

101 CMR: EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

101 CMR 448.00: WORKFORCE INVESTMENT RATES FOR CERTAIN HEALTH AND HUMAN SERVICES PROGRAMS

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448.01: General Provisions

- (1) Scope and Purpose. 101 CMR 448.00 governs the payment rates for workforce investment rates for certain Health and Human Services programs purchased by a governmental unit including, but not limited to, the Department of Developmental Services (DDS), the Massachusetts Commission for the Blind (MCB), the Massachusetts Rehabilitation Commission (MRC), the Department of Mental Health (DMH), the Department of Public Health (DPH), the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), the Department of Children and Families (DCF), the Department of Youth Services (DYS), the Executive Office of Elder Affairs (EOEA), and MassHealth.
- (2) Applicable Dates of Service. Rates contained in 101 CMR 448.00 apply for dates of service as stated in 101 CMR 448.03(5).
- (3) Disclaimer of Authorization of Services. 101 CMR 448.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 101 CMR 448.00. Governmental units that purchase the services described in 101 CMR 448.00 are responsible for the definition, authorization, and approval of services provided to clients.
- (4) Administrative Bulletins. EOHHS may issue administrative bulletins to clarify its policy on substantive provisions of 101 CMR 448.00.
- (5) Parent Regulations. 101 CMR 448.00 describes operational add-on rates for certain services whose basic rates are governed by other regulations. For services not included in 101 CMR 448.00, please refer to the parent regulation listed in 101 CMR 448.01(5).

Service	Parent Regulation
Inpatient Services, Residential Services, Opioid Treatment Services, Ambulatory Services, Clinical Case Management Services, Day Treatment Services, Outpatient Services, Supportive Case Management Services, Triage, Engagement and Assessment Services, Office-based Opioid Treatment Programs	101 CMR 346.00: <i>Rates for Certain Substance-related and Addictive Disorders Programs</i>
Early Intervention Services	101 CMR 349.00: <i>Rates for Early Intervention Program Services</i>
Competitive Integrated Employment Services	101 CMR 410.00: <i>Rates for Competitive Integrated Employment Services</i>

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Service	Parent Regulation
Intensive Foster Care and Specialty Service and Adoption Management Support Services	101 CMR 411.00: <i>Rates for Certain Placement, Support, and Shared Living Services</i>
Family Transitional Support Services	101 CMR 412.00: <i>Rates for Family Transitional Support Services</i>
Youth Residential Substance Use Disorder Treatment, Clinically Intensive Youth Residential Substance Use Disorder Treatment, Adjudicated Youth Residential Treatment, Clinically Intensive Residential Treatment, Community Treatment Residential, Emergency Residence, Intensive Residential Treatment, Intensive Treatment Residence, Medically Complex and Behavioral Residence, Medically Complex Residence, Specialty Treatment Residence, Young Parent Assessment and Living Program, Staff Add-on Services, Adjudicated Youth Staff Add-on Services, Community Service Network Program and Staff Add-on Services, and the services formerly known as “Caring Together” Services	101 CMR 413.00: <i>Payments for Youth Intermediate-term Stabilization Services</i>
Adolescent Support Network, Afterschool Respite, Autism/Family Support Centers, Agency with Choice Administration, Community-based Afterschool Social and Recreational Programs, Clinical and Nonclinical Combined Hourly Services, Comprehensive Services, Educational Coordination, Family Navigation, Family and Micro Family Resource Centers and Staff Add-on Services, Specialty Family and Family Skills Development Programs and Staff Add-on Services, Family Training, Intensive Flexible Family Support Services, Medically Complex Programs, Peer Support, Planned Site-based Respite, Respite in Caregiver or Recipient’s Home, Site-based Respite and Site-based Respite with Nursing, Unbundled Intensive Foster Care Special Support Services, and Flexible Support Services	101 CMR 414.00: <i>Rates for Family Stabilization Services</i>
Clubhouse Services	101 CMR 416.00: <i>Rates for Clubhouse Services</i>
Congregate Care Housing Services, Central Intake and Assessment Program, Basic Home Care Case Management, ECOP Case Management, Protective Services, Protective Services Intake, Supportive Senior Housing, Money Management Services, and Guardianship Services	101 CMR 417.00: <i>Rates for Certain Elder Care Services</i>
Staffing Support Services and Transitional Age Youth Detoxification and Stabilization Programs	101 CMR 418.00: <i>Payments for Youth Short-term Stabilization and Emergency Placement Services</i>
Adult Housing and Community Support Services	101 CMR 421.00: <i>Rates for Adult Housing and Community Support Services</i>

