



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget May 16, 2012

May 16, 2012

To: ABH Members
From: Vic DiGravio, President/CEO
Re: Preliminary Analysis of FY 2013 Senate Ways and Means Budget

The Senate Committee on Ways and Means released its FY13 budget recommendations on Wednesday, May 16. Among the recommendations included in the budget are:

- Overall spending of \$32.275 billion, a 3.7% increase over current fiscal year spending
- Use of \$590 million in one-time revenues, including \$290 million from the Rainy Day Fund
- Increased overall funding for DMH by almost \$18 million
- Requirement that DMH maintain 45 continuing care beds on the Taunton State campus
- All BSAS line items are fully-funded including a \$1.7 million increase in the main BSAS line item
- Increased overall funding for DCF by approximately \$17 million

ABH will hold an all member **Community Conversation** to discuss the Senate Ways and Means budget on

Thursday, May 17 at 11:00 a.m.

Call in number: 1-800-714-9583

Pass code: 973472

The Senate will debate its budget next week. Then the Senate President and House Speaker will make appointments to a conference committee to resolve differences between the House and Senate spending bills and produce a final legislative budget known as a conference committee report. The conference committee report will be voted either up or down (no amendments are permitted) by each chamber, and if approved, sent to the Governor who will have ten days to review the budget and return his vetoes and recommendations for amendments.



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget May 16, 2012

Department of Mental Health

Line item/program	Final FY 10 (post 9C cuts)	Final FY '11	FY12 Spending	Governor's FY '13	Final House FY '13	Senate Ways and Means FY '13
5011-0100 Operations Account	\$28,672,819	\$26,401,636	\$26,748,859	\$27,565,416	\$27,093,862	\$27,373,198
5042-5000 Child/Adolescent Services	\$72,184,407	\$71,773,509	\$71,805,352	\$77,878,882	\$77,571,631	\$76,816,757
5046-0000 Adult Community Services	\$302,913,735	\$326,755,801**	\$332,466,264**	\$342,427,150	\$342,668,578 \$343,168,578	\$342,427,150
5046-2000 Statewide Homelessness Initiative	\$20,134,424	\$20,134,424	\$20,134,424	\$20,134,424	\$20,134,424	\$20,134,424
5047-0001 Emergency Services/Acute Inpatient	} \$34,704,390	\$34,122,197	\$35,134,207	\$35,202,850	\$35,249,301	\$35,242,254
5047-0002 Emergency Svs/Acute Inpatient RR						
5055-0000 Forensic services for the mentally ill	\$8,146,363	\$8,081,928	\$8,104,964	\$9,153,872	\$8,097,163 \$8,297,163	\$8,634,856
5046-4000 CHOICE program RR	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
5095-0015 State psychiatric hospitals/Community- Based Mental Health Services	\$167,133,711	\$143,900,803	\$146,803,087	\$153,488,321	\$152,988,321 \$161,488,321	\$158,488,321
5095-0017 Trust Fund Contributions			\$10,000,000			
TOTAL	\$634,014,849	\$631,295,298**	\$651,327,157	\$665,975,915	\$663,928,280 \$673,128,280	\$669,241,960

**Includes supplemental funding



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FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget

May 16, 2012

Overview:

The Senate Ways and Means FY '13 budget funds the Department of Mental Health at \$669,241,960. This is \$3.9 million below the final House budget, but \$3.2 million above the Governor's FY '13 budget proposal and \$17.9 million above FY '12 projected spending. The Senate Ways and Means budget contains language which mandates the Department of Mental Health (DMH) to maintain 45 continuing care beds on the campus of Taunton State Hospital and continuing care capacity at 626 beds.

5011-0100 Operations. This account is funded at \$27 million; this is approximately \$273,000 over the House budget, \$200,000 less than the Governor's budget and \$600,000 over projected FY '12 spending. Language mandates the transfer of any unspent funds from the Trust Fund Contribution (5095-0017) from FY '12 to line items 5046-0000 (adult community mental health account) and 5095-0015 (inpatient account). In addition, \$100,000 is to be used for the Stephanie Moulton Safety Symposium.

5042-5000 Child/Adolescent Mental Health Services. The Senate Ways and Means FY '13 budget funds this account at \$76.8 million. This is \$750,000 less than the House budget and \$1 million less than the Governor's budget proposal, but \$5 million above projected FY '12 spending.

The account retains language enabling the DMH Commissioner to allocate funds from this account to other EOHHS departments in order to support services for children and adolescents "stuck" in inappropriately restrictive settings due to lack of more appropriate placements. In addition, DMH may not discharge a child or adolescent to the Department of Children and Families until it forwards an assessment and recommendation as to whether the child should be placed in foster care or group care. Language also states that funds are to be expended on the Child Psychiatry Access Project.

