House Amendments for FY’21 Budget -
DDS and MassHealth Line Items Related to Persons with Intellectual and Developmental Disabilities & Autism
For H5150

1. Chapter 257 Rate Implementation Effective Date - Amendment 570 (Line Item 1599-6903)

Summary

Every two years, the rates for private human service agencies, which are regarded as “Purchase of Services or POS,” are reviewed by the Commonwealth. In February 2020, the EOHHS decided on a provisional rate increase of 10%, which totaled $115 Million for DDS. In October 2020, EOHHS announced that the rate would be delayed to January 1, 2021 and a bridge payment of 2% would be provided in its place for 6 months retroactive to July 1, 2020. This amendment ensures that the rate is implemented on July 1, 2020 as expected by agencies.

This line item provides:

1. Agencies allocated salary increases to staff during the COVID crisis.
2. There are additional expenses due to the pandemic.
3. During the first surge over 1,200 persons were infected and 85 persons died by June 9, 2020. This assistance helps providers deal with an insidious disease.
4. Retention and recruitment of staff has only worsened the workforce shortage during the crisis.

Amendment 570 proposed language

Representatives Kay Khan of Newton and Josh Cutler of Plymouth move to amend the bill in section 2, line item 1599-6903, in line 23 by inserting after the word “act;” the following: “provided further that all rates for Adult Long-Term Residential Services established according to 102 CMR 42.00 shall be effective no later than July 3, 2020.”

2. DDS Day-Employment - Amendment 442 (Line Item 5920-2025)

Summary
This proposed amendment provides an additional $14.3M million and requires the Commonwealth to allow billing at higher rates to address sustainability of the day/employment services and the ability of agencies to outreach to persons unable to return full-time to day services. The increase is equivalent to services for 600 participants and the funds were in the January House 2 proposal of the Governor.

This line item provides:

1. The Day/Employment programs serve approximately 10,000 people with intellectual and developmental disabilities (autism, down syndrome, cerebral palsy and others).

2. It funds employment services and a variety of day supports for individuals living with family at home and in community residential programs.

3. The COVID-19 pandemic has resulted in higher staff-client ratios, which require more staff. There are new, continued costs in personal protective equipment (PPE), other equipment, supplies and other needed materials.

Amendment 442 proposed language

Representative Gerard Cassidy of Brockton moves to amend the bill in section 2, line item 5920-2025, in line 3, by inserting after "prioritized by need" the following: “provided further that the billing rate for these services will be no lower than pre-COVID utilization billing rates to address infection control and the smaller space capacity.”; and in said item by striking out the figures "$239,513,699" and inserting in place thereof the figures "253,891,529."

3. Day Habilitation - Amendment 561 (Line Item 4000-0601)

Summary

The proposed amendment requires the Commonwealth to allow billing at higher rates to address sustainability of MassHealth Day habilitation services and the ability of agencies to outreach to persons unable to return full-time to such services. This is an entitlement program and the amendment will result in level funding equal to the period before the COVID-19 pandemic.

This line item provides:

1. This MassHealth program services approximately 9,600 people with intellectual and developmental disabilities (autism, down syndrome, cerebral palsy and others).

2. It is the main support for individuals who require allied health therapies or can’t obtain DDS Day/Employment services and a major support for those who live with their families.

3. The COVID-19 pandemic has resulted in higher staff-client ratios which require more staff. There are new, continued costs in PPE, other equipment, supplies and other needed materials.

Amendment 561 proposed language
Mr. Cutler of Duxbury moves to amend the bill in section 2, in item 4000-0601, in line 28, by inserting after "providing kosher food;" the following: "provided further that the billing rate for day habilitation services to persons disabilities will be no lower than pre-COVID utilization billing rates to address infection control and the smaller space capacity."

4. Residential - Amendment 592 (Line Item 5920-2000)

Summary

This proposed amendment partially addresses the crisis facing congregate care providers during the pandemic including staff retention, day-time staffing hours, and infection control. The system services 7,760 people and during the first surge of COVID 19, over 1,200 people were infected (more than 115 have died across all congregate care). As of November 4, 2020, a total of 65 residents have the virus. Congregate homes face:

1. Providers have not yet been reimbursed for day-time hours since July 1, 2020.
2. There is a difficulty retaining and recruiting new staff due to salary, fear of virus and family caregiver responsibilities of staff.
3. A surge in the virus will likely result in higher expenses to address infection control.
4. There will be a need to provide additional pay to staff.
5. There may be a need to develop temporary housing strategies for residents and/or staff as virus surges (as during first surge).
6. During first surge, an average of 17.5% monthly reimbursement was allowed to residential agencies to have the financial capacity to address health crisis.
7. The investment of $100 Million on top of additional funds committed by the administration will total 17.5% (admin has announced 3.25% in COVID $, ALTR and 2% bridge funds for 6 months).

Amendment 592 proposed language

Representative Ted Speliotis of Danvers moves to amend the bill in section 2, in line item 5920-2000, in line 16, by inserting after “growth of the program” the following: "provided further that the billing rate for these services will be adjusted to pay for all additional COVID staffing costs and related expenses including but not limited to day-time staffing, hazard pay, infection control such as PPE."; and in said item by striking out the figures "1,287,631,747" and inserting in place thereof the figures "1,387,631,747."

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