



ASSOCIATION
FOR BEHAVIORAL
HEALTHCARE

ABH Preliminary Analysis of the FY 2012 Conference Committee Report July 1, 2011

July 1, 2011

To: ABH Members
Fr: Vic DiGravio, President/CEO
Re: Preliminary Analysis of the FY 2012 Conference Committee Report

The Conference Committee has completed its FY 2012 budget deliberations. Of interest to members, the report:

- Contains an almost \$20 million increase in funding for the Department of Mental Health
- Proposes approximately \$648 million in overall spending for DMH in FY12;
- Increases funding for adult community services by \$ 5.5 million;
- Increases funding for DMH hospitals by approximately \$ 3 million;
- Provides level funding for child and adolescent services; and
- Authorizes the transfer of up to \$10 million from DMH Trust Fund accounts to fund adult services.

In addition, the Conference Committee Report provides sufficient funding **for the Department of Public Health/Bureau of Substance Abuse Services (DPH/BSAS) to meet federal Maintenance of Effort (MOE)** requirements for the federal block grant. The conference committee budget proposes overall spending for BSAS of approximately \$ 83.1 million, a reduction of approximately \$ 385,000 from anticipated FY11 spending. Funding for BSAS includes:

- Level funding of \$ 4.8 million for detox step-down services;
- Level funding of \$ 2 million for jail diversion programs; and
- Level funding of \$ 1.5 million for intervention, care management, and young adult treatment programs.

The conference committee report includes legislative language originally adopted by the Senate to **transfer oversight authority for MassHealth addiction treatment benefits** from the Department of Mental Health to the Department of Public Health. Unfortunately, it appears after an initial review that language concerning funding for the inter-agency service agreement between the Department of Housing and Community Development (DHCD) and BSAS was not included in the conference committee report.

Budget Process

On Friday, July 3, the House and Senate voted to approve the budget. Once approved by both chambers, it was sent to Governor Patrick for his approval or rejection. In Massachusetts, the Governor has line-item veto authority, so he has ten days to approve the budget in whole, approve it in part by vetoing individual line items or portions of line items, or reject it completely. The Legislature may override any gubernatorial veto by a two-thirds majority in each house. All overrides must originate in the House of Representatives.



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Department of Mental Health

Line item/program	Final FY '09 (post-9C Cuts)	Final FY '10 (post-9C Cuts)	Final FY '11**	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
5011-0100 Operations Account	\$37,033,864	\$28,672,819	\$26,401,636	\$26,484,325	\$26,747,749	\$26,484,325	\$26,747,749
5042-5000 Child/Adolescent Services	\$73,819,535	\$72,184,407	\$71,773,509	\$69,773,509	\$71,773,509	\$69,773,509	\$71,773,509
5046-0000 Adult Community Services	\$292,372,305	\$302,913,735	\$323,755,801	\$320,755,801	\$323,197,164 \$328,755,801 ++	\$329,255,801	\$329,285,802
5046-2000 Statewide Homelessness Initiative	\$20,210,919	\$20,134,424	\$20,134,424	\$20,134,424	\$20,134,424	\$20,134,424	\$20,134,424
5047-0001 Emergency Services/Acute Inpatient	\$35,936,259	\$34,704,390	\$34,122,197	\$34,122,197	\$35,122,197	\$34,214,489	\$35,122,197
5047-0002 Emergency Svcs/Acute Inpatient RR							
5055-0000 Forensic services for the mentally ill	\$8,052,485	\$8,146,363	\$8,081,928	\$8,097,163	\$8,097,163	\$8,097,163	\$8,097,163
5046-4000 CHOICE program RR	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000
5095-0015 State psychiatric hospitals/Community- Based Mental Health Services	\$181,414,591	\$167,133,711	\$143,900,803	\$127,500,803	\$128,500,803	\$146,732,857	\$146,732,857
5095-0017 Trust Fund Contributions						\$10,000,000	\$10,000,000
5042-6000 MCPAP						\$2,000,000	\$0
TOTAL	\$648,964,958	\$634,014,849	\$628,295,298	\$606,993,222	\$612,698,009 \$619,256,646 ++	\$644,817,568 \$646,817,568	\$648,018,701

*GAA= General Appropriation Act

**Includes FY 2010 and FY 2011 supplemental budgets

++Includes \$5,558,637 in one-time trust fund monies



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Overview:

The Department of Mental Health is funded at \$648 million. This is approximately \$20 more than the FY '11 appropriation (which includes a supplemental budget). The Conference Committee Report includes a new line item originally included in the FY 2012 Senate budget that authorizes the Department of Mental Health to expend \$10 million in DMH Trust Fund monies for DMH inpatient and adult community services.