5046-0000 Adult Mental Health Community Services. This account is funded at \$324,427,150. This is \$740,000 less than the House budget, but the same amount proposed by the Governor and \$10 million above projected FY '12 spending.

Similar to past language, the account includes language requiring DMH to allocate up to \$5 million from the inpatient account (5095-0015) as necessary for "community services" for consumers formerly receiving care at DMH facilities. In addition, DMH must report to the House and Senate Committees on Ways and Means by February 1, 2013 "on the distribution of funds per adult and child planning population and the types of services received in each region for FY '13."



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget

May 16, 2012

5046-2000. Homelessness Services. This account is level funded.

5047-0001 Emergency Services/Acute Inpatient. This account is funded at \$35,249,301; this is an increase of approximately \$100,000 over FY 2012 projected spending.

As in past years, the budget requires DMH to continue its interagency service agreement (ISA) with EOHHS for the purchase of services. It also includes language from the FY '09 budget requiring DMH to develop a “performance specification...for safe aftercare options for adults upon release from acute inpatient mental health care services”. Lastly, the account retains language included in past budgets requiring emergency service programs to “take all reasonable steps to identify and invoice the third party insurer of all persons serviced by the programs.”

5095-0015 State Psychiatric Hospitals/CMHCs. The Senate Ways and Means budget funds this account at \$158,488,321. This is \$3 million less than the House budget, but \$5 million above the Governor’s FY '12 budget proposal and \$11.6 million over project FY '12 spending.

As has been the case in several past budgets, the account contains language stating that “in order to comply with the Olmstead decision and to enhance care within available resources to clients” DMH is to “discharge clients residing in the inpatient facilities to residential services in the community when the criteria below are met: a) the client is deemed clinically suited for a more integrated setting; b) community residential service capacity and resources available are sufficient to provide each client with an equal or improved level of service; and c) the cost to the commonwealth of serving the client in the community is less than or equal to the cost of serving the client in inpatient care.” Any consumer transferred to a different inpatient facility due to facility closure is required to “receive a level of care that is equal to or better than the care that had been received at the closed facility.”

In addition, the account contains language mirroring that in the adult community account (5046-0000) permitting the transfer of up to \$5 million from this account to the adult community account for “residential and day services” for consumers formerly receiving inpatient care.

Language requires DMH to maintain 626 continuing care inpatient beds for FY '13; 45 of these beds must be on the campus of Taunton State Hospital. In addition, language requires the Secretary of Housing and Economic Development (or designee) and the Commissioner of Capital Asset Management and Maintenance (or designee) to meet with municipal officials 180 days before closing any inpatient facility and develop a plan for the timely demolition of buildings and use of the property.



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget May 16, 2012

Department of Public Health/Bureau of Substance Abuse Services

Line item/program	Final FY '10 (Post-9C Cuts)**	Final FY '11**	FY '12 Spending	Governor's FY '13	Final House FY '13	Senate Ways and Means FY '13
4512-0200 BSAS Programming & Operations	\$75,924,448	\$75,185,802	\$74,810,802	\$76,539,595	\$76,539,595 \$77,539,595	\$76,539,595
4512-0201 Step-Down Services	\$4,800,000	\$4,800,000	\$4,800,000	\$4,800,000	\$2,800,000 \$4,800,000	\$4,800,000
4512-0202 Secure Treatment Facilities for Opiate Addiction/ Jail Diversion	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000		\$2,000,000
4512-0203 Intervention, Care Management, and Young Adult Treatment Program	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
Substance Abuse Service Fund			\$10,000,000**	See below		
TOTAL	\$84,224,448	\$83,485,802	\$93,110,802	\$84,839,595	\$79,339,595 \$83,839,595	\$84,839,595

**Includes supplemental funding

Overview:

The Bureau of Substance Abuse Services is funded at \$84.8 million. This is \$1 million more than was appropriated by the House and the same amount proposed in the Governor's FY '12 budget.

4512-0200 BSAS Programming and Operations. This account is funded at \$76.5 million. This is the same amount proposed by the Governor and \$1.7 million above projected FY '12 spending.

4512-0201 Step-Down Services. This account is level funded at \$4.8 million. The language states that the account will fund "substance abuse step-down recovery services, otherwise known as level B beds and services, and other critical recovery services with severely reduced capacity."



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget

May 16, 2012

4512-0202 Secure Treatment Facilities for Opiate Addiction/ Jail Diversion. Although this account was not included in the final House FY '13 budget, the Senate Ways and Means level funds this account at \$2 million.

