

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 410.00: RATES FOR COMPETITIVE INTEGRATED EMPLOYMENT SERVICES

Section

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410.01: General Provisions

(1) Scope. 101 CMR 410.00 governs the payment rates for competitive integrated employment services (CIES) purchased by a governmental unit. CIES are provided to assist clients to obtain and retain competitive employment in an integrated, community-based work setting with wages and benefits that are comparable to those received by other workers in similar positions. CIES consist of five separate service components, each associated with a specific client outcome: intake, evaluation, and assessment; job-targeted educational and skills development activities; job development and placement; initial employment supports; and ongoing and interim supports. CIES are furnished under an Executive Office of Health and Human Services (EOHHS) Master Agreement (MA). Providers qualified to deliver CIES under the MA will be engaged separately by EOHHS departments to deliver specified services.

(2) Applicable Dates of Service. Rates contained in 101 CMR 410.00 apply for dates of service provided on or after July 1, 2022.

(3) Disclaimer of Authorization of Services. 101 CMR 410.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 410.00. Governmental units that purchase CIES 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 410.00.

410.02: Definitions

As used in 101 CMR 410.00, unless the context requires otherwise, terms have the meanings in 101 CMR 410.02.

Client. An individual that receives CIES purchased by a governmental unit including, but not limited to, clients currently or formerly receiving services from the Department of Developmental Services: Employment Supports; the Massachusetts Rehabilitation Commission: Vocational Rehabilitation, Community-based Employment Services; the Department of Transitional Assistance: Supported Work Program, ESP-Workforce Investment Area (WIA), Community-based Employment Service, Supplemental Nutrition Assistance Program (SNAP), Employment and Training; Massachusetts Commission for the Blind: Personal Vocational Adjustment. A governmental unit may also purchase additional CIES at the rates set forth in 101 CMR 410.03(3).

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Competitive Integrated Employment. A job in an integrated, community-based work setting where the client receives wages and benefits paid by an employer that are comparable to wages and benefits paid to workers in similar positions.

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.

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

Extraordinary Circumstances/Flex Funding. A method whereby, subject to availability, a purchasing governmental unit may provide resource allocations to a client and/or a provider across the state. Flexible funding may be provided through a number of means including but not limited to, reimbursement to the client for specific support services or funds directed to a qualified provider for extraordinary circumstances.

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

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 or may be adopted by a purchasing governmental unit.

Reporting Year. The provider's fiscal year for which costs incurred are reported to the Operational Services Division on the Uniform Financial Statements and Independent Auditor's Report (UFR).

410.03: Rate Provisions

(1) Payment Methods.

(a) General. Purchasing governmental units will pay providers a total payment per completed service component as defined in 101 CMR 410.03(2).

1. Standard Progress Documentation. Providers must use a standard form to document initiation and completion of a service component for each client. Providers must submit all progress documentation, billing, and performance reporting through the Enterprise Invoice Management Service.

2. Initial Payment. The purchasing governmental unit pays the provider an initial payment based on a specified percentage of the total payment at the initiation of a service component for a client. For intake, evaluation, and assessment, the purchasing governmental unit makes an initial payment equal to 20% of the service component payment in 101 CMR 410.03(3). For all other service components, except ongoing and interim supports, the purchasing agency makes an initial payment equal to 40% of the service component payment in 101 CMR 410.03(3). EOHHS may revise these percentages by administrative bulletin.

3. Final Payment. The purchasing governmental unit pays the difference between the initial payment and the total service component payment upon completion of the service component and submission of required documentation.

4. Administrative Adjustment for Extraordinary Circumstances. A provider may petition the purchasing governmental unit for an administrative adjustment to reflect increases in

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operating costs due to unusual and unforeseen circumstances or extraordinary client service requirements not considered in the development of the current rates. Unusual and unforeseen circumstances are events of catastrophic nature (*e.g.*, fire, flood, or earthquake) that are not covered by insurance that the prudent provider would carry. The provider must demonstrate that such cost increases gravely threaten the stability of service provision such that client or consumer access to necessary services is at risk. The purchasing governmental unit will evaluate the need for the administrative adjustment, determine whether funding is available, and convey that information to EOHHS for review to determine the amount of any adjustment.

(b) Services Provided in Dukes or Nantucket County. In accordance with the provisions of St. 2015, c. 46, payment for services provided in programs located in Dukes or Nantucket County will be the rate for the service contained in 101 CMR 410.03(3) times a factor of 1.07.

(2) Service Components. Payment is based on the following five separate service components.

(a) Intake, Evaluation, and Assessment. This service component requires the client to articulate initial goals, commit to a service plan, and engage in services. Provider activities included in this service component include, but are not limited to, solicitation of client referrals; review of applications; initial client screening; interview of applicants; assessment of client interests and skills; performance of a situational assessment; identification of recommended support services; and completion of a comprehensive service plan.

(b) Job-targeted Educational and Skills Training Activities. This service component is designed to ensure that the client has sufficient training and/or education to enter job search and placement for initial employment in a competitive environment in accordance with his or her job goals or to reach stabilization in a competitive work environment with additional supports, if necessary. Specific provider activities include, but are not limited to, depending on client skills and learning style, vocational English language training; “fast-track” HiSET testing; short-term “soft” or “technical” job skills training; and work adjustment, job search, and interviewing skills.

(c) Job Development and Placement. This service component is designed to assist the client to sustain initial employment for at least 30 days. Provider activities in this service component include, but are not limited to: employment exploration; career plan development; development of collaborative employer relationships; job try-outs; job matching; and job placement.

(d) Initial Employment Supports. This service component is designed to assist the client to sustain employment for at least 90 days and to demonstrate progress toward stability and confidence in job duties and workplace relationships. Provider activities in this service component include, but are not limited to, counseling, life, and community skills development; continued development of employer education; and collaboration, training, and conflict resolution.

(e) Ongoing and Interim Supports. This service component is designed to assist the client to maintain stable employment with additional supports if necessary. Provider activities in this service component include, but are not limited to, counseling, life, and community skills development; continued development of employer education; and collaboration, training, and conflict resolution, provided on an as-needed basis. This service component is paid on an hourly basis. Interim supports are used to assist a client who does not require full participation in another service component to achieve re-employment or a job upgrade.

(3) Approved Rates. Within each service component, there are two service levels that

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reflect the staff-to-client ratios necessary to meet client needs. The appropriate level is determined by the purchasing governmental unit.

Description	Completed Component Rates		Hourly Rates	
	Level A	Level B	Level A	Level B
Intake, Evaluation, and Assessment	\$501	\$1,072	\$21.28	\$47.32
Job-targeted Educational and Skills Training Activities	\$1,067	\$2,925	\$21.28	\$47.32
Job Development and Placement	\$1,822	\$5,892	\$21.28	\$47.32
Initial Employment Supports	\$660	\$2,103	\$21.28	\$47.32
Ongoing and Interim Supports	N/A	N/A	N/A	\$47.32
Extraordinary Circumstances/Flex Funding Add-on	I.C.	I.C.	I.C.	I.C.

410.04: 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.
- (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 410.04(3).

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410.05: Severability

The provisions of 101 CMR 410.00 are severable. If any provision of 101 CMR 410.00 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 410.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 410.00: M.G.L. c. 118E.