Proposed Adoption
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101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 362.00: RATES FOR COMMUNITY SUPPORT PROGRAM SERVICES

Section

362.01: General Provisions
362.02: General Definitions
362.03: Rate Provisions
362.04: Reporting Requirements and Sanctions
362.05: Severability

362.01: General Provision

(1) Scope and Purpose. 101 CMR 362.00 governs the rates to be used by all governmental units and worker's compensation insurers for community support program services provided by community support programs.

(2) Applicable Dates of Service. Rates ~~contained~~ in 101 CMR 362.00 apply for dates of service provided on or after April 1, 2027~~5~~.

(3) Disclaimer of Authorization of Services. 101 CMR 362.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 362.00. Governmental units that purchase the services described in 101 CMR 362.00 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 and understanding of substantive provisions of 101 CMR 362.00.

362.02: General Definitions

As used in 101 CMR 362.00, terms have the meanings set forth in 101 CMR 362.02 unless stated otherwise.

Community Support Program (CSP ~~or the Program~~). Behavioral health diversionary services through community-based, mobile, paraprofessional staff to members, as set forth in 130 CMR 461.000: *Community Support Program Services*.

Community Support Program ~~for Homeless~~ High Intensity ~~Individuals~~ (CSP-HI). A specialized CSP service for~~to address the needs of~~ members ~~who meet specific medical necessity guidelines as established by EOHHS~~ demonstrating the need for a higher intensity of behavioral health diversionary support to address barriers to community tenancy.
~~the health-related social needs of members who are experiencing~~
~~(a) homelessness and are frequent users of acute health MassHealth services, as defined by EOHHS; or~~
~~(b) chronic homelessness, as defined by the U.S. Department of Housing and Urban Development.~~

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Community Support Program for Individuals with Justice Involvement (CSP-JI). A specialized CSP service to address the ~~health-related social~~ needs of members with justice involvement and have a barrier to accessing or consistently utilizing medical and behavioral health services, as defined by EOHHS. CSP-JI includes behavioral health and community tenure sustainment supports.

Community Support Program–Tenancy Preservation Program (CSP-TPP). A specialized CSP service to address the needs of members ~~health-related social~~ who are at risk of losing their community tenancy due to eviction as a result of behavior related to a disability.~~needs of members who are at risk of homelessness and facing eviction as a result of behavior related to a disability~~. ~~CSP-TPP works with the member, the Housing Court, and the member's landlord to preserve tenancies by connecting the member to community-based services in order to address the underlying issues causing the lease violation.~~

Eligible Provider. A community support program that meets the conditions of participation that have been adopted by a governmental unit purchasing community support program services.

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

Eviction. The process of obtaining a court order to remove a tenant and other occupants from a rental property including serving either a Notice to Quit or a request for temporary, preliminary, or permanent relief. Eviction may also refer to any instance in which such relief has been granted.

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

~~Homelessness. The condition of any member who lacks a fixed, regular, and adequate nighttime residence, and who has 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 group, or who is living in a supervised publicly or privately operated emergency 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. This includes those members who are exiting an institution (*e.g.*, jail, hospital) where they resided for 90 days or less and were residing in an emergency shelter or place not meant for human habitation immediately before entering the institution.~~

Individual with Justice Involvement~~ or Justice Involved~~. A member who is a former inmate or detainee of a correctional institution who has been released from a correctional institution within the past year; or an individual under the supervision of the Massachusetts Probation Service, Massachusetts Parole Board, or both, as determined by the Massachusetts Probation Service or the Massachusetts Parole Board.

Per Diem. A unit of payment that refers to a billable day in which the member is enrolled in the program.

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Publicly Aided Individual. A person who receives health care and services for which a governmental unit is in whole or in part liable under a statutory program.

Telehealth. The use of synchronous or asynchronous audio, video, electronic media, or other telecommunications technology, including, but not limited to~~:~~

(a) interactive audio-video technology;
(b) remote patient monitoring devices;
(c) audio-only telephone; and
(d) online adaptive interviews, for the purpose of evaluating, diagnosing, consulting, prescribing, treating, or monitoring a patient's physical health, oral health, mental health, or substance use disorder condition.

362.03: Rate Provisions

(1) Rates as Full Compensation. The rates under 101 CMR 362.00 constitute full compensation for community support program services provided by community support programs to publicly aided and industrial accident patients, including full compensation for necessary administration and professional supervision associated with patient care.

(2) Rates of Payment. Payment rates under 101 CMR 362.00 are the lower of
(a) the eligible provider's usual charge to the general public; or
(b) the schedule of allowable rates for services provided by community support programs as set forth in 101 CMR 362.03(4).

(3) Modifiers.
(a) -HK: Specialized mental health programs for high-risk populations (Community Support Program High Intensity~~for Homeless Individuals~~).
(b) -HH: Integrated mental health/substance abuse program (Community Support Program for Individuals with Justice Involvement).
(c) -HE: Mental health program (Community Support Program Tenancy Preservation Program).

(4) Rates for Community Support Program Services. The payment rates for community support programs are as follows.~~:~~

Table 1: Codes and Rates for Community Support Program Services

Code	Rate	Service Description
H2015	$17.54	Comprehensive community support services, per 15 minutes (Community Support Program)
H2016-HE	$23.33	Comprehensive community support services, *per diem,* mental health program (Community Support Program – Tenancy Preservation Program)

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Code	Rate	Service Description
H2016-HH	$21.93	Comprehensive community support program, *per diem*, integrated mental health/substance abuse program (Community Support Program for Individuals with Justice Involvement)
H2016-HK	$28.35	Comprehensive community support services, *per diem*, specialized mental health programs for high-risk populations (Community Support Program ~~for Homeless Individuals~~High Intensity)

362.04: Reporting Requirements and Sanctions

(1) Required Reports.
(a) Reporting requirements are governed by 957 CMR 6.00: *Cost Reporting Requirements*.
(b) Additional Information. Eligible providers must file such additional information as EOHHS may from time to time reasonably require.

(2) 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 362.04(2).

362.05: Severability

The provisions of 101 CMR 362.00 are severable. If any provision of 101 CMR ###.00 or application of any provision to an applicable individual, entity, or circumstance is held invalid or unconstitutional, that holding will not be construed to affect the validity or constitutionality of any remaining provisions of 101 CMR 362.00 or application of those provisions to applicable individuals, entities, or circumstances.

~~The provisions of 101 CMR 362.00 are severable. If any provision of 101 CMR 362.00 or application of such provision to any eligible provider or fiscal intermediary is held invalid or unconstitutional, such determination will not affect the validity or constitutionality of any remaining provisions of 101 CMR 362.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.~~

REGULATORY AUTHORITY

101 CMR 362.00: M.G.L. c. 118E.