The account appropriates \$2 million for 60-bed pilot jail diversion programs primarily for nonviolent offenders with OxyContin or heroin addiction (the number of programs is not specified). The programs will be procured by the Department of Public Health and are to be in separate counties “in a location deemed suitable by the Department of Public Health”. This account is funded by the creation of a Commonwealth Substance Abuse Prevention and Treatment Fund. The pilot programs “shall provide clinical assessment services to the respective courts, inpatient treatment for up to 90 days and ongoing case management services for up to 1 year.” However, “not more than \$500,000 shall be used to support the ongoing treatment needs of clients after 90 days for which there is no other payer.

Language also states that an individual may be diverted to this or other programs by a district attorney (in conjunction with the Commissioner of Probation) if:

- a.) there is reason to believe that the individual being diverted suffers from an addiction to OxyContin or heroin, or other substance use disorder; and
- b.) the diversion of an individual is clinically appropriate and consistent with established clinical and public safety criteria;

Language also requires the Department of Public Health to report to the Joint Committee on Mental Health and Substance Abuse and the House and Senate Committees on Ways and Means on the program outcomes and costs by August 2, 2012.

4512-0203 Intervention, Care Management, and Young Adult Treatment Program. This account is level funded at \$1.5 million. Language states that the line item will fund “family intervention and care management service programs, a young adult treatment program, and early intervention services for individuals who are depended on or addicted to alcohol or controlled substances or both alcohol and controlled substances.”



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget May 16, 2012

Executive Office of Health & Human Services (EOHHS)/Office of MassHealth

Line item/program	Final FY 2010 (Post-9C Cuts)**	Final FY '11**	FY '12 Spending	Governor's FY '13	Final House FY '13	Senate Ways and Means FY '13
4000-0300 EOHHS Admin. Account	\$91,326,742	\$89,970,271**	\$86,557,878**	\$86,291,466	\$87,222,963	\$86,171,094
4000-0500 Managed Care Plans	\$3,600,131,677	\$3,772,835,669	\$3,980,487,347	\$4,164,475,376	\$4,164,475,376	\$4,158,475,376
4000-0700 TPL Plans/Indemnity/Fee- for-Service	\$1,719,399,286	\$2,009,447,966	\$1,809,829,381	\$1,939,680,126	\$1,939,680,126 \$1,954,480,126	\$1,927,680,126
4000-0870 MassHealth Basic*	\$155,139,729	\$165,351,318	\$170,608,370	\$179,909,689	\$179,909,689	\$178,759,689
4000-1405 MassHealth Essential	\$324,450,150	\$389,757,408	\$493,458,055	\$505,998,457	\$505,998,456	\$504,848,457
4000-0950 Children's Behavioral Health Initiative	\$65,688,963	\$214,743,708	\$214,743,708	\$221,705,516	\$221,549,097	\$221,705,516
4000-0309 MassHealth Auditing	-----	-----	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
4000-0114 Human Service Pilot Increased training/pay increases	----		\$1,000,000**			

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ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget May 16, 2012

4000-0300 Administrative. The Senate Ways and Means budget funds this account at \$86,171,094. This is \$1 million less than the House budget, \$120,000 below the Governor's FY '13 budget proposal and \$386,000 below projected FY '12 spending.

The account also retains language requiring the DMH Commissioner to approve prior authorization and other restrictions on medication used to treat mental illness "in accordance with written policies, procedures and regulations" of the department and it retains language requiring EOHHS to ensure that collaborative assessments for children receiving services from multiple agencies be performed within existing resources.

The line item also retains language forbidding expenditures on programs that are not federally reimbursable (including those related to Medicaid, SCHIP, the Section 1115 Waiver or the Community First section 1115 demonstration waiver) except as required for 1) the equivalent of MassHealth Standard benefits for children under age 21 who are in the care or custody of the Department of Youth Services or the Department of Children and Families; 2) dental benefits provided to clients of the Department of Developmental Services who are age 21 or over or 3) those made for cost containment purposes. Language in the account requires 30-days advance notice to Executive Office of Administration and Finance and the House and Senate Committees on Ways & Means before making such expenditures.

Language is also retained that permits EOHHS to recover provider overpayments made in the current and prior fiscal years and that EOHHS may collect directly from a liable third party any amounts paid to providers.

The account retains recurring language forbidding EOHHS/Division of Health Care Finance and Policy from implementing provider rate increases in the absence of "all measures possible" under the federal Social Security Act (which includes Medicaid) *"to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality."* It also retains language permitting EOHHS to recover provider overpayments made in the current and prior fiscal years and that EOHHS may collect directly from a liable third party any amounts paid to providers, if no other course of recoupment is possible.

