

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 419.00: RATES FOR SUPPORTED EMPLOYMENT SERVICES

Section

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419.01: General Provisions

- (1) Scope. 101 CMR 419.00 governs the payment rates for supported employment services purchased by a governmental unit. Supported employment services provide individual and group employment in the community for clients that require provider support and/or supervision.
- (2) Applicable Dates of Service. The rates contained in 101 CMR 419.00 apply for dates of service provided on or after July 1, 2023.
- (3) Disclaimer of Authorization of Services. 101 CMR 419.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 419.00. Governmental units that purchase supported employment 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 419.00.

419.02: Definitions

As used in 101 CMR 419.00, unless the context requires otherwise, terms have the meanings in 101 CMR 419.02.

Client. A person who receives supported employment 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.

Enhanced Staffing Rates for Higher Intensity Clients. These rates allow, under certain circumstances and based on assessed need, the targeted provision of one-to-one or one-to-three staffing ratio supports to individual program participants who require more staffing than the base rate provides in group supported employment services. These rates are not intended to be used to address typical program need fluctuations.

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

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

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Group Supported Employment Services. Supports provided to a small group of clients working in a competitive environment, usually not at the provider site. The clients are usually employees of the provider agency and are often paid and receive benefits from that provider. These services emphasize work in integrated environments and may include small groups in industry (also called enclaves), mobile work crews, and provider-run businesses.

High-intensity/Specialized Program Rates. These rates are restricted in use for exceptional purposes for certain high-intensity programs supporting specialty populations receiving group supported employment services. These rates apply only in cases in which it is determined that programs require significant additional supervisory resources, staff with higher skill levels and qualifications, increased staffing ratios, and specialized consulting and/or clinical supports. Examples may include programs supporting individuals with forensic involvement or serious behavioral issues.

Individual Supported Employment Services. Supports provided to a client on a one-to-one basis to assist the client to obtain and maintain a job at a business in the community. The client is hired and paid by the employer at competitive wages. These services may include assessment, career planning, skills training, job development and placement, job coaching at the job site, and ongoing supportive services to assist the client to successfully maintain employment.

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.

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).

Supported Employment Services. Services that provide assistance to individuals or groups of individuals to help them prepare for, acquire, and maintain integrated employment in the community for clients that require provider support and/or supervision.

Transportation to Individual Job Sites. This service applies to individuals in individual supported employment services who are working at a business in the community and require ongoing rides/transportation from the provider to their job to maintain their employment, and are not able to transport themselves to and from work successfully. This service must be used only after all other public, para-transit, and private transportation options have been pursued.

419.03: 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 a provider, as explicitly set forth in the terms of the purchase agreement between the provider and the purchasing governmental unit(s).

(2) Reimbursement as Full Payment. Each 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

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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 except as authorized by 101 CMR 419.03(2).

(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 419.03(5). Providers must bill for services in 15-minute units.

| Base Service | Rate (15 mins) per Client |
|--|----------------------------------|
| Individual Supported Employment (\$65.48 hourly) | \$16.37 |
| Ongoing Individual Supported Employment (\$48.36 hourly) | \$12.09 |
| Group Supported Employment (\$23.52 hourly) | \$5.88 |
| | |
| High-intensity Service/Specialized Program Rates | Rate (15 mins) per Client |
| High-intensity Group Supported Employment (\$30.96 hourly) | \$7.74 |
| | |
| Add-on Services | Rate (15 mins) per Client |
| Direct Care (\$26.08 hourly) | \$6.52 |
| Direct Care III (\$33.28 hourly) | \$8.32 |
| | |
| Transportation to Individual Job Sites | Rate (15 mins) per Client |
| Travel to and from ISE job sites up to one hour (\$36.12 hourly) | \$9.03 |
| | |
| Enhanced Staffing for Higher Intensity Clients (Combined Add-on and Base Service Rates) | Rate (15 mins) per Client |
| 1:1 Group Supported Employment (\$49.04 hourly) | \$12.26 |
| 1:3 Group Supported Employment (\$32.04 hourly) | \$8.01 |

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419.04: 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 419.04(3).

419.05: Severability

The provisions of 101 CMR 419.00 are severable. If any provision of 101 CMR 419.00 or application of such provision to any 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 419.00 or application of such provisions to any provider or fiscal intermediary in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 419.00: M.G.L. c. 118E.