



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

CHAPTER 257 IN ACTION

Transitional Support Services
A CASE STUDY

A Program Emerges

The year was 2002. Devastating state budget cuts resulted in the loss of every last one of the state's beds for consumers looking to step down services after successfully undergoing detoxification treatment.

Seeking to address the dire need for this level of care, the Massachusetts Department of Public Health's Bureau of Substance Abuse Services established a new model.



Dubbed Transitional Support Services (TSS), the programs were designed to provide 24 hour/day, 7 day/week short-term residential services for clients in need of a safe, structured environment. Under this new model, residents getting TSS would have round-the-clock where-they-live case management services to support their recovery. They would also get four hours of daily nursing services to meet their medical needs.

TSS programs were devised specifically to help bridge the gap for consumers between Acute Treatment Services (ATS) - also known as detox - and longer-term residential rehabilitation programs or community ambulatory aftercare services, a further step-down from TSS.

"TSS services have become an integral component of our service system," said Daniel Mumbauer, Executive Director and CEO of High Point Treatment Services (above). "Our patients receive intensive case management and nursing care, which are critical at this early stage of recovery," he said.

A Rate is Set... and Silence Ensues

Chapter 257 Watch

In this ongoing series, *The Collaborative* offers the latest developments as the state proceeds with implementing the landmark Chapter 257 law and examines what implementation will mean for the human services industry in Massachusetts.

Chapter 257 Links

[Mass. Information Site](#)

[Implementation Plan](#)

[Meetings and Events](#)

[The Bill](#)

[Executive Order No. 536](#)

**What is the
Collaborative?**

The Collaborative is a coalition of the state's three major human service provider trade groups. They joined forces a decade ago primarily to champion rate-setting reform and ensure a bright future for the industry. Its members include [The Providers' Council](#), [The Association](#)

In 2003, DPH's Bureau of Substance Abuse Services set the rate for TSS at \$104.52 per bed day. In a functioning system, this rate would have regularly undergone a comprehensive review to account for increases in cost of living, fuel costs, staff salaries, health care, food and fringe benefits.

But without Chapter 257 on the books, there was no mandate, said Benjamin Fierro, a partner in the Boston law firm Lynch & Fierro, which assists *The Collaborative* in matters related to Chapter 257 implementation. "State government was under no obligation to regularly review rates," Fierro said, "Providers had no legal leverage to compel the state to review and adjust rates."

So instead there was silence, for nearly eight long years. Finally, in January 2010, spurred by the passage of Chapter 257 two years earlier, the state's Division of Health Care Finance and Policy (DHCFP) performed a long-overdue review. The result was a rate increase of 17 percent, to \$122.07 per bed day.



Chapter 257 Flexes its Muscles

In September 2012, the state proposed to adjust TSS rates to \$125.10. It was an increase, but a figure based solely on a Cost Adjustment Factor of 2.48 percent that failed to take other economic and operational factors into account.

Taking advantage of the legal recourse afforded by Chapter 257, providers submitted testimony documenting how the proposed rate was insufficient. "A 2.48% CAF simply will not produce a sufficient rate increase to sustain providers through the next two years," testified TSS provider organizations, "and 2008 cost data is too dated to reflect current and expected costs to providers through FY 2014."



Like Rosie, Chapter 257 has muscles, and knows how to use them!

Compelled by this testimony, the state performed a comprehensive review of its rate. And last month, the state announced a corrected TSS rate - \$131.04 per day - a 7 percent increase over the 2010 rate. Under Chapter 257, that rate will be reviewed again in 2 years.

For Mumbauer, of High Point Treatment Services, it's all about serving clients, and, he said, "the recent TSS rate increase

will support our on-going efforts to deliver high quality care."

Fierro summarized the impact that Chapter 257 had over the years on the setting of TSS rates. "Chapter 257 *worked* when the rate was updated in 2010," he said. "It *worked again* when the state met its legal obligation to review the rate in 2012, and it *worked yet again* when providers were able to exercise their rights under 257 to submit public testimony."

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