Language requires MassHealth to report to the House and Senate Committees on Ways and Means 90 days prior to any exhaustion of funding and must include updated utilization, caseload information, and information on initiatives that did not generate expected savings.

4000-0500 Managed Care Plans. This account is funded at \$4,158,475,376. This is \$6 million less than the House budget and the Governor's budget proposal, but \$177 million above projected FY '12 spending.



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget

May 16, 2012

This line item does NOT include consumer protection language that has been included in prior budgets. The language that was included in prior budgets prohibited the unilateral reassignment of MassHealth members to a different managed care plan without the member's written or verbal consent to the reassignment.

Language requires that the state's "only medical respite program for the homeless" receive the same reimbursement rate as FY '12. In addition, language authorizes the expenditure of \$15 million from this line item or line-item 4000-0700 if needed to achieve maximum federal financial participation in order "to enhance the ability of hospitals that are not eligible for delivery system transformation initiative grants to serve populations in need more efficiently and effectively." In addition, language authorizes the expenditure of \$2 million from this line item or 4000-0700 if needed to achieve maximum federal financial participation in order "to enhance the ability of community health centers and primary care clinicians to serve populations in need more efficiently and effectively." In addition, language directs MassHealth to contract with payers and providers to provide case management services to high cost and high acuity patients."

4000-0700 MassHealth Fee-for-Service Payments. This account is funded at \$1,927,680,126. This is \$26.8 million less than the House budget and \$12 million less than the Governor's budget proposal, but \$117.8 million above projected FY '12 spending.

The line item includes language stating that children who have aged out of the custody of the Department of Children and Families shall be eligible for MassHealth benefits until they reach age 21 and states that funds may be used for individuals who qualify for early intervention. The account retains language permitting use of funds to purchase third party insurance for MassHealth members. The Governor's budget renews language permitting EOHHS to reduce premiums and/or co-pays or to offer other incentives to encourage MassHealth members to comply with wellness goals. The budget also retains language permitting the use of funds for disability determination activities, utilization management and review, and patient screenings and evaluations.

4000-0870 MassHealth Basic. This account is funded at \$178,759,689; which represents a \$8.1 million increase over FY 2012 spending.

4000-0950 Children's Behavioral Health Initiative. Funding for this account was increased by \$6.9 million over FY 2012 spending. The appropriation is \$150,000 less than the Governor's budget proposal.

This line item replaced the Rosie D. Reserve (1599-7050) in the FY 2010 budget and funding is appropriated for "administrative and program expenses associated with the children's behavioral health initiative...to provide comprehensive community-based behavioral health services to children suffering from severe emotional disturbances." Funding may be expended for services provided in prior fiscal years.



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget May 16, 2012

Language also states that any unexpended balance will be transferred back to the General Fund on June 30, 2013 provided that the House and Senate Committees on Ways and Means are notified 30 days prior to any transfer of funds.

4000-1405 MassHealth Essential. Funding for this account increased by \$11.3 million over FY 2012 spending. The budget adopts account language similar to that included in past budgets which directs that MassHealth Essential be operated to provide “preventive and primary care for chronically unemployed persons who are not receiving unemployment insurance benefits and who are not eligible for medical assistance but who are determined by the executive office of health and human services to be long-term unemployed...” and who have incomes up to 100% of the federal poverty level.

Consistent with past budgets, account language also permits the restriction of the program to “certain providers” when taking into account capacity, continuity of care and geographic considerations. EOHHS is authorized to limit or close enrollment to ensure that expenditures do not exceed the appropriation, but the Secretary of EOHHS must notify the House and Senate Committees on Ways and Means and the Joint Committee on Health Care Financing 90 days before limiting or closing enrollment.

4000-0309 MassHealth Field Auditing Taskforce. This line item was level funded at \$1 million.

The line item provides for the expansion of auditing activities in MassHealth, including audits of high risk services. It also directs the state Medicaid office to employ strategies to improve systems for detection of fraud.