5011-0100 Operations. This account is funded at \$26.7 million, the same amount appropriated in the FY 2012 final House budget. Funding for this account increased by \$300,000 over the final FY 2011 budget.

5042-5000 Child/Adolescent Services. The Conference Committee Report funds this account at \$71,773,509. This is the same amount appropriated in the final FY 2012 House budget.

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.

Account language also states that funds are to be used for the Child Psychiatry Access Project (MCPAP).

5046-0000 Adult Community Services. This account is funded at \$329 million; the final appropriation is slightly higher than the final Senate appropriation and \$500,000 over the final House budget (which takes into account a \$5.5 million transfer from the DMH Trust Fund).

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 residential and day services” for consumers formerly receiving care at DMH facilities, provided that DMH submits spending plans to the House and Senate Committees on Ways & Means 30 days prior to the planned transfer.

In addition, DMH is required to submit a report to the Ways & Means Committees on the distribution of funds per adult and child planning population and the types of services received in each region during FY 2012 by February 1, 2012.

Finally, language states that jail diversion programs that received funding in FY 2011 from DMH shall continue to receive funding in FY 2012.



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5046-2000. Homelessness Services. This account is funded at the same level as the final FY 2011 budget.

5047-0001 Emergency Services/Acute Inpatient. This account is funded at \$35 million; approximately \$1 million more than was included in the final FY 2011 budget. Language included in the Conference Committee report requires DMH to continue its interagency service agreement (ISA) with EOHHS for the purchase of services. It also contains language requiring emergency service programs to “take all reasonable steps to identify and invoice the third party insurer of all persons serviced by the programs” as well as language requiring DMH to develop a “performance specification...for safe aftercare options for adults upon release from acute inpatient mental health care services”.

5095-0015 State Psychiatric Hospitals/CMHCs. This account is funded at \$146,732,857. This is an \$18 million increase over the House appropriation, a \$19 million increase over the Governor’s budget proposal and \$2.8 million over the FY 2011 budget (when taking into account the FY 2011 supplemental budgets). This is the same amount appropriated in the final FY 2012 Senate budget.

The account contains similar language to previous budgets directing DMH to discharge clients in inpatient facilities to “residential services in the community when the following criteria 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. However, DMH must submit allocation plans to the House and Senate Committees on Ways and Means 30 days before “any transfer for residential and day services for clients formerly receiving inpatient care at the centers and facilities.

In addition, language requires DMH to file a report to the Secretary of Administration and Finance as well as the House and Senate Committees on Ways and Means by December 31, 2011. This report must:

- Detail the procedure, implementation and timing of the closure of any existing inpatient hospital beds;
- Include a determination of the capacity in the inpatient public mental health system to effectively and appropriately meet the needs of individuals suffering from mental illness; and
- State whether individuals are receiving timely access to state hospital beds.



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5095-0017 Trust Fund Contributions. This account was originally included in the FY 2012 Senate budget. It authorizes DMH to spend \$10 million in DMH Trust Fund monies to “support inpatient or community services.” DMH must submit a plan to the House and Senate Committees on Ways and Means 30 days before transferring any money. In addition, language included in the Conference Committee Report requires DMH to submit a biannual report to the House and Senate Committees on Ways and Means as well as the Joint Committee on Mental Health and Substance Abuse detailing the services provided. This report must include the number of clients who a) entered state inpatient facilities, b) were discharged from state inpatient facilities, and c) received community mental health services by service type. In addition, “all inpatient data shall be organized by facilities” and the first report must be submitted by February 1, 2012 and must include data from the first six months of the fiscal year.



