

Commonwealth of Massachusetts

Executive Office of Health and
Human Services



Chapter 257 of the Acts of 2008

Provider Information and Dialogue Session:

Executive Office of Elder Affairs – Protective Services
Guardianship

October 14, 2014

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Agenda



- Chapter 257 of the Acts of 2008
- Review of Pricing Analysis and Methodologies
- Overview of the Guardianship model under development
- Results of the Legal Expenses survey
- Next Steps
- Questions/Feedback



Chapter 257 of the Acts of 2008 Regulates Pricing for the POS System



Chapter 257 places authority for determination of Purchase of Service reimbursement rates with the Secretary of Health and Human Services under MGL 118E. The Center for Health Information and Analysis (CHIA) provides staffing and support for the development of Chapter 257 pricing.

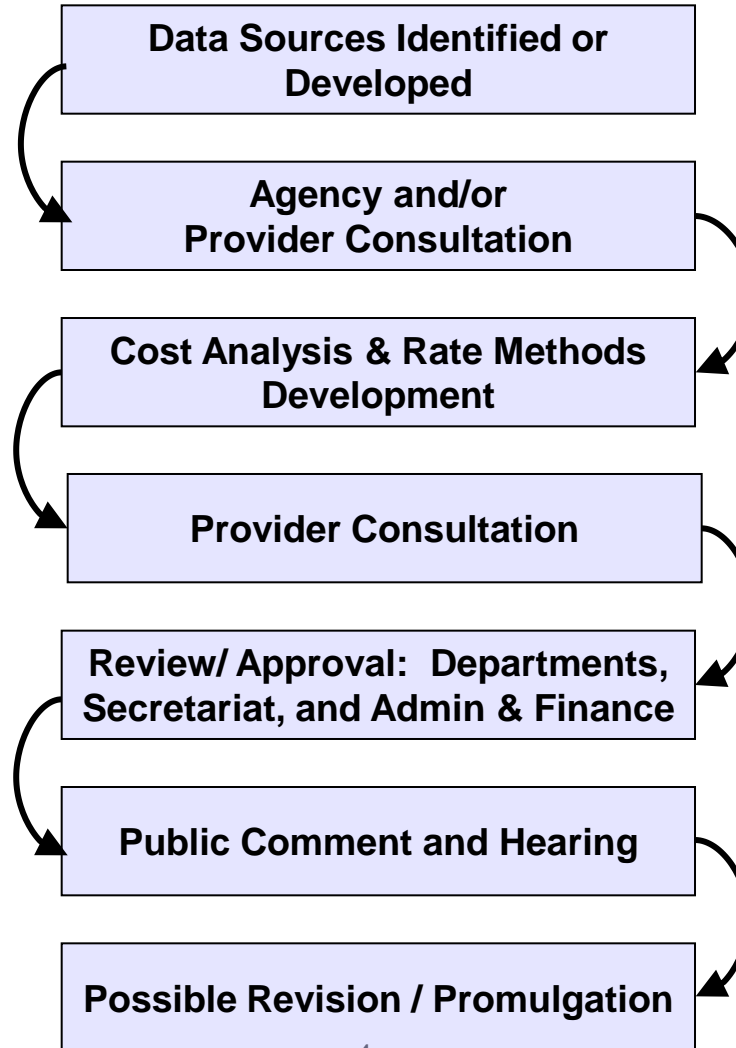
- Chapter 257 requires that the following criteria be considered when setting and reviewing human service reimbursement rates:
 - Reasonable costs incurred by efficiently and economically operated providers
 - Reasonable costs to providers of any existing or new governmental mandate
 - Changes in costs associated with the delivery of services (e.g. inflation)
 - Substantial geographical differences in the costs of service delivery



Process of Analysis, Development, Approval, and Hearing



Pricing Analysis, Rate Development, Approval, and Hearing Process





ELD – Protective Services Guardianship Program Description



- The Guardianship Program serves adults who have been clinically diagnosed with medical conditions that render them incapable of making effective personal decisions about their self-care, health, and safety.
- A Guardian is appointed by the court and assumes responsibility for the client's personal decision making by arranging for care and services.
- A Guardian makes personal and medical care decisions ***only as necessary to protect the adult from harm*** according to the court's Decree and Order.
- The goal of the Guardianship program is to maximize self-reliance and independence of clients, while ensuring they receive essential care for their health, safety, and well-being.

Dept.	Code	Program Name	FY13 Spending
ELD	8010	Guardianship	\$1,244,827



ELD – Protective Services Guardianship



- A Guardian's duties generally include arranging for:
 - A safe and appropriate (least restrictive) living situation
 - Everyday basic needs and safety
 - Ordinary medical treatment and doctor visits
 - Social, educational, and recreational needs
 - Application for health insurance and other benefits
 - Payment of adult's expenses using the adult's income
 - Future needs and expenses
- There are currently 170 clients enrolled in the Guardianship Program with 4 Service providers.



Draft Model Budget



The model incorporates key service elements as defined by the Executive Office of Elder Affairs and based on FY14 Provider Activity Summaries.

Staffing levels are roughly based on current provider staffing patterns, but we note a considerable differences across programs. Most programs appear to have legal staff that provide some legal services.

Program & Direct Admin Expenses include:

- Staff training
- Occupancy
- Transportation
- Legal expenses*

*Legal expenses incorporated in the model are nominal per client.

ELD Guardianship Model Budget Framework		
Clients per Month - 20		
Position	FTE	% of Total
Management	0.50	
Clinical/Case Management Oversight	0.50	
Direct Care/Case Manager	1.50	
Support	0.50	
Total Program Staff	3.00	52%
Tax & fringe:		14%
Total Compensation		66%
Program & Direct Administrative Expenses		17%
Total Reimb Excl M & G		83%
Admin. Allocation		17%
TOTAL		100%
CAF		
Unit Rate - Per Client Per Month		



Survey Results



In an effort to better understand the legal costs associated with the Guardianship model, the EOEA surveyed providers in August 2014.

Guardianship					
	Site A	Site B	Site C	Site D	Site E
Monthly Average Caseload	30	50	34	21	35
Total Legal Fees	\$50,000	\$78,000	\$18,000	\$31,000	\$70,000
In House	N/A	\$52,000	\$5,000	\$25,000	\$0
Contract	\$18,700	\$20,000	\$13,000	\$6,000	\$70,000
Paralegal	\$0	\$0	\$0	\$0	\$38,000
Legal Work (annual hours)	263	785	271	1738	399
Hourly Legal Costs	\$190	\$150 - \$350	\$175 - \$250	\$46	\$275
Legal Costs per client (Range)					
Minimum	\$152	\$400	\$0	\$625	\$60
Maximum	\$14,602	\$17,500	\$2,300	\$6,850	\$9,300
Legal Hours (per client annually)					
Minimum	1	2.5	1	3.5	5
Maximum	74	57	55	141	40



Questions/Feedback



The meeting presentation will be posted on Chapter 257 website:

www.mass.gov/hhs/chapter257

Comments and questions regarding Chapter 257 process can be sent to: EOHHSPOSPolicyOffice@state.ma.us