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget May 16, 2012

Department of Children and Families

Line item/program	Final FY 2010 (Post-9C Cuts)**	Final FY 2011**	FY 2012** Spending	Governor's FY '13	Final House FY '13	Senate Way and Means FY '13
4800-0015 Operations account	\$68,088,577	\$65,671,716**	\$65,257,818**	\$69,322,448	\$65,651,557	\$69,322,448
4800-0025 Foster care review	\$2,677,181	\$2,671,274	\$2,839,006**	\$3,005,350	\$2,943,098	\$3,005,350
4800-0030 Service Coordination/Admin.	\$7,000,000	\$6,000,000	\$10,215,181	\$10,215,181		\$9,300,000
4800-1100 Social workers for case mgmt.	\$155,091,220	\$155,782,354**	\$162,697,463**	\$168,917,450	\$166,188,468	\$166,917,450
4800-0016 Transitional Employment Program	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
4800-0021 Comprehensive social service prog.	----	----	----			
4800-0038 Services for Children and Families	\$293,440,713	\$247,433,594	\$238,142,461**	\$248,173,891	\$248,142,130	\$246,508,481
4800-0036 Sexual abuse intervention	\$697,508	\$697,508	\$697,508	\$697,508	\$697,508	\$697,508
4800-0041 Group care	\$219,854,417	\$201,586,480	\$196,697,573**	\$200,209,988	\$197,709,889	\$195,298,990
4800-0151 Overnight non-secure placements	\$270,919	\$270,919	\$270,919	\$230,780	\$230,780	\$1,004,678
4800-0091 Social worker development	\$2,133,535	\$2,058,735	\$2,058,735	\$2,077,119	\$2,077,119	\$2,077,119
4800-1400 Domestic Violence services	\$21,422,460	\$20,094,458	\$20,727,114	\$21,451,537	\$21,451,538	\$21,468,994
4800-0040 Family Support & Stabilization	----	\$40,950,000	\$43,317,551**	\$44,573,551	\$44,573,551	\$44,573,551
TOTAL	\$775,676,358	\$742,217,038	\$744,921,329	\$770,874,803	\$751,665,638	\$762,174,569

**Includes supplemental appropriations



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget

May 16, 2012

Overview:

The Senate Ways and Means FY '13 budget funds the Department of Children and Families at \$762,174,569. This is \$10.5 million above the amount appropriated by the House, \$8.3 million less than the Governor's budget proposal and \$17.3 million more than projected FY '12 spending. Unlike the House budget, the Senate Ways and Means budget funds the Service/Coordination/Administration line item (4800-0300).

4800-0015 Operations Account. This account is funded at \$69,322,448; this is an increase of \$3.6 million over the House budget, the same amount proposed by the Governor, and \$4 million over projected FY '12 spending.

The budget retains past language prohibiting DCF from placing a child referred by or discharged from DMH until DMH forwards an assessment and recommendation as to whether the child may be appropriately placed in foster care or group care. Language included in the report states that DCF is to assist DMH in making such assessments and recommendations.

Line item language allows the Commissioner of DCF to transfer funds between programmatic line items 4800-0030, 4800-0038, 4800-0040, and 4800-0041, but transfers are limited to 5% of the appropriation for the transferring line item. The Commissioner must submit a plan with details about the distribution of such funds to the House and Senate Committees on Ways and Means 15 days before the funds are transferred.

The Departments are required to maintain a list of the number of children eligible for supportive child care services, the number of supportive slots that are available and the number that are filled. Similar to language in the House budget, the budget directs DCF and the Department of Early Education and Care to design and implement standards for early education and care placements made through the supportive child care program. Language prohibits a waiting list for supportive child care services and mandates that all children eligible for services under item 3000-3050 (Supportive Early Education and Care) receive said services.

DCF is required to report to the House and Senate Committees on Ways & Means and the Joint Committee on Children & Families on

- The number of medical and psychiatric personnel currently employed by or contracted with DCF;
- The number of foster care reviews completed and the average length of time in which each review is completed;
- The number of contracts reviewed by the state auditor and the number of corrective action plans issued;
- The number of corrective action plans undertaken;
- The number of social workers;
- The total number of social workers; and,
- The total number of social workers holding licensure by level.



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the Senate Ways and Means FY 2013 Budget May 16, 2012

Account language also requires DCF to file monthly reports on the Department's caseloads with the Senate and House Committees on Ways and Means and the Joint Committee on Children and Families. Report must include data regarding the number of:

- Residential placements
- Congregate care
- Foster care
- Intensive foster care
- Adoption
- Guardianship
- Number of children currently eligible for supportive child care
- Number of children currently receiving supportive child care
- 51A reports and substantiated 51A reports
- Approved foster care placements
- Children who die in the care and custody of DCF
- Children on the waitlist for supportive child care
- Medical & psychiatric consultation requests made by DCF social workers.

