



DAY/WORK UPDATE EMERGENCY REGULATIONS: COVID-19 PAYMENT RATES FOR CERTAIN DAY PROGRAMS

August 21, 2020

This document describes the systems the Department of Developmental Services (DDS) will implement to process Administrative (retainer) payments and rate increases 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 document released on July 30, 2020.

I. Retainer/Administrative Payments: 3163, 3168 and 3181

The Department processed Administrative (retainer) Payments for all active Community Based Day Supports (CBDS) (3163), Individual Supported Employment (3168), and Group Supported Employment (3181) contracts the last quarter of FY20. These payments were calculated at 50% of average billing for the months of November, December, and January. The three FY20 payments were bundled into a single disbursement issued in May 2020. **The Department will issue one additional payment for the month of July only; this payment will equal one third of the disbursement issued in FY20. Contracts that ended effective 6/30/2020 will not be eligible for this payment.**

Administrative/retainer payments will be issued directly from current contracts resulting in a reduction in the open balance on the contract on Friday August 21. It may take two to three days for providers to see payments in their bank accounts.

These payments will not be made through the Enterprise Invoice Management System (EIM). DDS will work with EHS EIM Operations to run a scripting process to update contract balances in EIM once payments are made. This will occur within approximately 2 weeks of payments being issued.

As outlined in July 30, 2020 guidance documents, providers will be reimbursed at pre-COVID rates for services delivered in July for the 3163, 3168 and 3181 activity codes. For example, if the rate associated with a CBDS contract was a Level D in February, the provider will be reimbursed at a Level D for in-person and remote services delivered in July.

II. Enhanced Rates: August through November

All in-person services, as well as remote services delivered in accordance with allowable remote service delivery guidelines for Day/Work services supported by the Department, will be reimbursed at enhanced rates as outlined in the emergency regulation 101 CMR 455.00. This includes Day Habilitation, Facility Day Habilitation, Day Habilitation Supplemental Services, Community Based Day Supports, Individual Supported Employment (excluding ongoing supports), Group Supported Employment, and Transportation (trips to and from job sites with rates regulated under 101 CMR 419 only).

Providers will be reimbursed at the same rate for both in-person and remote services, however, providers are still required to report attendance using separate attendance status codes as detailed in previous guidance. In addition, per previous guidance, during this period of simultaneous remote and in-person service, it is incumbent upon agency providers to appropriately differentiate and document the provision of remote services, in-person services, and that all ancillary activities are delivered and recorded in support of or on behalf of the habilitative or rehabilitative supports of an individual.

August – September 2020

In August and September 2020, rates are enhanced 40% above existing and standard published rates. These rate enhancements apply to current and future program enrollments, and all existing and regulatory rate provisions regarding individual levels of care or intensity shall apply. In addition, to ensure appropriate [social distancing measures](#) be maintained during this period, the Department may periodically review program attendance and adjust rates downward in the event program attendance exceeds certain pre-pandemic levels. During the August and September enhancement period, attendance exceeding 40% of pre-pandemic levels may be adjusted to a 25% enhancement from existing and published rates.

October – November 2020

In October and November 2020, rates are enhanced 25% above existing and standard published rates. These rate enhancements apply to current and future program enrollments, and all existing and regulatory rate provisions regarding individual levels of care or intensity shall apply. In addition, to ensure appropriate social distancing measures can be maintained during this period, the Department may periodically review program attendance and adjust rates downward in the event program attendance exceeds certain pre-pandemic levels. During the October and November enhancement period, attendance exceeding 60% of pre-pandemic levels may be adjusted to the existing and published rates, without enhancement.

The process and methodology for establishing baseline attendance and enrollments to enforce any recoupments remains under development and will be shared with providers when completed. Beginning in December 2020, there is no authority or approval for an additional enhancement to rates or retainer payment.

Finally, 101 CMR 455 also includes newly established 3-hour and 6-hour rates for Day Habilitation services. These rates are only applicable to Day Habilitation services reimbursed by MassHealth. Any Day Habilitation services directly supported by the Department will continue to be reimbursed using the 15-minute rates as noted in regulation.