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Department of Public Health/Bureau of Substance Abuse Services

Line item/program	Final FY '09 (Post-9C Cuts)	Final FY '10 (Post-9C Cuts)**	Final FY '11**	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
4512-0200 BSAS Programming & Operations	\$77,666,206	\$75,924,448	\$75,185,802	\$75,185,802	\$75,185,802 \$75,310,802	\$74,685,802	\$74,810,802
4512-0201 Step-Down Services	\$4,800,000	\$4,800,000	\$4,800,000	\$4,800,000	\$2,400,000 \$4,800,000	\$4,800,000	\$4,800,000
4512-0202 Secure Treatment Facilities for Opiate Addiction/Pilot Jail Diversion	\$0	\$2,000,000	\$2,000,000	\$2,000,000	\$0	\$2,000,000	\$2,000,000
4512-0203 Intervention, Care Management, and Young Adult Treatment Pilot Program	--	\$1,500,000	\$1,500,000	\$1,500,000	\$0	\$1,500,000	\$1,500,000
TOTAL	\$82,466,206	\$84,224,448	\$83,485,802	\$83,485,802	\$77,585,802 \$80,110,802	\$82,985,802	\$83,110,802

**Includes FY 2010 and FY 2011 supplemental budgets

Overview:

The Conference Committee Report funds the Bureau of Substance Abuse Services at \$83 million, including full-funding for step-down services, secure treatment facilities, and family intervention and care. This appropriation meets federal Maintenance of Effort requirements.

4512-0200 BSAS Programming and Operations. This account is funded at \$74.8 million. Language states that programs “shall receive the same percentage of funding in fiscal year 2012 as in fiscal year 2011.” In addition, \$125,000 is appropriated for Self Esteem Boston.

4512-0201 Step-Down Services. This account is funded at \$4.8 million, the same amount appropriated in FY 2011.

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.” In addition, the Bureau of Substance Abuse Services must submit a quarterly report to the House and Senate Committees on Ways and Means detailing the number of individuals served in step-down programs.

4512-0202 Secure Treatment Facilities. This account is level funded at \$2 million. The account appropriates funding for 60-bed pilot jail diversion programs primarily for nonviolent offenders with OxyContin or heroin addiction (the number of programs is not specified). The



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programs are to be in separate counties “in a location deemed suitable by the Department of Public Health”. The Department of Public Health is directed to coordinate operations with the sheriffs, the district attorneys, the Office of the Commissioner of Probation, and the Department of Correction. The 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, 2011.

4512-0203 Family Intervention and Care. This account is level funded at \$1.5 million. Language states that this appropriation is “for family intervention and care management services programs, a young adult treatment program and early intervention services for individuals who are dependent on or addicted to alcohol or controlled substances or both alcohol and controlled substances.”



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

Line item/program	Final FY '09 (post-9C Cuts)	Final FY 2010 (Post-9C Cuts)**	Final FY '11**	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
4000-0300 EOHHS Admin. Account	\$143,776,773	\$91,326,742	\$86,970,271	\$84,000,300	\$83,484,473 \$83,734,473	\$84,000,300	\$83,484,473
4000-0500 Managed Care Plans	\$3,026,044,286	\$3,600,131,677	\$3,772,835,669	\$3,872,835,669	\$3,872,835,669 \$3,875,835,669	\$3,754,835,669 \$3,764,835,669	\$3,879,010,669
4000-0700 TPL Plans/Indemnity/Fee-for- Service	\$1,471,659,571	\$1,719,399,286	\$2,009,447,966	\$2,026,206,633	\$2,026,206,633	\$2,026,206,633 \$2,030,206,633	\$2,029,206,663
4000-0870 MassHealth Basic*	\$122,700,000	\$155,139,729	\$165,351,318	\$157,016,626	\$157,016,626	\$157,016,626	\$157,016,626
4000-1405 MassHealth Essential	\$304,600,000	\$324,450,150	\$389,757,408	\$389,757,408	\$389,757,408	\$389,757,408	\$389,757,408
4000-0950 Children's Behavioral Health Initiative	---	\$65,688,963	\$214,743,708	\$214,743,708	\$214,743,708	\$314,743,708	\$214,743,708
4000-0309 MassHealth Auditing						\$1,000,000	\$1,000,000

*For remaining DMH-eligible and EAEDC populations.

**Includes the FY 2010 and FY 2011 supplemental budgets/cuts

4000-0300 Administrative. This account is funded at \$83.4 million. This is approximately \$3.5 million less than the final FY 2011 budget.