The report must also include:

- The number of children in psychiatric hospitals and Community Based Acute Treatment Programs who remained hospitalized beyond their medically necessary stay while awaiting placement and the number of days each child remains in care beyond necessary;
- The number of children under DCF care and custody who are being served in medical or psychiatric care provided through other publicly-funded sources;
- The number of children served by supervised visitation centers and the number of those children who are reunified with families;
- The total number of children served and their ages;
- The number of children served in each service plan;
- The number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement;
- The number of families receiving multiple 51A reports within a 10-month period;
- The number of cases reopened within 6 months of being closed and the number of children who return home and then re-enter an out-of-home placement within 6 months;
- The number of kinship guardianship subsidies provided in the month covered by the report for each area office;
- The number of kinship guardian subsidies provided in that month for which federal reimbursement was received;
- Total spending on services other than case management services provided to families for the purpose of keeping a child with his family or reunifying the child with his parents, spending by type of service and the unduplicated number of families that receive the services for each area office;

ABH Preliminary Analysis of the FY 2013 Senate Ways and Means Budget

May 16, 2012

- For each area office, the total number of families in the month residing in shelter paid for by the department, a list of where families are sheltered, the total cost and average cost per family of those shelters and a description of how the department determines who qualifies for shelter; and,
- For each area office, broken down by type of service, the number of requests for voluntary services, whether the request was approved or denied, the reasons for denying the service, and what, if any, referrals were made for services by other agencies or entities.

The Department must also submit a report to the House and Senate Committees on Ways and Means and the Chairs of the Joint Committee on Children, Families and Persons with Disabilities by November 2, 2012 including any rules, regulations or guidelines pertaining to Chapter 119 of the Massachusetts General Laws (Protection and Care of Children and Action Against Them) including:

- The criteria used to determine whether a child has been abused or neglected;
- Guidelines for removal of a child from the home; and,
- The standards used to determine what reasonable efforts are made to keep a child in the home.

Language also directs DCF to promulgate and implement regulations to “ensure that the department maintains an independent, timely and fair administrative hearing system.” In addition, DCF must report quarterly to the House and Senate Committees on Ways and Means and the Joint Committee on Children, Families and Persons with Disabilities on the Department’s policy and plan for eliminating its backlog of administrative hearing requests. The report must include the number of shall identify the number of fair hearing requests that were pending at the end of the most recent quarter and a benchmark for the number of hearings to be closed in the upcoming quarter.

4800-0016 Transitional Employment Program. This account is level funded at \$2 million. Account language states that DCF may enter into a contract with Roca, Inc. to manage the transitional employment program and “to provide services to participants from the aging out population, parolees, probationers, youth service releases, or other community residents considered to have employment needs.”

4800-0038 Services for Children and Families. This account is funded at \$246.5 million; an increase of approximately \$8.3 million over FY12 spending. The account funds guardianship, foster care, adoption, family preservation and kinship services, including shelter services, substance abuse treatment, young parent programs, parent aides, education and counseling services, foster care, adoption and guardianship subsidies, tiered reimbursements used to promote the foster care placement of children with special medical and social needs, adoption assessments, certain protective services, targeted foster family recruitment and retention, respite care services, post-adoption services, support services for foster, kinship and adoptive families and juvenile fire setter programs.

ABH Preliminary Analysis of the FY 2013 Senate Ways and Means Budget

May 16, 2012

In addition, amendment language requires funding for children's advocacy centers, and services for child victims of sexual assault. In addition, language states that funds may be "expended on programs that received funding in fiscal year 2012"

Language states that DCF may contract with provider agencies for coordination and management of services, including flex. Regional offices are to work with contracted entities for children placed in the intensive foster care system and with the receiving communities to ensure all necessary services are provided.

4800-0040 Family Support and Stabilization. This account, which funds "family prevention unification, and service coordination", is funded at \$1.2 million above projected FY 2012 funding.

4800-0041 Group Care. The Senate Ways and Means budget funds this account at \$195 million. This is \$2.4 million less than the House appropriation, \$4.9 million less than the Governor's budget proposal and \$1.3 million less than projected FY '12 spending.

The language in the account permits the use of funds for "intensive community-based services to children who would otherwise be placed in residential settings, including intensive in-home support and stabilization services."

4800-0091 Social Worker Development. This line item is funded at \$2 million. Language directs the state to develop a training institute for professional development at DCF with UMass Medical School and Salem State University during FY '13.

4800-1100 Social Worker Case Management. This account is funded at \$166 million; this is an increase of approximately \$4 million over FY 2012 spending, \$700,000 over the House budget, and \$2 million less than the Governor's budget proposal.

4800-1400 Domestic Violence Services. This account is funded at \$21.4 million; an increase of approximately \$700,000 over FY 2012 spending. This account funds shelter and support services for people at risk for domestic violence. Funds are also to be used to "enhance counseling services for children who have witnessed domestic violence."

4800-0151 Placement for Juvenile Offenders. The Senate Ways and Means budget funds this account at \$1 million. This is more than \$700,000 over projected FY '12 spending and the House budget.



