

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 356.00: RATES FOR MONEY FOLLOWS THE PERSON DEMONSTRATION SERVICES

Section

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356.01: General Provisions

- (1) Scope and Purpose. 101 CMR 356.00 governs the payment rates for Money Follows the Person Demonstration (MFP Demo) services purchased by all governmental units.
- (2) Applicable Dates of Service. Rates contained in 101 CMR 356.00 apply for dates of service on and after March 1, 2023.
- (3) Disclaimer of Authorization of Services. 101 CMR 356.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 356.00. Governmental units that purchase MFP Demo services 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 356.00.

356.02: Definitions

As used in 101 CMR 356.00, unless the context requires otherwise, terms have the meanings in 101 CMR 356.02.

Assistive Technology. Assistive technology includes:

- (a) devices, controls, or appliances, that enable an individual to increase their ability to perform activities of daily living;
- (b) devices, controls, or appliances that enable an individual to perceive, control, or communicate with the community environment in which they live.;
- (c) items necessary for life support or to address physical conditions along with ancillary supplies and equipment necessary to the proper functioning of such items;
- (d) such other durable and non-durable medical equipment that is necessary to address an individual's functional limitations; and,
- (e) necessary medical supplies.

Service may also include: evaluations necessary for the selection, design, fitting or customization of assistive technology to meet the needs of the individual; customization, adaptation, fitting, set-up, maintenance or repairs of assistive technology; the temporary replacement of assistive technology; and, training or technical assistance with the use of assistive technology.

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Community Engagement Navigation. Outreach and support services to MFP Demonstration participants both as they prepare to transition out of facilities and after they have transitioned. Services may include:

- (a) accompaniment and transportation from facilities to community housing and service options.
- (b) supporting service exploration and linkage
- (c) assistance with connections to and engagement with community services

Executive Office of Health and Human Services (EOHHS). The executive agency within Massachusetts government that is the single state agency responsible for the administration of the MassHealth program (Medicaid), pursuant to M.G.L. c. 118E, Titles XIX and XXI of the Social Security Act, and other applicable laws and waivers thereto.

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

Individual Consideration (I.C). Payment rates for certain services are designated as Individual Consideration (I.C.). Where I.C. rates are designated, the purchasing governmental unit will determine the appropriate payment rate in accordance with the following standards and criteria:

- (a) the amount of time required to complete the service or item;
- (b) the degree of skill required to complete the service or item;
- (c) the severity or complexity of the service or item;
- (d) the lowest price charged or accepted from any payer for the same or similar service or item, including, but not limited to any shelf price, sale price, advertised price, or other price reasonably obtained by a competitive market for the service or item; and
- (e) the established rates, policies, procedures, and practices of any other purchasing governmental unit in purchasing the same or similar services or items.

MassHealth. The Medicaid program of the Commonwealth of Massachusetts, administered by EOHHS pursuant to M.G.L. c. 118E, Titles XIX and XXI of the Social Security Act, and other applicable laws and waivers thereto.

Money Follows the Person Demonstration. A MassHealth demonstration program authorized pursuant to a federal grant received by EOHHS that seeks to assist eligible MassHealth members residing in facility-based long term care settings to transition to a community-based setting, where they can receive home and community-based services.

Money Follows the Person Demonstration Services. Services that are either allowable Medicaid services not currently included in the state's array of home and community-based services (HCBS) or qualified services above what would be available to non-MFP Demonstration Medicaid beneficiaries, and which include assistive technology, Community Engagement Navigation, and transitional assistance.

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Money Follows the Person Demonstration Supplemental Services. One-time services to support the transition of MFP Demonstration participants that are otherwise not allowable under the Medicaid program. Services address critical barriers to transition for MFP Demonstration participants, including the lack of affordable and accessible housing, food insecurity, and financial and administrative barriers to transitions.

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.

Transitional Assistance. Non-recurring set-up expenses and short-term services necessary to facilitate an individual's transition from a facility-based long term care setting to the community. Allowable expenses are those that are necessary to enable a person to establish a basic household and do not constitute room and board.

356.03: 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 in the terms of the purchase agreement between the eligible provider and the purchasing governmental unit(s).

(2) Reimbursement as Full Payment. Each eligible provider must, as a condition of acceptance of payment made by any purchasing governmental units for services rendered, accept the approved program rate as full payment and discharge of all obligations for the services rendered. Payment for services included in the scope of this regulation from any other source will be used to offset the amount of the purchasing governmental unit's obligation for services rendered to the publicly assisted client.

(3) Payment Limitations. Except as provided in 101 CMR 356.03(3), no purchasing governmental unit may pay less than, or more than, the approved program rate.

(4) Rates of Payment. The approved rate is the lower of the provider's charge or amount accepted as payment from another payer or the rate listed below:

Service	Rate
Assistive Technology	<i>See 101 CMR 322.00: Durable Medical Equipment, Oxygen and Respiratory Therapy Equipment</i>
Community Engagement Navigation	<i>See 101 CMR 423.00: Rates for Certain In-Home Basic Living Supports</i>
Transitional Assistance	I.C.

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356.04: Filing and Reporting Requirements

(1) Cost Reporting Requirements. All providers must comply with the requirements of 957 CMR 6.00: *Cost Reporting Requirements*.

(2) Penalties 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 government unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 356.04(2).

356.05: Severability

The provisions of 101 CMR 356.00 are severable. If any provision of 101 CMR 356.00 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 356.00 or application of those provisions to applicable individuals, entities, or circumstances.

REGULATORY AUTHORITY

101 CMR 356.00: M.G.L. c. 118E.