Budget language internal to the EOHHS administrative account requires it to provide technical and administrative assistance to agencies under its purview that receive federal funds to monitor the expenditures and timetables for systems development projects undertaken by all its agencies “to ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction,” and to continue to develop and implement the common client identifier.



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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 specifically authorized in the account or 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.

The Executive Office of Health and Human Services is directed to provide a detailed analysis of savings to be achieved in FY 2012 to the House and Senate Committees on Ways and Means by September 1, 2011. This report is to include “savings from provider rate cuts, procurement of contracts and changes to MassHealth benefits.” In addition, EOHHS must report to the House and Senate Committees on Ways and Means by February 1, 2012 on the savings achieved during the first half of FY 2012. Finally, EOHHS must report on any deficiencies 90 days before funding is expected to be exhausted and include “an explanation of said deficiencies, including but not limited to updated utilization caseload information, as well as initiatives that did not generate expected savings.”

MassHealth must also notify the House and Senate Committees on Ways and Means 90 days before making any changes to rates for adult foster care, group adult foster care, adult day health, and adult day habilitation services.



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Language requires the Secretary of Health and Human Services to report annually to the House and Senate Committees on Ways and Means regarding the percentage of MassHealth recipients receiving dental care in emergency rooms, community health centers or dentists offices, and the number and types of procedures performed.

4000-0500 Managed Care Plans. This account is funded at \$3,879,010,669. This is \$106,175,000 more than the FY 2011 budget.

Language states that EOHHS “shall maintain the fiscal year 2011 overall reimbursement rate for the commonwealth’s only medical respite program for the homeless.”

The Conference Committee report *does not include* consumer protection language that prohibits the unilateral reassignment of MassHealth members to a different managed care plan without the member’s written or verbal consent to the reassignment.

Language added during the budget debate authorizes the expenditure of funds from this line item or line item 4000-0700 to achieve maximum federal financial participation in order to “enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively.” These funds are to be disbursed by April 1, 2012.

In addition, language authorizes the expenditure of funds from this line item or line item 4000-0700 “to enhance the ability of hospitals to address emergency room capacity due to individuals with mental illness who are awaiting placement in an acute care bed.” The Executive Office of Health and Human Services is directed to maximize federal reimbursements for these payments.

Finally, the Commonwealth is directed to “recognize telehealth remote patient monitoring provided by home health agencies as a service to clients otherwise reimbursable through Medicaid.”

4000-0700 MassHealth Fee-for-Service Payments. This line item is funded at \$2,029,206,663. 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 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.



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Language authorizes the expenditure of \$3 million from this line item or line item 4000-0500 to achieve maximum federal financial participation in order to “enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively.” These funds are to be disbursed by April 1, 2012.

In addition, language authorizes the expenditure of funds from this line item or line item 4000-0500 “to enhance the ability of hospitals to address emergency room capacity due to individuals with mental illness who are awaiting placement in an acute care bed.” The Executive Office of Health and Human Services is directed to maximize federal reimbursements for these payments.

4000-0870 MassHealth Basic. This account is funded at the same level as the House and the Governor’s budget proposal, but \$8.3 million below the FY 2011 budget.

4000-0950 Children’s Behavioral Health Initiative. This account is funded at \$214,743,708. This is \$100 million less than the final Senate budget, but the same amount as the final House budget and the final FY 2011 budget. 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. In addition, the Secretary of Health and Human Services must report biennially to the House and Senate Committees on Ways and Means on implementation. These reports must include “details of the implementation plan, results of the scheduled plan to date, including a schedule detailing commencement of services and associated costs by service type, an analysis of compliance with the terms of the settlement agreement to date, a detailed itemization of services and service utilization by service type, geographical location and the age of the member receiving the service, data detailing the time that elapses between a member’s request for services and commencement of an initial assessment for services, the time to complete the initial assessment and the time that elapses between initial assessment for services and commencement of services and a quarterly update of whether projected expenditures are likely to exceed the amount appropriated.” Any unexpended funds will revert to the General Fund on June 30, 2012. Funds may not be transferred from this line item unless the House and Senate Committees on Ways and Means are notified 30 days prior to the transfer.

4000-1405 MassHealth Essential. This account is funded at the same level as the FY 2011 budget as well as the Governor’s budget proposal and the FY 2012 House and Senate budgets. 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.