ABH Preliminary Analysis of the FY 2013 Senate Ways and Means Budget

May 16, 2012

Department of Housing & Community Development

Line item/program	Final FY '10 (Post-9C Cut)	Final FY '11	Final FY '12	Governor's FY '13	Final House FY '13	Senate Ways and Means FY '13
7004-9033 Rental Subsidies for DMH consumers	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,500,000	\$4,000,000

Human Services Salaries Reserve/POS Reform

Line item/program	Final FY '10	Final FY '11	Final FY '12	Governor's FY '13	Final House FY '13	Senate Ways and Means FY '13
1599-6901 Human Services Salaries/POS Reform	\$0	\$0	\$10,000,000	\$0	\$0	\$0

ABH Preliminary Analysis of the FY 2013 Senate Ways and Means Budget

May 16, 2012

OTHER ITEMS OF INTEREST

The Senate Ways and Means FY 2013 budget appropriates \$1 million to the **compulsive gamblers treatment program** (line item 4512-0225), which is funded with unclaimed lottery monies. The House budget appropriates \$1.83 million.

The Senate Ways and Means budget appropriates \$3,591,950 for the **Department of Public Health's Statewide Suicide Prevention & Intervention Program (4513-1026)**. This is a decrease of approximately \$240,000 compared to the House budget.

The **Department of Public Health's HIV/AIDS Program (4512-0103)** is funded at \$32,101,023. This is approximately the same amount as appropriated by the House budget.

The **HIV/AIDS drug assistance program at DPH (4512-0106)** is level funded at \$7,500,000.

\$750,000 is appropriated for a **Department of Early Education and Care line item (3000-6075)** to early childhood mental health consultation services. Preference is to be given to services designed to limit the number of expulsions and suspensions. eligible recipients for such grants shall include community partnership councils, municipal school districts, regional school districts, educational collaboratives, head start programs, licensed child care providers, child care resource and referral centers and other qualified entities

May 16, 2012

OUTSIDE SECTIONS

Section 20. Money Follows the Person Fund and Delivery System Transformation Initiatives Trust Fund. This section creates a Money Follows the Person Rebalancing Demonstration Grant Trust Fund to be administered by EOHHS for elders and individuals with a disability or long-term illness to be funded with federal financial participation received by the Commonwealth for the two new Money Follows the Person Home and Community-based Waiver programs.

This section also creates a Delivery System Transformation Initiatives Trust Fund to be administered by EOHHS for delivery system transformation initiatives payments to qualifying providers under an approved federal waiver.

Section 51. Department of Mental Health Worker-Safety Symposium. This section directs the Department of Mental Health to hold a yearly safety symposium for its employees to discuss best safety practices and policies and risk management. The symposium will be known as the Stephanie Moulton Safety Symposium. \$100,000 is included in line item 5011-0100 (DMH Operations Account) for the symposium.

Section 100. Medical Security Trust Fund Deficit for Fiscal Year 2013. This section will allow the Medical Security Trust Fund to operate with a deficit for FY '13.

Section 104. Substance Abuse Services Fund. This section transfers \$2 million from the General Fund to the Substance Abuse Services Fund to expand inpatient treatment facilities and for ongoing case management for individuals civilly committed under said section 35 of said chapter 123." Directs the Commissioner of Public Health to submit a spending plan for the fund to the Secretary of Administration and Finance and the House and Senate Committees on Ways and Means and the clerks of the House and Senate by July 15, 2012. Upon receipt of the plan, the Comptroller is to transfer \$8 million from the General Fund to the Substance Abuse Services Fund.

Section 106. Stabilization Fund Transfer. This section directs the transfer of \$290 million to the General Fund from the Commonwealth Stabilization Fund. The Comptroller may transfer a lesser amount if requested to do so by the Secretary of Administration and Finance.

Section 137. MassHealth and Commonwealth Care Dental Services. This section gives MassHealth and Commonwealth Care discretion to limit adult dental services as needed. It also provides that the Commonwealth Health Insurance Connector Authority include

ABH Preliminary Analysis of the FY 2013 Senate Ways and Means Budget

May 16, 2012

preventative procedures to any resident with a household income below 100% of the federal poverty limit. EOHHS must submit a report to the Secretary of Administration and Finance and House and Senate Committees on Ways and Means 90 days before any MassHealth benefit changes are made. Said report must include the proposed changes and the anticipated fiscal impact.

Section 138. UMass/Health and Human Services Interagency Service Agreements.

This section reauthorizes EOHHS to enter into interdepartmental services agreements with the UMass. Medical School to perform administrative activities relative to Medicaid and other federal programs. Activities include administrative services, utilization management activities, determining eligibility, supporting case management activities, consulting services related to quality assurance, program evaluation and development, etc. and services pursuing FFP or cost avoidance. Federal reimbursement for any expenditure made by the medical school for services under ISA or contract to EOHHS will go directly to the school. EOHHS would be permitted to negotiate contingency fees up to \$40 million per year for up to three years for the pursuit of federal reimbursement or cost avoidance. EOHHS would be required to make quarterly reports on the projects and activities taking place under this authorization.

