

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 422.00: RATES FOR GENERAL PROGRAMS – DISABILITY SERVICES

Section

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422.01: General Provisions

- (1) Scope. 101 CMR 422.00 governs the payment rates for general programs – disability services purchased by a governmental unit. General programs – disability services are services designed to provide various types of assistance to disabled individuals to aid them in achieving personal independence.
- (2) Applicable Dates of Service. The rates contained in 101 CMR 422.00 apply for dates of service provided on or after January 1, ~~2022~~2024.
- (3) Disclaimer of Authorization of Services. 101 CMR 422.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 422.00. Governmental units that purchase the services described in 101 CMR 422.00 are responsible for the definition, authorization, and approval of services extended to clients.
- (4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 422.00.
- (5) Services and Rates Covered by Other Regulations. Payment rates for the following services are not included within the scope of 101 CMR 422.00 and are governed by other regulations promulgated by EOHHS as follows.

Service	Regulation
Client Financial Assistance/Flex Funding Administration	101 CMR 414.00: <i>Rates for Family Stabilization Services</i>

422.02: Definitions

As used in 101 CMR 422.00, unless the context requires otherwise, terms have the meanings in 101 CMR 422.02.

Assistive Technology Independent Living. A program that provides services to assist an individual with severe disabilities in the selection, acquisition, and/or use of an assistive device (any item that is used to increase, maintain, or improve functional capabilities of individuals with disabilities). Services include a functional evaluation of the individual client, guidance in the acquisition and maintenance of assistive technology devices, the coordination of therapies using assistive technology devices, and training and technical assistance for the client, his or her family, and the client's employer.

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Brain Injury Community Center. A community center-based rehabilitation program that provides supports through a membership-based program with an emphasis on abilities rather than disabilities. All members are involved in the operation of the community center. This responsibility fosters essential skills and self-esteem development, which are supported by social relationships and training.

Brain Injury Site-based and Community Outreach. Site- and community-based services that provide support and opportunities for people with brain injury to enrich their lives, develop personal skills and competencies, and participate in their communities. These services have an array of day supports promoting opportunities to acquire, improve and maintain skills and abilities needed for community participation, meaningful socialization, and quality of life.

Client. A person receiving general program – disability services purchased by a governmental unit.

Cost Report. The document used to report costs and other financial and statistical data. The Uniform Financial Statements and Independent Auditor's Report (UFR) is used when required.

Deaf/Blind Community Access Network. A program that serves individuals who are deaf and/or blind and have complex needs requiring a continuum of supports to live and work in the community. This program empowers deaf/blind consumers to increase and sustain their independence by offering highly specialized personal assistance services that enhance community integration, such as shopping, tending to personal business matters, attending community educational events, and accessing medical care.

EOHHS. The Executive Office of Health and Human Services established under M.G.L. c. 6A.

General Programs – Disability Services. Programs and services purchased by the Massachusetts Commission for the Blind (MCB) and the Massachusetts Rehabilitation Commission (MRC) that provide various types of assistance to disabled individuals to aid them in achieving personal independence. These programs and services include the following:

- (a) orientation and mobility;
- (b) mobile eye clinic;
- (c) deaf/blind community access network;
- (d) assistive technology independent living;
- (e) home care assistance; and
- (f) vocational rehabilitation assistant.

Governmental Unit. The Commonwealth, any board, commission, department, division, or agency of the Commonwealth, and any political subdivision of the Commonwealth.

Home Care Assistance. A program that provides homemaking services to eligible disabled adults 18 through 59 years of age who have medically documented physical or mental disabilities that prevent them from performing essential homemaking activities and who need assistance with homemaking and coordination of services in order to live independently and avoid hospitalization or institutionalization.

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Homemaking Services. Direct assistance with meal preparation, grocery, shopping, medication pick-up, laundry, and light housekeeping.

Orientation and Mobility. A service that provides individualized travel training programs to consumers in their homes, workplaces, and communities in addressing the many new challenges encountered by individuals experiencing vision loss. Certified Orientation and Mobility Specialists assess the individual's travel needs, motivation, and visual and physical abilities. Training is developed with the goal of maximizing independence or providing orientation to a new environment, such as a college campus, work location, or new residence, based upon the assessment.

Provider. Any individual, group, partnership, trust, corporation, or other legal entity that offers services for purchase by a governmental unit and that meets the conditions of purchase or licensure that have been adopted by a purchasing governmental unit.

State Funding. The aggregate state fiscal year amount of payments to a provider by a governmental unit for services purchased at rates established in 101 CMR 422.00. State funding does not include any amounts attributable to federal funding or grant funds.

