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State/Territory Name: Massachusetts

State Plan Amendment (SPA) #: 19-019

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages



Boston Regional Operations Group

October 11, 2019

Marylou Sudders, Secretary
Executive Office of Health and Human Services
One Ashburton Place, Room 1109
Boston, Massachusetts 02108

Dear Secretary Sudders:

We are pleased to enclose a copy of approved Massachusetts State Plan Amendment (SPA) No. 19-019, submitted to CMS on September 30, 2019. This SPA was submitted to revise your approved Title XIX State plan to update the payment methodologies for personal care attendant services. This SPA was approved on October 11, 2019, effective July 1, 2019.

Enclosed are copies of the following approved State plan pages:

- Attachment 4.19-B, pages 3.2 and 3.2a.

If you have any questions regarding this matter you may contact Julie McCarthy at (781) 961-1070 or by e-mail at Julie.McCarthy@cms.hhs.gov.

Sincerely,

/s/

Francis T. McCullough, Director
Division of Medicaid Field Operations East (Boston)

Enclosure/s

cc: Daniel Tsai, Assistant Secretary for MassHealth, Medicaid Director
Kaela Konefal, Federal Authority Policy Analyst/State Plan Coordinator

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER
1 9 - 0 1 9

2. STATE
MA

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
CENTERS FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
07/01/19

5. TYPE OF PLAN MATERIAL (*Check One*)
 NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (*Separate transmittal for each amendment*)

6. FEDERAL STATUTE/REGULATION CITATION
42 CFR Part 447

7. FEDERAL BUDGET IMPACT
a. FFY 2019 \$ 3,647,000
b. FFY 2020 \$ 14,467,000

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 4.19-B pages 3.2-3.2a

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (*If Applicable*)

Attachment 4.19-B pages 3.2-3.2a

10. SUBJECT OF AMENDMENT

Personal Care Attendant (PCA) Rates

11. GOVERNOR'S REVIEW (*Check One*)
 GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

Not required under 42 CFR 430.12(b)(2)(i)

12. SIGNATURE OF STATE AGENCY OFFICIAL

/s/

13. TYPED NAME
Marylou Sudders

14. TITLE
Secretary

15. DATE SUBMITTED
9/30/2019

16. RETURN TO

Kaela Konefal
State Plan Coordinator
Executive Office of Health and Human Services
Office of Medicaid
One Ashburton Place, 11th Floor
Boston, MA 02108

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED 09/30/2019

18. DATE APPROVED 10/11/2019

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL

07/01/2019

20. SIGNATURE OF REGIONAL OFFICIAL

/s/

21. TYPED NAME

Francis T. McCullough

22. TITLE Director, Division of Medicaid Field Operations
East (Boston)

23. REMARKS

State Plan under Title XIX of the Social Security Act
State: Massachusetts
Methods and Standards for Establishing Payment Rates – Other Types of Care

u. **Personal Care Services:**

I. General Description of Payment Methodology

The following section describes the methods and standards utilized by the Executive Office of Health and Human Services (EOHHS) to establish rates of payment for personal care attendant (PCA) services. These services are described under Supplements to Attachments 3.1-A and 3.1-B. Fee schedules are established as follows:

II. Fee Schedules

The fee schedules for Personal Care Attendant Services are established by the Executive Office of Health and Human Services. The regulation, administrative bulletins, and fee schedules are published at <http://www.mass.gov/eohhs/docs/eohhs/eohhs-regs/114-5-4.pdf> and <http://www.mass.gov/eohhs/docs/eohhs/eohhs-regs/101-cmr-309.pdf>. <http://www.mass.gov/eohhs/gov/laws-regs/hhs/community-health-care-providers-ambulatory-care.html>.

Effective July 1, 2019, the fee schedule used to pay for personal care services provided by Personal Care Attendant providers is \$4.36 per 15 minute unit or \$17.45 per hour, inclusive of the PCA wage, employer required taxes, and workers' compensation insurance for PCA services provided during the day or night. Personal care attendants who are authorized by MassHealth to work emergency overtime or work on one of four holidays (New Year's Day, July 4, Thanksgiving Day or Christmas) receive premium pay in addition to regular pay, equal to \$2.18 per 15 minute unit, or \$8.725 per hour, inclusive of employer required taxes and workers' compensation insurance.

Effective July 1, 2014, EOHHS will provide a 3 hour paid Orientation for newly hired PCAs. The fee schedule for the 3 hour Orientation is based on the hourly PCA rate in effect on the date the newly hired PCA receives orientation.

Effective January 1, 2016, through June 30, 2019, PCAs are eligible to accrue earned sick time from the first date of work and can begin using earned sick time 90 days after the first date of work at a rate of one hour per 30 hours worked, including overtime hours, up to 40 hours per benefit year. PCAs may use up to 40 hours of earned sick time per 12-month period as designated by EOHHS. The fee schedule is based on the hourly PCA rate in effect at the time the earned sick time is used.

Effective July 1, 2019, PCAs are eligible to accrue earned paid time off from the first date of work. PCAs accrue earned paid time off at a rate of one hour per 30 hours worked, including overtime hours, up to 50 hours per benefit year, and may carry over up to 50 hours to a new benefit year. A benefit year runs from July 1 to June 30. Upon termination of PCA employment, a PCA's remaining accrued earned time will be paid to the PCA. The fee schedule is based on the hourly PCA rate in effect at the time the earned paid time off is used, or, for purposes of payout at termination of all PCA employment, on the hourly PCA rate in effect on the date of the PCA's termination of all PCA employment.

State Plan under Title XIX of the Social Security Act
State: Massachusetts
Methods and Standards for Establishing Payment Rates – Other Types of Care

Effective January 1, 2016, PCAs are eligible to receive overtime pay in accordance with the requirements of the Fair Labor Standards Act. Effective July 1, 2019, PCA overtime pay is equal to \$0.15 per 1 minute unit, or \$8.725 per hour, inclusive of employer required taxes and workers’ compensation insurance. Effective July 1, 2019, PCA travel time pay is equal to \$0.29 per 1 minute unit, or \$17.45 per hour, inclusive of employer required taxes and workers’ compensation insurance.

The fee used for Transitional Living providers of personal care services is a provider specific rate established by the Executive Office of Health and Human Services. Such regulations are entitled: Rates for Certain Social, Rehabilitation and other Health Care Services. The regulation is published at <http://www.mass.gov/eohhs/docs/eohhs/eohhs-regs/114-5-4.pdf>.

Each Transitional Living provider’s rate is an all-inclusive per diem rate for the provision of personal care services and is based on an annual program budget, and delineates costs for direct care services and necessary administrative activities. Rate development for transitional living services includes the collection and review of service data maintained by the transitional living provider. Costs for room and board and other unallowable costs are excluded from the rate.

The table below contains the rates used for Transitional Living providers and the effective dates of the rates.

Provider	Per diem rate	Effective date
Advocates, Inc., Douglas House	\$207.53	July 1, 2016
Advocates, Inc., McLaughlin House	\$288.29	July 1, 2016
Advocates, Inc., Warren House	\$247.60	July 1, 2016
CCHIP House	\$206.73	July 1, 2016

Except as otherwise noted in the plan, state developed fee schedules are the same for both governmental and private providers.