



# The Campaign to **STRENGTHEN HUMAN SERVICES**

IMPROVE CARE • RETAIN QUALITY STAFF  
ENHANCE ECONOMIC IMPACT

## Chapter 257 Fall Update



### Keeping the 257 Fight on the Front Burner

While some have seen tremendous progress with Chapter 257, there remains:

- 10 percent of the human services provider community where rates have yet to be set
- 30 percent of the human service community where fair and adequate rates have not been paid
- Nearly 90 percent of the human service community promised two year rate reviews that have not occurred.

### Candidates Say Yes to 257, but Implementation Still Incomplete



After what has been a largely frustrating year as far as getting the Commonwealth to follow its obligations on setting and funding reimbursement rates, a pleasant surprise came out of a recent gubernatorial forum.

Last week the candidates for governor took part in a human services-focused debate, and each one - Democrat Martha Coakley, Republican Charlie Baker and independents Evan Falchuk and Jeff McCormick - pledged to fully implement rate reform if they win on November 4. (*To learn more about **The Providers' Council** Gubernatorial Forum, [click here](#).*)

Baker, who is running close to Coakley in the polls, called the law "the train that never gets to the station," and then added, "I can promise you as governor it will be funded." Falchuk, who is trailing badly in the polls, echoed what is the crux of our lawsuit: "I struggle to understand as a voter



The official position from the Commonwealth of Massachusetts, from A&F

and EOHHS, is that Chapter 257 is optional if the Legislature doesn't fund all that is needed.

Such an interpretation is a Catch 22 when an Administration chooses to request underfunding.

These are some of the reasons why we now are in court seeking judicial support of our position that Chapter 257 must be implemented and funded.



**In the next few days, we will be reaching out to every provider organization to ask you to renew your contribution to *The Collaborative*, to help protect our critical industry; and to help as we begin in 2015 to work with a new Governor, new Attorney General, new Senate leadership and dozens of new legislators.**

why the state doesn't follow its own laws."

While political promises rarely amount to much, this does represent a massive step in the right direction. One of the four people on that stage at Faneuil Hall will be our next governor and will have the authority to set and fund the rates that the provider community has been patiently and desperately waiting for since 2008.

This is not only the latest positive development in our effort to get 257 fully implemented. Earlier this summer, we filed suit against the Commonwealth, forcing them to keep their promise and follow the law. That prompted the Patrick Administration to commit to having 90 percent of the new rates set by the end of the year.

To date, they have set the rates for roughly two-thirds of the rate schedules, but have only funded about half. Gov. Patrick proposed an additional \$25 million toward funding 257, although the Legislature reduced that total to \$15 million in the final conference committee report.

That new revenue has somewhat eased the burden of some providers.

"The rates for Adult Long Term Residential programs helped us pay for crucial operating costs, including maintenance, utilities and groceries, among many others," said Andy Pond, President & CEO of JRI, Inc.

"We appreciated the increased revenue very much, but it is important to remember for a quarter century no new money had been provided. This just corrected a wrong that was long-overdue in coming."

Despite movement in the right direction, *The Collaborative* remains committed to the lawsuit to force the state to follow the law that was adopted in 2008. The suit, filed in Suffolk Superior Court, is expected to be heard in January.

"We really want to partner with them as much as possible, but in the end it wasn't enough," *Collaborative* member Vic DiGravio, president of the Association of Behavioral Healthcare, told the State House News Service in July. "At this point, we've been as patient as we can be and the law is the law and we want the Commonwealth to abide by the law. Every day that full implementation is delayed, the imbalance and the unfairness grows."