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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 Auditing. The Conference Committee Report includes a new line item originally included in the Final FY 2012 Senate budget that appropriates \$1 million to expand MassHealth’s auditing activities. Language authorizes MassHealth to conduct a trial to “determine the effectiveness of various fraud management tools to identify potential fraud at claims submission and validation...” Language also authorizes MassHealth to use actual claims data to identify suspicious billing patterns, etc.



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Department of Children and Families

Line item/program	Final FY '09 (post-9C Cuts)	Final FY 2010 (Post-9C Cuts)**	Final FY 2011**	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
4800-0015 Operations account	\$75,048,703	\$68,088,577	\$64,091,716	\$63,677,819	\$63,677,819	\$62,616,711	\$63,677,819
4800-0025 Foster care review	\$2,799,282	\$2,677,181	\$2,671,274	\$3,035,868	\$2,824,059	\$3,035,868	\$2,824,059
4800-0030 Service Coordination/Admin.	\$18,278,821	\$7,000,000	\$6,000,000	\$10,300,000	\$0	\$9,300,000	\$9,300,000
4800-1100 Social workers for case mgmt.	\$156,302,697	\$155,091,220	\$155,132,354	\$161,022,453	\$159,452,441	\$159,452,441	\$159,452,441
4800-0016 Transitional Employment Program	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$1,000,000	\$2,000,000
4800-0021 Comprehensive social service prog.	\$3,976,000	----					
4800-0038 Services for Children and Families	\$306,415,694	\$293,440,713	\$247,433,594	\$242,507,069	\$242,507,069	\$242,173,947	\$242,757,069
4800-0036 Sexual abuse intervention	\$723,551	\$697,508	\$697,508	\$699,031	\$697,508	\$697,508	\$697,508
4800-0041 Group care	\$224,066,091	\$219,854,417	\$201,586,480	\$192,364,169	\$192,364,169	\$192,364,169	\$193,564,169
4800-0151 Overnight non-secure placements	\$317,256	\$270,919	\$270,919	\$276,243	\$276,243	\$270,919	\$270,919
4800-0091 Social worker development	\$2,672,812	\$2,133,535	\$2,058,735	\$1,858,735	\$2,058,735	\$1,858,735	\$2,058,735
4800-1400 Domestic Violence services	\$23,441,406	\$21,422,460	\$20,094,458	\$20,129,711	\$20,125,062	\$20,770,858	\$20,725,062
4800-0040 Family Support & Stabilization			\$40,950,000	\$39,989,000	\$39,500,000 \$39,750,000	\$34,789,000	\$39,750,000
TOTAL	\$816,042,313	\$775,676,358	\$742,987,038	\$737,860,098	\$725,483,105 \$725,733,105	\$728,330,156	\$737,077,781

**Includes FY 2010 and FY 2011 supplemental budgets/cuts



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Overview:

The Conference Committee Report appropriates \$737 million for the Department of Children and Families. This is approximately the same amount as was appropriated in the Governor's budget, but is \$8.7 million over the final Senate appropriation and \$11 million over the final House appropriation. The Conference Committee Report includes funding for the Service Coordination/Administration (4800-0030) account.

4800-0015 Operations Account. This account is funded at \$63.7 million. This is the same amount appropriated by the final FY 2012 House budget and \$1 million more than the Senate budget. The Legislature appropriated approximately the same amount in the FY 2011 budget.

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.

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 and supervisors with a bachelor's or master's degree in social work;
- The total number of social workers; and,
- The total number of social workers holding licensure by level.



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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
- Therapeutic foster care
- Adoption
- Guardianship
- The number of children currently eligible for supportive child care
- The 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

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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;

- 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, 2011 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.

Finally, language states that DCF may set the quarterly clothing allotments at the same rates as FY 1997. However, if the number of foster children under the care of DCF in the third quarter is lower than in the previous two quarters, foster children may receive a clothing allotment in the fourth quarter up to the amount provided in FY 2011.

Language requires the Department of Children and Families to issue draft regulations “which shall ensure that the department maintains an independent, timely and fair administrative hearing system.” Final regulations are to be issued by December 1, 2011. By October 1, 2011, DCF is directed to:

- (a) revise its procedures to ensure that newly requested administrative hearings are scheduled and decided upon on a timely basis; and
- (b) submit to the joint committee on children, families and persons with disabilities a plan for eliminating its backlog of administrative hearing requests; provided further, that the plan shall identify the number of fair hearing requests that were pending as of July 1, 2011, and shall set quarterly benchmarks for elimination of the backlog.

