



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

Chapter 257 Update:

Key Outcomes Expected in Next Fiscal Year

Key Chapter 257 Players



EOHHS Secretary John Polanowicz is charged with overseeing Chapter 257 Implementation and Chairs the State Commission established by Governor Deval Patrick charged with reviewing the rate reform process.



ANF Secretary Glen Shor is responsible for working with the Governor to approve all Supplemental & Conference Committee requests to meet the

Providers Look to Administration and Legislature to Meet Chapter 257 Obligations



Its been a long time coming, but Human Service Providers are hopeful that the Patrick Administration and Legislature will take major steps in the next fiscal year to meet the statutory requirements of Chapter 257, the state's landmark law that requires EOHHS to put in place a contract system with fair and reasonable rates for human services purchased by the Commonwealth.

Initially passed unanimously by the House and Senate in 2008, and later amended in 2011 in order to give the state more time to comply with the law's requirements, Chapter 257 requires the Commonwealth to adopt by January 1, 2013, a number of critical human service rates, including Adult Long Term Residential Services, and for those rates to be effective by July 1, 2013.

State's legal obligations.



Scott Bock, President & CEO of Riverside Community Care is the Chairman of *The Collaborative* and is leading the effort to negotiate a common and collegial strategy with the Administration, while protecting the legal interests of human service consumers and providers.



Attorney **Ben Fierro**, is Counsel to the Collaborative and is leading ABH, ADDP and Providers' Council (*The Collaborative*) discussions with the State.

2014 for Community Based Flexible Supports (CBFS) purchased by the Department of Mental Health and residential recovery programs purchased by the Department of Public Health/Bureau of Substance Abuse Services.

The Collaborative, composed of The Providers' Council, the Association for Behavioral Healthcare (ABH) and the Association of Developmental Disabilities Providers (ADDP) have been meeting with key Administration and legislative leaders to discuss next steps in the state's effort to meet it's Chapter 257 legal obligations.

We have been greatly encouraged by the stated intentions of new Secretary Polanowicz and legislative leaders to fully implement Chapter 257. We have also been encouraged by the latest published rates which offer real relief to our members. Nevertheless, there is still much work to be done.

While the Governor's FY'14 Budget contained **partial** funding for rate increases for a number of services, including Adult Long Term Residential and services to be provided through the Caring Together system funded by the Department of Children and Families (DCF) and DMH, it is clearly evident that the Governor's budget does not appropriate sufficient monies to fully comply with Chapter 257. The same is true of the budgets passed by the House and Senate.

While the Collaborative recognizes the magnitude of these budget obligations, we have respectfully reminded the Administration and the Legislature of two facts: the legal obligation to fully fund Chapter 257 rates by the statutory deadlines; and how patient providers have been through a 25 year history of underfunded contracts.

In recent meetings with both the Executive Office of Health and Human Services and the Executive Office of Administration and Finance, providers have been informed that the Administration is reconsidering a previously considered plan to pay providers only 50% of the new rates by on October 1, 2013. Leaders of The Collaborative told the Administration that, in its view, any plan to pay providers anything less than 100% of a promulgated rate was in direct violation of Chapter 257.

The most recent information provided to The Collaborative is that the Administration is now considering a 100% rate rollout in the fourth quarter of FY 14 (April 1, 2014). **The Collaborative has advised the Administration that**

also a violation of the law.

We have also begun conversations with the Legislature on this issue. Members of The Collaborative plan to continue discussions with Administration officials at both ANF and EOHHS and hope that a consensus agreement between providers and the state can be presented to the Legislature in either the FY 14 budget or in a subsequent supplemental budget request from the Administration.

More information will be forthcoming as meetings with the Administration progress. And we will issue a call to action to providers if and when the need arises.

We are also monitoring activities related to rates that were set under Chapter 257 and eligible for the two- year review. For example, rates for "Certain Placement and Support Services" provided to clients in Intensive Foster Care and Enhanced Foster Care are scheduled for a public hearing on July 9th at Worcester City Hall. This will impact previous rates and add new ones. For additional information, please contact [Bill Yelanak](#) at the Providers' Council.