

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 430.00: RATES FOR PROGRAM OF ASSERTIVE COMMUNITY TREATMENT
SERVICES

Section

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430.01: General Provisions

- (1) Scope. 101 CMR 430.00 governs the payment rates for certain Program of Assertive Community Treatment services purchased by governmental units, including the Department of Mental Health.
- (2) Applicable Dates of Service. Rates contained within 101 CMR 430.00 apply for dates of service provided on or after July 1, 2023.
- (3) Disclaimer of Authorization of Services. 101 CMR 430.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 430.00. Governmental units that purchase the services described in 101 CMR 430.00 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 430.00.

430.02: Definitions

As used in 101 CMR 430.00, unless the context requires otherwise, terms have the meanings in 101 CMR 430.02.

Client. An individual who receives certain Program of Assertive Community Treatment 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.

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 provider across the state. Flexible funding may be provided through a number of means including, but not limited to, reimbursement to client for specific support services or funds directed to a qualified provider for extraordinary circumstances.

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Forensic Group Living Environment (GLE). A five-bed group living environment (GLE) with 24/7 staffing coverage. Persons served are admitted into the GLE only with DMH approval. It is expected that individuals who are referred to the GLE will be determined to need more intensive rehabilitation, and additional structure and supports. The GLE must be licensed by DMH in accordance with 104 CMR 28.15: *General Provisions*.

Forensic Program of Assertive Community Treatment (PACT). The Forensic PACT is a comprehensive service model designed to have special capabilities to serve individuals with serious and persistent mental illness who have current criminal justice involvement or a history of repetitive criminal justice involvement; may benefit from intensive coordinated services; and have not responded well to program or office-based interventions. Forensic PACT has a multidisciplinary team approach to providing active, ongoing, comprehensive, integrated community-based services. These services are designed to be responsive to changing needs and are typically long term. Services include outreach, engagement, rehabilitation, clinical, health-related as well as recovery-based interventions and support. Services are individually directed and the team is the single point of accountability for all services required by DMH. Forensic PACT is a recovery-oriented service with the goal of facilitating each individual's recovery journey.

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 as the actual cost of the item or service as evidenced by invoice, published tuition amount, or other price reasonably obtained by a competitive market for the product or service.

Program of Assertive Community Treatment (PACT). A comprehensive service model for individuals with serious mental illness who may benefit from intensive coordinated services and have not responded well to program or office-based interventions. It has a multidisciplinary team approach to providing active, ongoing, comprehensive, integrated community-based services. These services are designed to be responsive to changing needs and are typically long term. Services include outreach, engagement, rehabilitation, clinical, health-related as well as recovery-based interventions and support. The PACT model is an evidence-based practice referred to by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the National Alliance on Mental Illness (NAMI) as an Assertive Community Treatment (ACT) program.

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 contracted 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).

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430.03: 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 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. No purchasing governmental unit may pay less than or more than the approved program rate.
- (4) Administrative Adjustment for Extraordinary Circumstances. A method whereby, subject to availability of funds, a purchasing governmental unit may provide additional resource allocations to a qualified provider in response to unusual and unforeseen circumstances that substantially increase the cost of service delivery in ways not contemplated in the development of current rates. It must be demonstrated 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.
- (5) Approved Rates. 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 430.03.

Service	Model	Rate	Unit of Service
Program of Assertive Community Treatment	PACT 50	\$67.10	Enrollment Day
	PACT 80	\$58.38	Enrollment Day
	Forensic PACT	\$90.36	Enrollment Day
	Forensic GLE	\$385.21	Bed Day
	PACT Youth	\$207.00	Enrollment Day
Extraordinary Circumstances/Flex Funding	Add-on	I.C.	N/A

430.04: 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.

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- (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 430.04(3).

430.05: Severability

The provisions of 101 CMR 430.00 are severable. If any provision of 101 CMR 430.00 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 430.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 430.00: M.G.L. c. 118E.