



## DAY/WORK UPDATE UTILIZATION THRESHOLDS FOR CERTAIN DAY PROGRAMS

September 21, 2020

This document describes how the Department of Developmental Services (DDS) will implement utilization thresholds related to enhanced rates for Day/Work services as outlined in *101 CMR 445.00: COVID-19 Payment Rates for Certain Day Programs*. 101 CMR 455.00 is an emergency regulation posted by the Executive Office of Health and Human Services (EHS) on August 14 and can be found [via this link](#). This guidance document is a supplement to the DDS Day/Work Update document released on August 21, 2020.

### I. Utilization Thresholds for Enhanced Rates

The application of enhanced rates as outlined in 101 CMR 455.00 are subject to thresholds based on each provider's pre-pandemic utilization. Enhanced rates were developed in recognition of the fixed costs associated with Day/Work program operation and the additional costs associated with re-opening these programs. Due to current social distancing requirements, transportation restrictions, and reluctance of some individuals to return to programs, it is expected that most programs will operate at substantially lower utilization than pre-pandemic levels. However, in cases where programs are able to achieve higher than expected utilization, enhancements will be reduced in accordance with this guidance.

Utilization thresholds will be set based on a provider's average billed attendance for the months of November – January. **Thresholds will be set at the activity code level.** For the purposes of calculating these thresholds, DDS will aggregate each provider's attendance across all contracts within each activity code.

Due to fluctuations in service utilization between **Community Based Day Supports (3163) and Group Supported Employment (3181)**, **DDS will set a combined utilization threshold for these codes.** This combined threshold will create greater flexibility for providers to shift hours between the two codes depending on the specific needs of each individual.

Additionally, the **threshold for Individual Supported Employment (3168) only applies to services reimbursed at the initial supports rate (\$51.88).** Services reimbursed at the ongoing supports rate (\$38.96) are not eligible for rate enhancements and are not subject to utilization thresholds.

Attendance up to the utilization threshold will be reimbursed at the enhanced rate. Attendance beyond the utilization threshold will continue to be reimbursed, but at the "above threshold" rate listed below.

Enhanced rates are applicable for both in-person and remote service delivery. Both attendance types will be combined for the purposes of determining whether the utilization threshold has been exceeded.

Utilization thresholds and rate enhancement levels are as follows:

	Aug / Sep	Oct / Nov
Utilization Threshold	40%	60%
Rate Enhancement (Below Threshold)	40%	25%
Rate Enhancement (Above Threshold)	25%	0%

**Utilization thresholds are applicable to the following services:**

- Community Based Day Supports (3163) and Group Supported Employment (3181)
- Individual Supported Employment (3168EA) Initial Supports
- Day Habilitation Supplemental Services (3285)
- Day Habilitation (3664)
- Facility Day Habilitation (3764)

DDS shall separately communicate with each provider the calculated utilization threshold for each service.

**Example:**

Threshold Calculations	Activity	Nov - Jan Avg Units (15 min)	Aug - Sept Threshold (40%)	Oct - Nov Threshold (60%)
	3163	7,000	2,800	4,200
	3181	3,000	1,200	1,800
	<b>Combined</b>	<b>10,000</b>	<b>4,000</b>	<b>6,000</b>
	3285	4,000	1,600	2,400

  

August Billing	Activity	Aug Billing
	3163	3,200
	3181	600
	<b>Combined</b>	<b>3,800</b>
	3285	1,800

*CBDS and Group Employment (3163 & 3181):* Combined billing of 3,800 units is below combined threshold (even though CBDS billing is above CBDS threshold). All units will be paid with 40% enhancement.

*Day Habilitation Supplemental Services (3285):* Billing of 1,800 is above threshold of 1,600. 1,600 units will be paid at 40% enhancement, 200 units will be paid at 25% enhancement.

## II. Application of Utilization Thresholds

Due to limitations in rate functionality in Enterprise Invoice Management (EIM), DDS will initially reimburse all attendance at the “below threshold” rate level, regardless of actual program utilization. In cases where utilization exceeds the threshold, this will result in an overpayment to the provider. DDS will later conduct a review of overall utilization levels and recoup funds where overpayments were issued. Providers are encouraged to review their utilization thresholds and actual attendance to be aware of cases where this has occurred.

Recoupments will be calculated based upon the difference in rate levels for attendance that is beyond the utilization threshold. In mid-February, DDS will calculate the amount that providers exceeded utilization thresholds from August – November. To ensure payment and recoupment accuracy, providers are encouraged to submit all billing through EIM by the end of January. While the department will complete a second reconciliation prior to the close of FY21 accounts payable period, providers that submit a large volume of supplemental billing at year end may find that DDS is seeking recoupment of funds after billing deadlines. In cases where there is a recoupment, the provider will be contacted by the applicable DDS Regional Office to coordinate repayment of funds.

## III. Remote Services in Day Habilitation Programs

The definitions adopted by MassHealth for Day Habilitation remote services differ from definitions adopted by DDS. As such, DDS will reimburse for remote services as follows:

- 1) Day Habilitation (3664): For individuals that are authorized for Day Habilitation services, DDS will reimburse for services that are provided remotely (i.e. via tele/video conference) or in-person in a family/individual home, but not for Day Habilitation services provided in a residential/group home. Qualified providers must seek approval from the appropriate Area Office to provide remote Day Habilitation services as defined above.
  - a. To determine if an individual is eligible for Day Habilitation remote services as defined above, please refer to MassHealth Day Habilitation Guidance 11 issued August 2020, [Requirements for In Home Setting Services and Qualifying In Home Setting Services](#)
- 2) Day Habilitation Supplemental Services (3285): For individuals that are authorized for Day Habilitation Supplemental Services, **DDS will reimburse for 1:1 services provided in-person in an individual or family home only.** DDS will not reimburse for tele/video conference services or services provided in a residential/group home. By definition, Day Habilitation Supplemental Services are a 1:1 service and a provider must maintain documentation that an individual is unable to participate in Day Habilitation program without additional 1:1 staff assistance. Please refer to 101 CMR 424.00 and the DDS RFR for Supplemental Day services for more information.

