



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

CHAPTER 257 WATCH

Cautious Optimism Over the Governor's Proposed Budget

HUMAN SERVICES PROTECTED, IN GOOD & BAD TIMES

When Governor Patrick released his much-anticipated [FY'14 budget recommendations](#) on Jan. 23, there were many reasons for those of us in the human services industry to applaud.

First, his proposed \$35 billion budget includes \$139 million in new money for a partial payment of the funds needed to implement Chapter 257 rate increases. This marks the second straight year that the Governor has recommended increasing provider reimbursement rates in compliance with Chapter 257.



Furthermore, the proposed increases are broad-based, spread out amongst a breadth of programs and across the various agencies within the [Executive Office of Health & Human Services \(EOHHS\)](#): the Department of Developmental Services (DDS), the Department of Children and Families (DCF), the Department of Mental Health (DMH), the Department of Youth Services (DYS), the Department of Public Health (DPH), the Department of Transitional Assistance (DTA), the Department of Elder Affairs, the Massachusetts Commission for the Blind (MCB) and the Massachusetts Rehabilitation Commission (MRC).



"With this budget, the Governor is continuing the state's obligation to comply with Chapter 257, " said Vic DiGravio, President/CEO of the Association for Behavioral Healthcare (left). "Clearly, we are making progress in reforming human services rates. The Governor has heard clearly the message from the provider community that we expect full implementation in accordance with Chapter 257."

Since the law was passed in 2008, the march toward rate reform has been slow and bumpy, but with a measure of consistent forward progress.

Still, we must be mindful that much work remains. Here is what *The*

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 for Behavioral Healthcare](#) and [The Association of](#)

Collaborative has on our front burner:

- The Administration has proposed implementing some rate increases over the course of a two-year period. But according to Chapter 257, rate increases are mandated to be in effect at the start of this period and reassessed every two years. "The phased-in implementation that the state is proposing would be a clear violation of Chapter 257," notes Benjamin Fierro, a partner in the Boston law firm Lynch & Fierro, LLP. Fierro indicated that *The Collaborative* will not sit on the sidelines while this happens. "We are committed to ensuring that the state follows the letter and the spirit of the law."
- "The \$139 million figure sounds promising, but the only way to gauge the requisite funding level is through a comprehensive analysis of the rates promulgated by EOHHS," said Patricia Lynch (right), the other half of Lynch & Fierro, LLP, which helped draft the bill and continues to work on behalf of *The Collaborative* as consultants. The Collaborative is in the process of conducting such a detailed analysis and will report on the results in future editions of Chapter 257 Watch. *The Collaborative* will also continue to provide public testimony on a regular basis in support of fair and adequate rates.



Without a doubt, *The Collaborative* has been the behind-the-scenes catalyst over the last five years, ensuring that Chapter 257 proceeds without delay. It has been under our watchful eye (and mighty pen), that Governor Patrick and his Administration have formed an Advisory Council to oversee implementation, extended certain deadlines, aligned the implementation timetable with the budget cycle and instituted a temporary moratorium on new contracts.

Now, with his FY '14 budget, the Governor has made another clear effort to meet the state's obligations to fund Chapter 257 implementation. While noting the need to be vigilant, we also believe we have ample reason to be cautiously optimistic.