stays, and mortgage payments, as well as housing capital and operational expenses
- Housing adaptations to the dwelling that are of general utility, and are not of direct medical or remedial benefit to the member
- Housing adaptations that add to the total square footage of the dwelling except when necessary to complete an adaptation that is of direct medical or remedial benefit to the member (e.g., in order to improve entrance/egress to a residence or to configure a bathroom to accommodate a wheelchair)
- Construction costs (bricks and mortar) or capital investments
- Housing adaptations that would normally be considered the responsibility of the landlord
- Cable/television/phone/internet setup or reoccurring payments
- Ongoing utility payments
- Building or purchasing new housing
- One-time rent payments to avoid eviction

- Legal representation (note, legal education, coaching, and support are allowable, but direct legal representation is not)
- Meals for an eligible member that exceed more than 3 meals a day
- Goods exceeding the necessary amount for the specific needs of the member (e.g., food vouchers that enable a member to access more food than they need).
- Infrastructure costs of the Contractor or any CPs partnering with the Contractor
- Infrastructure costs associated with a partnering SSO
- Services or goods that are available through other state, federal, or other publicly funded programs.
- Services that are duplicative of services a member is already receiving
- Services where other funding sources are available
- Supports that a member is eligible to receive under the CP Program
- Alternative medicine services
- Medical marijuana
- Copayments
- Premiums
- Gift cards or other cash equivalents with the exception of nutrition or transportation related vouchers or nutrition prescriptions
- Student loan payments
- Credit card payments
- Licenses (drivers, professional, or vocational)
- Educational supports other than those allowable under tenancy and nutrition
- Vocational training
- Childcare
- Memberships not associated with one of the allowable domains
- Social Activities
- Hobbies
- Goods and services intended for leisure or recreation
- Clothing
- Auto repairs
- Gasoline or mileage
- Purchase or repair of bicycles or other individually owned vehicles

- Transportation to anything other than tenancy or nutrition services
- Transportation for members who are not approved for Flexible Services
- Goods and services for individuals who are not approved for Flexible Services
- Training Contractor or designees on the direct delivery of Flexible Services
- Research grants and expenditures not related to monitoring and evaluation
- Costs for services in prisons, correctional facilities or services for people who are civilly committed and unable to leave an institutional setting
- Services provided to individuals who are not lawfully present in the United States or are undocumented
- Expenditures that supplant services and activities funded by other state and federal governmental entities
- School-based programs for children that supplant Medicaid state plan programs, or that are funded under the Department of Education and/or state of the local education agency
- Any other projects or activities not specifically approved by CMS as qualifying for coverage as HRS item or service under this demonstration