While MassHealth has established temporary per-diem and partial day per-diem rates, DDS will maintain 15-minute service units and reimbursement. Therefore, **a provider may only invoice for the actual number of units of Day Habilitation or Day Supplemental services provided.** For example, if a provider invoices MassHealth for half day per-diem rate, but only provided 2 hours of Day Habilitation services, DDS will only reimburse for 8 units of authorized Day Habilitation Supplemental services.

Providers should use current EIM attendance codes to invoice for remote services as defined above. Attendance submitted using the retainer attendance codes made available from April-July will be rejected.

#### **IV. Split Billing between CBDS, Employment and Day Habilitation**

101 CMR 445 authorizes MassHealth to reimburse Day Habilitation programs using half per diem (3-hour) and per diem (6-hour) rates instead of the traditional 15-minute rates. For DDS individuals that split their day between MassHealth funded Day Habilitation and DDS funded CBDS and Employment programs, it is important that the combined number of hours billed does not exceed 6 hours per day when billing the MassHealth per diem rates.

In cases where providers bill MassHealth the half per diem rate (3-hour), billing to DDS may not exceed 3 hours, regardless of the actual number of hours provided.

In cases where providers bill MassHealth the per diem rate (6-hour), provider may not submit billing to DDS.

**DDS Day & Employment Billing Policy Summary**

<b>Activity</b>	<b>FY20 Q4</b>	<b>July</b>	<b>Aug/Sep</b>	<b>Oct/Nov</b>
<b>Community Based Day Supports 3163</b>	<ul style="list-style-type: none"> <li>• 50% Retainer Payment</li> <li>• Rate Enhanced to Level A</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 50% Retainer Payment</li> <li>• No Rate Enhancements</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 40% Rate Enhancement</li> <li>• 40% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 25% Rate Enhancement</li> <li>• 60% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>
<b>Indv. Supported Employment (Initial Supports) 3168 (A)</b>	<ul style="list-style-type: none"> <li>• 50% Retainer Payment</li> <li>• No Rate Enhancement</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 50% Retainer Payment</li> <li>• No Rate Enhancements</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 40% Rate Enhancement</li> <li>• 40% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 25% Rate Enhancement</li> <li>• 60% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>
<b>Indv. Supported Employment (Ongoing Supports) 3168 (B)</b>	<ul style="list-style-type: none"> <li>• 50% Retainer Payment</li> <li>• No Rate Enhancement</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 50% Retainer Payment</li> <li>• No Rate Enhancements</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• No Rate Enhancement</li> <li>• No Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• No Rate Enhancement</li> <li>• No Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>
<b>Group Supported Employment 3181</b>	<ul style="list-style-type: none"> <li>• 50% Retainer Payment</li> <li>• Rate Enhanced to High Int.</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 50% Retainer Payment</li> <li>• No Rate Enhancements</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 40% Rate Enhancement</li> <li>• 40% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 25% Rate Enhancement</li> <li>• 60% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>
<b>Day Habilitation Supplemental Services 3285</b>	<ul style="list-style-type: none"> <li>• Retainer Billing: Bill Based on Regular Attendance</li> <li>• No Rate Enhancements</li> <li>• Remote Services: No</li> </ul>	<ul style="list-style-type: none"> <li>• Retainer Billing: Bill Based on Regular Attendance</li> <li>• No Rate Enhancements</li> <li>• Remote Services: No</li> </ul>	<ul style="list-style-type: none"> <li>• 40% Rate Enhancement</li> <li>• 40% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: In-person only</li> </ul>	<ul style="list-style-type: none"> <li>• 25% Rate Enhancement</li> <li>• 60% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: In-person only</li> </ul>
<b>Day Habilitation 3664</b>	<ul style="list-style-type: none"> <li>• Retainer Billing: Bill Based on Regular Attendance</li> <li>• No Rate Enhancements</li> <li>• Remote Services: No</li> </ul>	<ul style="list-style-type: none"> <li>• Retainer Billing: Bill Based on Regular Attendance</li> <li>• No Rate Enhancements</li> <li>• Remote Services: No</li> </ul>	<ul style="list-style-type: none"> <li>• 40% Rate Enhancement</li> <li>• 40% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>	<ul style="list-style-type: none"> <li>• 25% Rate Enhancement</li> <li>• 60% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: Yes</li> </ul>
<b>Facility Day Habilitation 3764</b>	<ul style="list-style-type: none"> <li>• Retainer Billing: Bill Based on Regular Attendance</li> <li>• No Rate Enhancements</li> <li>• Remote Services: No</li> </ul>	<ul style="list-style-type: none"> <li>• Retainer Billing: Bill Based on Regular Attendance</li> <li>• No Rate Enhancements</li> <li>• Remote Services: No</li> </ul>	<ul style="list-style-type: none"> <li>• 40% Rate Enhancement</li> <li>• 40% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: No</li> </ul>	<ul style="list-style-type: none"> <li>• 25% Rate Enhancement</li> <li>• 60% Utilization Threshold</li> <li>• No Retainer Payment</li> <li>• Remote Services: No</li> </ul>