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Service	Parent Regulation
Orientation and Mobility Services, Mobile Eye Clinic, Deaf/Blind Community Access Network, Assistive Technology Independent Living Service, Homecare Assistance, Vocational Rehabilitation Assistant Services, Brain Injury Community- and Site-based Services	101 CMR 422.00: <i>Rates for General Programs - Disability Services</i>
Corporate Representative Payee Services, Transition to Adulthood Services, Clinical Team Services	101 CMR 424.00: <i>Rates for Certain Developmental and Support Services</i>
Young Parent Support Services	101 CMR 425.00: <i>Rates for Certain Young Parent Support Programs</i>
Alternative Lock-up Program, Conflict of Interest Services, Teen Pregnancy Prevention Services, Therapeutic Day Services and Staff Add-on Services, and Young Parent Support Program and Staff Add-on Services	101 CMR 427.00: <i>Rates for Certain Youth and Young Adult Support Services</i>
Deaf and Hard of Hearing Independent Living Services, Recovery Learning Communities, Vocational Rehabilitation Independent Living Services	101 CMR 428.00: <i>Rates for Certain Independent Living Communities and Services</i>
Domestic Violence Community-based Services, Child Exposed to Domestic Violence Services, Supervised Visitation Services, Sexual and Domestic Equity and Legal Services, Intimate Partner Abuse and Educational Services, Rape Crisis Centers and Satellite Centers, Rape Crisis Direct Care Add-on Staff Services, and Statewide Specialized Hotline Services	101 CMR 429.00: <i>Rates for Certain Sexual and Domestic Violence Services</i>
Program of Assertive Community Treatment Services	101 CMR 430.00: <i>Rates for Program of Assertive Community Treatment Services</i>
Respite Services	101 CMR 431.00: <i>Rates for Certain Respite Services</i>
Lead Agency Services	101 CMR 432.00: <i>Rates for Certain Lead Agency Services</i>
Psychological Services	101 CMR 329.00: <i>Psychological Testing, Treatment, and Related Services</i>
Community Mental Health Center Services	101 CMR 306.00: <i>Rates of Payment for Mental Health Services Provided in Community Health and Mental Health Centers</i>
Psychiatric Day Treatment	101 CMR 307.00: <i>Rates for Psychiatric Day Treatment Center Services</i>
Applied Behavior Analysis	101 CMR 358.00: <i>Rates of Payment for Applied Behavior Analysis</i>
Opioid Treatment Services (excluding codes J0571-J0575 and J3490), Recovery Support Navigator, Individualized Treatment and Stabilization Services	101 CMR 444.00: <i>Rates for Certain Substance Use Disorder Services</i>

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448.02: Definitions

As used in 101 CMR 448.00, terms have the meanings as defined in 101 CMR 448.02, except as otherwise provided.

Client. An individual receiving 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) pursuant to 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services* is used when required.

COVID-19 Payment Rate. A rate that is intended to take into account the change in program model necessary due to COVID-19 requirements, which will be instituted at the discretion of the purchasing governmental unit.

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.

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) pursuant to 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*.

State Funding. The aggregate amount of payments to a provider by a governmental unit for services purchased at rates established in 101 CMR 448.01(5). State funding does not include any amounts attributable to federal funding or grant funds.

Workforce Investment. Funds directed to a provider for workforce investment. As a condition of receipt of these additional funds, eligible provider agencies must complete an attestation assuring EOHHS that they will use at least 90% of the funds for health and human service workforce development, which could include hiring and retention bonuses and other categories of front-line worker compensation.

448.03: 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).

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(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) Lump Sum Payment. Purchasing governmental units may pay a lump sum payment limited to the equivalent of six monthly units. The lump sum payment will be calculated according to the following formula: $\text{Sum of } \{[(\text{total May 2021 (one month) State spend on the services listed in 101 CMR 448.01(5)} * (\text{Add-on rate of 10\%}) * (6 \text{ units})]\}$.

(5) Approved Rates with Applicable Dates of Service Provided from July 1, 2021, through December 31, 2021. 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 448.03(5). Effective January 1, 2022, the rates revert to the rates in the parent regulations listed in 101 CMR 448.01(5).

Add-on	Unit	Rate
Workforce Investment for the Services Listed in 101 CMR 448.01(5)	Monthly	10% of the Provider's May 2021 (FY21) State Funding

448.04: 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.

(c) Field Audits. EOHHS may conduct a field audit. EOHHS will make reasonable attempts to schedule an audit at the mutual convenience of both parties.

(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 after the date of mailing of a written request.

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(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 448.04(3).

448.05: Severability

The provisions of 101 CMR 448.00 are severable. If any provision of 101 CMR 448.00 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 448.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 448.00: M.G.L. c. 118E.