Vocational Rehabilitation Assistant (VRA). A program that provides orientation and mobility services for individuals with legal blindness and intellectual disabilities who reside in the community and may also provide trainings for individuals and families and staff. Vocational rehabilitation assistants work under the clinical supervision of certified staff.

Workforce Initiatives. Funds directed to a provider for workforce development.

422.03: Rate Provisions

- (1) Services Included in the Rate. The approved rate includes payment for all care and services that are part of the program of services of an eligible provider, as explicitly set forth by the purchasing governmental unit(s).
- (2) Reimbursement as Full Payment. Each eligible provider must, as a condition of payment by any purchasing governmental unit, accept the approved rate as full payment and discharge of all obligations for the services rendered. Payments by the purchasing governmental unit for services rendered to the client are reduced by the amount of any payment from any other source.
- (3) Payment Limitations. Except as provided in 101 CMR 422.03(2) and (4), each purchasing governmental unit pays for services at the rates established in 101 CMR 422.03(4).
- (4) Services Provided in Dukes or Nantucket County. In accordance with the provisions of St. 2016, c. 133, payment for services provided in programs located in Dukes or Nantucket County is the rate for the service contained in 101 CMR 422.03(5) times a factor of 1.185.
- (5) Approved Rates. The rates set forth in 101 CMR 422.03(5) govern payments for services provided pursuant to contracts executed under the FY 2013 or subsequent procurements of the

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governmental unit procuring the service. The approved rate is the lower of the provider's charge or amount accepted as payment from another payer or the rate listed in 101 CMR 422.03(5).

Service Classification	Rate	Unit
Orientation and Mobility (Level 1)	\$101.44 \$91.48	Per Hour
Orientation and Mobility (Level 2)	\$115.33 \$105.36	Per Hour
Orientation and Mobility (Level 3)	\$129.20 \$119.24	Per Hour
Deaf/Blind Community Access Network	\$47.98 \$44.27	Per Hour
Assistive Technology Independent Living	\$174.50 \$142.16	Per Hour
Assistive Technology Independent Living	I.C.I.C.	Device
Home Care Assistance		
West	\$27.40 \$26.68	Per Hour
Central	\$25.78 \$25.10	Per Hour
Metropolitan Boston	\$25.91 \$25.23	Per Hour
North	\$26.70 \$25.99	Per Hour
South	\$26.61 \$25.91	Per Hour
Vocational Rehabilitation Assistant	\$70.44 \$58.12	Per Hour
Brain Injury Community Outreach Service	\$24.52 \$18.52	Per ¼ hour
Brain Injury Site-based Service	\$7.84 \$6.35	Per ¼ hour
Brain Injury Direct Care Add-on	\$6.97 \$5.51	Per ¼ hour

(6) Geographic Areas for Home Care Assistance Rates. The following cities and towns comprise the geographic areas encompassed by the rates for Home Care Assistance.

(a) Central: Ashburnham, Ashby, Ashland, Athol, Auburn, Ayer, Barre, Bellingham, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dover, Dudley, East Brookfield, Fitchburg, Framingham, Franklin, Gardner, Grafton, Groton, Hardwick, Harvard, Holden, Holliston, Hopedale, Hopkinton, Hubbardston, Hudson, Lancaster, Leicester, Leominster, Lunenburg, Marlborough, Medway, Mendon, Milford, Millbury, Millville, Natick, Needham, New Braintree, North Brookfield, Northborough, Northbridge, Oakham, Oxford, Paxton, Pepperell, Petersham, Phillipston, Princeton, Royalston, Rutland, Sherborn, Shirley, Shrewsbury, Southborough, Southbridge, Spencer, Sterling, Sturbridge, Sudbury, Sutton,

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Templeton, Townsend, Upton, Uxbridge, Warren, Wayland, Webster, Wellesley, West Boylston, West Brookfield, Westborough, Westminster, Weston, Winchendon, Worcester.

(b) Metropolitan Boston: Belmont, Boston, Brookline, Cambridge, Chelsea, Newton, Revere, Somerville, Waltham, Watertown, Winthrop.