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4800-0030 DCR Regional Administration. This account is funded at \$9.3 million, approximately \$1 million less than the Governor's appropriation, but \$3.3 million more than the FY 2011 appropriation. This funding was included in the final FY 2012 Senate budget, but not the House budget. This account was not funded by the House. The account appropriates funds for "the continuation of local and regional administration and coordination of services provided by lead agencies and regional resource centers" provided that "flex services provided by these agencies" are funded from the account.

4800-0016 Transitional Employment Program. This account is funded at \$2 million the same amount was appropriated in the FY 2011 budget. 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 \$242.8 million. This is \$4.7 million less than the FY 2011 appropriation.

This account funds guardianship, foster care, adoption, family preservation, kinship services, shelter services, substance abuse treatment, young parent programs, parent aides, education and counseling services, foster care, adoption and guardianship subsidies, tiered reimbursement used to promote foster care placement for children with special medical and social needs, adoption assessments, protective services, recruitment and retention of foster families, respite care, post-adoption services, support services for foster, kinship and adoptive families, juvenile fire setter programs, children's advocacy centers, services for child victims of sexual abuse and assault. Language states that funds may be used for programs that received funding in FY 2011 and that a children's advocacy center is to be established in Bristol County. Language also appropriates \$50,000 for a contract with Julie's Family Learning Program.

4800-0040 Family Support and Stabilization. This account is funded at \$39,750,000 million. This is approximately \$1 million less than the FY 2011 budget. Language states "that services shall include family support and stabilization services provided by the department."

4800-0041 Group Care. This account is funded at \$193,564,169. This is \$8 million less than the FY 2011 appropriation.

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." Additional language calls for the formation of area review teams "to evaluate the feasibility of maintaining the child in the community in this manner wherever possible before recommending placement in a residential setting."



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4800-1100 Social Worker Case Management. This account is funded at \$159.5 million; the same amount was appropriated by the House and the Senate. This is \$1.5 million below the Governor's budget proposal, but \$4.3 million above the FY 2011 appropriation.

4800-1400 Domestic Violence Services. This account is funded at \$20.7 million (approximately \$600,000 above FY 2011). 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."



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Department of Housing & Community Development

Line item/program	Final FY '09 (post-9C Cuts)	Final FY '10 (Post-9C Cut)	Final FY '11	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
7004-9033 Rental Subsidies for DMH consumers	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000

Human Services Salaries Reserve/POS Reform

Line item/program	Final FY '09 (post-9C Cuts)	Final FY '10	Final FY '11	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
1599-6901 Human Services Salaries/POS Reform	\$23,000,000	\$0	\$0	\$0	\$0	\$0	\$0

Other Reserves

Line item/program	Final FY '09 (post-9C Cuts)	Governor's FY'10	Final FY '11	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
1599-1004 Homelessness Commission Reserve	\$8,250,000	\$0	\$0	\$0	\$0	\$0	\$0

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OTHER ITEMS OF INTEREST

7004-0101. During the Senate budget debate, the Senate adopted language which states that the Department of Housing and Community Development (DHCD) may continue in fiscal year 2012 its interagency service agreement (ISA) with BSAS to fund services for homeless families struggling with addiction. **This language was not included in the Conference Committee Report.**

Line item/program	Final FY '09 (post-9C Cuts)	Final FY '10 (Post-9C Cut)	Final FY '11	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
4513-1026 DPH Statewide Suicide Prevention & Intervention Program	\$4,142,239	\$3,219,444	\$3,228,120	\$3,569,444	\$3,569,444	\$2,248,776	\$3,569,444

Line item/program	Final FY '09 (post-9C Cuts)	Final FY '10 (Post-9C Cut)	Final FY '11	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
4512-0103 DPH HIV/AIDS Program	\$36,140,147	\$35,330,527	\$33,097,801	\$31,000,000	\$31,097,810 \$33,597,810	\$31,097,810	\$31,597,810

Line item/program	Final FY '09 (post-9C Cuts)	Final FY '10 (Post-9C Cut)	Final FY '11	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
4512-0106 DPH HIV/AIDS Drug Assistance Program	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$4,000,000 \$7,500,000	\$7,500,000



