



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



## Chapter 257 Filing an Appeal

May 6, 2014

Dear Members:

While many of you are familiar with the fact appeals can be filed if you feel the rate setting process has not offered a rate that is "reasonable and adequate" as prescribed by

Chapter 257, we are writing to bring you up to date on the appeal procedure and appeals that are currently being filed by your provider colleagues.

### Filing an Appeal

Chapter 257 was unique in establishing an appeal mechanism for rates that are filed

and promulgated by EOHHS. The sequence which may lead to an appeal follows:

1. There are generally information and referral sessions that lead to a public hearing. **ACTION:** Attend them and comment on how current rates impact your program and why they may need to be increased.



*Fairness is built on your  
advocacy for adequate rates*

2. The next step is a public hearing. Rates are proposed and testimony is sought on the fairness of the rates. **ACTION:** Present or mail in your testimony. Work with other providers with a direct interest in these rates to present well-balanced advocacy. Contact [The Collaborative](#) to assist with this effort.

3. After the public hearings rates are set, along with an effective date for payment. **ACTION:** If you feel the rates are detrimental to your program and unfair, you have 30 days to file an appeal with the Division of Administrative Law Appeals from the rate adoption date. At this point *The Collaborative* is likely fully informed about any issues and will assist you. This will require a financial commitment on

your behalf.

4. This procedure may not go quickly, but it is imperative to initiate to insure that rates are set as prescribed by Chapter 257.

5. Once an appeal is filed, you will be asked by your legal counsel to assist in documenting where the rates fall short in meeting the law's standards. Of particular interest will be: A. Have the rates recognized any underfunded mandates? B. Do they recognize geographic differences? C. Have they been adjusted to fairly recognize increases in the cost inflation factors? You may want to include these points in your testimony.



Again, this can be a long, involved process, but may be necessary to assure the state is held to the requirements of Chapter 257.

Rates that are currently under appeal are:

1. Rates of Clubhouse Services
2. Family Transitional Support Services (domestic violence)
3. Placement and Support Services (foster care)
4. Early Intervention Services
5. Rates for Certain Substance Abuse Programs (ATS)

While there are many technicalities and steps involved we encourage your fullest participation. Again, please contact *The Collaborative's* [257 Coordinator](#) with any questions. Thank you for your support, and your attention to this letter.

Best regards,

Gary Blumenthal, Association of Developmental Disabilities Providers  
Vic DiGravio, Association for Behavioral Healthcare  
Michael Weekes, Providers' Council



ASSOCIATION  
FOR BEHAVIORAL  
HEALTHCARE



**PR**  **VIDERS' COUNCIL**