(c) North: Acton, Amesbury, Andover, Arlington, Bedford, Beverly, Billerica, Boxborough, Boxford, Burlington, Carlisle, Chelmsford, Concord, Danvers, Dracut, Dunstable, Essex, Everett, Georgetown, Gloucester, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lexington, Lincoln, Littleton, Lowell, Lynn, Lynnfield, Malden, Manchester-by-the-Sea, Marblehead, Maynard, Medford, Melrose, Merrimac, Methuen, Middleton, Nahant, Newbury, Newburyport, North Andover, North Reading, Peabody, Reading, Rockport, Rowley, Salem, Salisbury, Saugus, Stoneham, Stow, Swampscott, Tewksbury, Topsfield, Tyngsborough, Wakefield, Wenham, Westford, West Newbury, Wilmington, Winchester, Woburn.

(d) South: Abington, Acushnet, Aquinnah, Attleboro, Avon, Barnstable, Berkeley, Bourne, Braintree, Brewster, Bridgewater, Brockton, Canton, Carver, Chatham, Chilmark, Cohasset, Dartmouth, Dedham, Dennis, Dighton, Duxbury, East Bridgewater, Eastham, Easton, Edgartown, Fairhaven, Fall River, Falmouth, Foxborough, Freetown, Gosnold, Halifax, Hanover, Hanson, Harwich, Hingham, Holbrook, Hull, Kingston, Lakeville, Mansfield, Marion, Marshfield, Mashpee, Mattapoisett, Medfield, Middleborough, Millis, Milton, Nantucket, New Bedford, Norfolk, North Attleboro, Norton, Norwell, Norwood, Oak Bluffs, Orleans, Pembroke, Plainville, Plymouth, Plympton, Provincetown, Quincy, Randolph, Raynham, Rehoboth, Rochester, Rockland, Sandwich, Scituate, Seekonk, Sharon, Somerset, Stoughton, Swansea, Taunton, Tisbury, Truro, Walpole, Wareham, Wellfleet, West Bridgewater, Westport, West Tisbury, Westwood, Weymouth, Whitman, Wrentham, Yarmouth.

(e) West: Adams, Agawam, Alford, Amherst, Ashfield, Becket, Belchertown, Bernardston, Blandford, Brimfield, Buckland, Charlemont, Cheshire, Chester, Chesterfield, Chicopee, Clarksburg, Colrain, Conway, Cummington, Dalton, Deerfield, Easthampton, East Longmeadow, Egremont, Erving, Florida, Gill, Goshen, Granby, Granville, Great Barrington, Greenfield, Hadley, Hampden, Hancock, Hatfield, Hawley, Heath, Hinsdale, Holland, Holyoke, Huntington, Lanesborough, Lee, Lenox, Leverett, Leyden, Longmeadow, Ludlow, Middlefield, Monroe, Monson, Montague, Monterey, Montgomery, Mount Washington, New Ashford, New Marlborough, New Salem, North Adams, Northampton, Northfield, Orange, Otis, Palmer, Pelham, Peru, Pittsfield, Plainfield, Richmond, Rowe, Russell, Sandisfield, Savoy, Sheffield, Shelburne Falls, Shutesbury, Southampton, South Hadley, Southwick, Springfield, Stockbridge, Sunderland, Tolland, Tyringham, Wales, Ware, Warwick, Washington, Wendell, Westhampton, Westfield, West Springfield, West Stockbridge, Whately, Wilbraham, Williamsburg, Williamstown, Windsor, Worthington.

422.04: Filing and Reporting Requirements

(1) General Provisions.

(a) Accurate Data. All reports, schedules, additional information, books, and records that are filed or made available to EOHHS must be certified under pains and penalties of perjury as true, correct, and accurate by the executive director or chief financial officer of the provider.

(b) Examination of Records. Each provider must make available to EOHHS or the purchasing governmental unit upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.

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- (2) Required Reports. Each provider must file
- (a) an annual Uniform Financial Statements and Independent Auditor's Report completed in accordance with the filing requirements of 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*;
 - (b) any cost report supplemental schedule as issued by EOHHS; and
 - (c) any additional information requested by EOHHS within 21 days of a written request.
- (3) Penalty for Noncompliance. The purchasing governmental unit may impose a penalty in the amount of up to 15% of its payments to any provider that fails to submit required information. The purchasing governmental unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 422.04(3).

422.05: Severability

The provisions of 101 CMR 422.00 are severable. If any provision of 101 CMR 422.00 or application of ~~such any~~ provision to any applicable individual, entity, or circumstance eligible provider or fiscal intermediary is held invalid or unconstitutional, ~~such determination that holding~~ will not be construed to affect the validity or constitutionality of any remaining provisions of 101 CMR 422.00 or application of ~~such those~~ provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid applicable individuals, entities, or circumstances.

REGULATORY AUTHORITY

101 CMR 422.00: M.G.L. c. 118E.