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November 24, 2015

Secretary Marylou Sudders
Executive Office of Health and Human Services (EOHHS)
One Ashburton Place, Room 1109
Boston, MA 02108

Re: 101 CMR 419.00: Rates for Supported Employment Services

Dear Secretary Sudders and officials of EOHHS,

Thank you very much for taking the time to consider our comments regarding your proposed regulations for Rates for Supported Employment Services, 101 CMR 419.00. As many of you already know, ADDP represents 130 human service providers who provide services for individuals with developmental disabilities and brain injuries. ADDP is very appreciative of the cost-adjustment-factor (CAF) of 3.18% that is being applied in accordance with the Chapter 257 Settlement Agreement. However, ADDP providers have expressed that these regulations need to include a rate increase based on more than just the 3.18% in order to accurately reflect the actual costs of providing these supported employment services: Individual Supported Employment, Center Based Work Services and Group Supported Employment. We appreciate your consideration of our concerns to set up these rates in such a manner where there are not unintended consequences that place a burden on the human service providers who serve these individuals.

Upon review of your proposed regulations, ADDP has a few concerns that we are hopeful you will be able to remedy once they are brought to your attention. ADDP is concerned that the Model for determining the rates appear to rely heavily on UFR data which does not reflect actual costs of providing services, and that the rates are too low to meet the projected costs that are needed to meet the requirements of the new CMS Rule which applies to supported employment services. We are also concerned that there is no differential mentioned for specialized populations that need higher staffing supports such as the newly eligible individuals under the new definition for developmental disability in the Autism Omnibus legislation who have autism, Prader-Willi Syndrome (PWS), and Smith-Magenis Syndrome (SMS), and the staff intensive population of individuals with ID/DD who have extensive forensic histories, and also for deaf individuals. We are hopeful that you will consider a higher rate increase that will not place a financial burden on human service providers considering all of the major systemic changes that are now occurring.



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Cost-Adjustment-Factor (CAF) Calculations:

ADDP providers are concerned that the CAF calculations did not take into account the considerable amount of changes that programs are in the process of undertaking, such as the closure of sheltered workshops and the increased need for staff ratios all across the service spectrum. The specific staff ratios, due to the DDS requirement of closing sheltered workshops, are going to require an average ratio from 1:12 to 1:5. Also, the average enclave staff ratio will be going from 1:8 to 1:5 - 1:6 to meet the new CMS rule requirements. Furthermore, with the 'Employment First' initiative, many more individuals are aiming to receive individual jobs which require 1:1 support for those sites. Thus, there is an overall need for more staff in supported employment.

It is believed by many that the CAF has taken these costs into account for what has occurred over the past few years, but there are serious concerns that the projections that we anticipate over the next few years, based on all of the major systemic changes that are occurring, have not been a part of the equation in calculating these rates. The projected costs include, but are not limited to, the direct costs of hiring more staff due to the tremendous increase of small groups of people in community employment due to the new requirements, cost increases in transportation, workers compensation, and benefits. In regard to transportation, it is also worrisome because unlike many other activity codes, vehicles and staff transportation expenses are not included in the 3168 DDS activity code for Supported Employment. Additionally, the transportation to support the services of 3168 (the transportation code is 3196T) does not allow for billing when an individual is not in the car. Therefore, a provider can only bill for a one way trip, with a maximum ride time of fifteen minutes even if the sites to which individuals are being transported are twenty or thirty minutes away. I hope these examples provide some clarity regarding the difficulty providers will face if additional rate increases are not provided for Supported Employment. ADDP respectfully requests that you take these variables into consideration when finalizing supported employment rate regulations under 101 CMR 419.

CMS Rule Requirement Costs:

ADDP strongly supports the CMS Rule that requires more person centered choice and community integration and requests that the proposed regulations provide the resources needed to best achieve these goals. In order to best implement the CMS regulations, ADDP service providers project that they will need a far greater amount of job development staff that is much more than the current staff ratio to support people. Based on the utilization of the current rate structure models, providers are going to need additional funding for smaller staff ratios, more vehicles, more job development staff, and more consultants and training for staff to ensure that full community integration in accordance with CMS is achieved at the highest level possible. The current rate structure model used the salary structures of the



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last contracts that went out to bid for these services. These contracts did not include these projected changes, and the average increase, based on rate reviews performed by the ADDP Day Services Committee, is expected to be between a 35% and 45% increase. Therefore, ADDP respectfully requests that you take these variables into consideration when finalizing these rates for supported employment under 101 CMR 419.

Thank you for taking the time to hear our concerns today, and understanding that what we propose and request is a reflection of wanting to adhere to best practices and applying the best approach for serving individuals with developmental disabilities and brain injuries.

Thank you very much for your time and consideration.

Best regards,

A handwritten signature in black ink that reads "Tara Hopper Zeltner". The signature is written in a cursive, flowing style.

Tara Hopper Zeltner, MSW, LL.M.
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