Section 139. Initial Gross Payments to Qualifying Acute Care Hospitals. The section authorizes the transfer of \$45 million or 1/12 of the total expenditures to hospitals and community health centers required by the FY '13 budget (whichever is greater) from the General Fund to the Health Safety Net Trust Fund in order to make initial gross payments to qualifying acute care hospitals.

Section 140. MassHealth Savings Reports. This section requires MassHealth to file a report with the Executive Office for Administration and Finance and the House and Senate Committees on Ways and Means by August 1, 2012. The report must identify savings initiatives and cash management strategies for FY '13 in order to operate the MassHealth program within the amounts allocated in the budget. MassHealth must notify the Executive Office for Administration and Finance and the House and Senate Committees on Ways and Means 15 days prior to any deviation from the savings initiatives and cash management strategies included in the report and 90 days before implementing any rate or service cuts.

Section 141. Department of Mental Health Inpatient Study. This section creates an independent commission to study the state's inpatient and community mental health system.

The Commission is to consist of the following seven members:

- One appointed by the Speaker of the House (co-chair)
- One appointed by the President of the Senate (co-chair)
- One appointed the Senate Minority Leader

ABH Preliminary Analysis of the FY 2013 Senate Ways and Means Budget

May 16, 2012

- One appointed by the House Minority Leader
- One appointed by the Governor
- Two individuals selected by the co-chairs (One selected from a list of nominees provided by NAMI-Mass and one selected from a list of three nominees provided by the MA Psychiatric Society)

The report shall include, but not be limited to:

- A comprehensive assessment of the inpatient and community-based needs of mental health services funded through the department of mental health, including an estimate of the appropriate number of inpatient beds given the current number of community placements
- The anticipated impact of the closure Taunton State Hospital on the mental health needs of the southeastern region of the commonwealth
- Legislative or other recommendations to maintain and improve the quality of mental health services funded through the department.

The commission must submit the results of the study and any draft of legislation with the Secretary of Health and Human Services, the Secretary of Administration and Finance, the House and Senate Committees on Ways and Means and the Chairs of the Joint Committee on Mental Health and Substance Abuse by December 28, 2012.

Section 151. Task Force to Improve Services to Children and Families. This section directs the Executive Office of Health and Human Services to convene a task force on confidentiality and data sharing in order to improve services provided by the commonwealth to children, youth and families and the delivery of those services.

Task force members are to include:

- Secretary of Health and Human Services (Chair)
- Secretary of Education (or designee)
- Director of Medicaid (or designee)
- Commissioner of Developmental Services (or designee)
- Commissioner of Transitional Assistance (or designee)
- Commissioner of Children and Families (or designee)
- Commissioner of Youth Services (or designee)
- Commissioner of Early Education and Care (or designee)

ABH Preliminary Analysis of the FY 2013 Senate Ways and Means Budget

May 16, 2012

- Commissioner of Elementary and Secondary Education (or designee)
- Six persons appointed by the Governor (1 of whom shall work in the private sector and have specific expertise in state and federal confidentiality laws and policies, 1 of whom shall have expertise in professional licensure requirements, including codes of conduct and ethics, 1 of whom shall be an information technology expert with experience designing and implementing information technology systems, including electronic medical records, which facilitate improved data collection while also protecting client rights, 1 of whom shall be a researcher who uses data relating to state services provided to children, youth and families and 2 of whom shall be advocates for children, youth and families.)

The task force directed to

- Review existing laws, regulations and policies regarding confidential communications and informed consent for the purposes of making recommendations for improving personally identifiable data sharing and improving sharing of de-identified aggregate data for the purposes of program evaluation, programmatic and resource planning and development without compromising a client's rights to confidentiality; and
- Develop recommendations for a data set for personally identifiable data sharing that protects client confidentiality and does not exceed the minimum amount necessary to achieve the goals of: (i) identifying individuals receiving benefits or services from more than 1 agency or entity within the executive office of health and human services; (ii) coordinating or managing the programs, benefits or services in human services agencies available to or received by those individuals and evaluating these programs, benefits or services to identify their effects; (iii) creating and maintaining a nonduplicative client identifier system across all agencies and entities within the executive office of health and human services; and (iv) improving the educational opportunities for children receiving services from agencies within the executive office of health and human services.

The task force must report its results along with any legislation to the clerks of the House and Senate by January 1, 2013.



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ABH Preliminary Analysis of the FY 2013 Senate Ways and Means Budget

May 16, 2012