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Line item/program	Final FY '09 (post-9C Cuts)	Final FY '10 (Post-9C Cut)	Final FY '11	Governor's FY '12	House FY '12	Senate FY '12	FY '12 Conference
3000-6075 DEEC Early Childhood Mental Health Consultation	\$2,900,000	\$1,000,000	\$1,000,000	\$750,000	\$750,000	\$600,000	\$750,000

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Outside Sections

Section 15. Caseload Forecasting Office. This section creates a Caseload Forecasting Office to forecast caseloads for state-subsidized childcare, MassHealth, emergency assistance and housing programs, the GIC and direct benefits provided by the Department of Transitional Assistance.

Section 21. Health Information Technology Trust Fund. This section creates a Health Information Technology Fund to be credited with federal funds or any other funds in support of health information technology.

Section 73. Recovery High Schools. This section states that if a school district fails to transfer funds to a Recovery High School as it is required, the amount will be deducted from the school district's chapter 70 per pupil allotment for the following fiscal year.

Section 81. Medication Waste. This section directs the Department of Public Health, in conjunction with the Board of Registration in Pharmacy and MassHealth, to establish and implement guidelines to reduce medication waste in facilities licensed by DPH, DMH, and the Department of Corrections.

Sections 88-90. MassHealth and Commonwealth Co-Payments. These sections increases co-payments from \$3 to \$5.

Section 91. Assessment for Safe and Appropriate Placement Instrument. This section states that all state agencies that use the Assessment for Safe and Appropriate Placement when placing a child who may have committed a sexual offense or arson in a home placement must a) consult with relevant experts to revise the instrument based on evidence-based practice; b) create a process for keeping the instrument current with evolving best practice standards; and c) ensure that all relevant staff are informed about the instrument and have appropriate training in how to make referrals and incorporate results into case management and treatment planning. In addition, the Massachusetts Adolescent Sex Offender Coalition and the Juvenile Firesetters Coalition must provide training.

Section 132. MCO Substance Abuse Benefits. This section transfers authority for MassHealth substance abuse benefits to the Commissioner of the Department of Public Health.

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Section 156. *MassHealth Study.* This section authorizes the expenditure of funds from the Health Safety Net Trust Fund to fund a study of MassHealth. The study must include a review of eligibility requirements, utilization, claims administration, and compliance with federal mandates.

Section 161. *MassHealth Benefits.* This section authorizes the Secretary of Health and Human Services to restructure MassHealth benefits as permitted by federal law. The Secretary must submit a report to the Executive Office for Administration and Finance and the House and Senate Committees on Ways and Means 90 days before restructuring any benefits.

Section 162. *MassHealth Benefits.* This section authorizes the Secretary of Health and Human Services to expend funds for which federal reimbursement is not available for “the equivalent of MassHealth Standard benefits for children under the age of 21 who are in the care and custody of the Department of Youth Services or the Department of Children and Families” and for “dental benefits provided to clients of the Department of Developmental Services who are age 21 or over.”

Section 163. *MassHealth and Commonwealth Care Dental Benefits.* This section reduces dental benefits to January 1, 2002 levels and provides EOHHS with the authority to decide which optional services to provide.

Section 166. *Commonwealth Care Bridge Program.* This section authorizes the Commonwealth Care Bridge Program for Aliens with Special Status (AWSS) for FY 2012. The total state appropriation must not exceed \$42 million.

Section 169. *DMH Trust Fund Contribution.* This section directs the Comptroller, in consultation with the Commissioner of Mental Health, to transfer \$10 million from the DMH Trust Fund.

Section 189. *Criminal Justice Special Commission.* This section creates a special commission to study the state’s criminal justice system. A representative with experience in mental health and substance abuse and addiction treatment shall serve on the commission which will look at a variety of areas, including. The role of mental health and substance abuse issues and is directed to make recommendations “for legislation to reduce recidivism, improve overall public safety outcomes, provide alternatives for drug addicted and mentally ill defendants, increase communication and cooperation among public safety entities, reduce overcrowding of facilities, increase reliance upon evidence-based criminal justice methods, improve the collection and reporting of data on adults and juveniles, contain correction costs and otherwise increase efficiencies within the state’s public safety entities.”