



*The Campaign to* **STRENGTHEN  
HUMAN SERVICES**  
IMPROVE CARE • RETAIN QUALITY STAFF  
ENHANCE ECONOMIC IMPACT

## ***The Collaborative update on Chapter 257 Tier 3 rates***

Dear Members:

We have received inquiries from a number of our members over the past week expressing concern with the contract terms issued by EOHHS in relation to FY '17 payments for services that have yet to have a rate set in accordance with Chapter 257. ***While this e-mail is of critical importance for members with Tier 3 services, we have chosen to share it with our entire membership to keep everyone in the loop on Chapter 257 implementation.***

Under the Agreement for Judgement in the Chapter 257 litigation -- signed last year by the Providers' Council, ABH, ADDP and the Children's League -- providers who have not received a rate as of 6/30/16 (designated as "Tier 3" providers in the litigation) are entitled for FY '17 to receive their FY '16 contract funding level (which consisted of their FY '15 contract funding level plus 3.75 percent) plus a CAF. As you know, EOHHS has now taken the position that those providers are only entitled in FY '17 to receive their FY '16 contract funding level minus the 3.75 percent added to the FY '16 contract, plus a CAF.

The Providers' Council, ABH, ADDP and the Children's League are pursuing with EOHHS the issue of the proper funding level for FY '17 for providers covered by Tier 3 under the Agreement for Judgment. We will continue to do so as this matter develops. In the meantime, below is the language that our attorneys suggest all providers under Tier 3 include with their FY '17 contracts.

**"The execution by \_\_\_\_\_ of this contract does not constitute an acknowledgment that the funding level provided under the contract is correct or in accordance with applicable law, and \_\_\_\_\_ reserves all of its rights concerning its FY '17 funding levels."**

Please let us know if you have any questions. Thank you.

Sincerely,

Michael Weekes, Providers' Council  
Vic DiGravio, ABH  
Gary Blumenthal, ADDP  
Erin Bradley, Children's League