



EXECUTIVE OFFICE OF ELDER AFFAIRS
COMMONWEALTH OF MASSACHUSETTS
ONE ASHBURTON PLACE, BOSTON, MA 02108
(617) 727-7750 | Mass.gov/elders

MAURA T. HEALEY
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KATHLEEN E. WALSH
SECRETARY, EXECUTIVE OFFICE OF
HEALTH AND HUMAN SERVICES

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

ELIZABETH C. CHEN, PhD, MBA, MPH
SECRETARY, EXECUTIVE OFFICE OF ELDER AFFAIRS

PI-23-03

Ref: PI-13-03

TO: Aging Services Access Points (ASAP) Executive Directors
ASAP Contracts Managers

FROM: Lynn C. Vidler, Director of Home and Community Services, MBA, BSW

DATE: March 21, 2023

RE: Revised Qualification of Providers of Homemaker, Personal Care and Supportive Home Care Aide

Purpose:

This Program Instruction (PI) transmits information regarding the process by which providers of homemaker and personal care may be qualified or disqualified to provide services to consumers enrolled in the Home Care Program. Any other previously issued instructions regarding the subjects contained in this PI, regardless of the format, are hereby no longer in effect and replaced by the contents of this PI.

This Program Instruction supersedes PI-13-03.

Background:

The Executive Office of Elder Affairs (EOEA), in accordance with M.G.L. c. 19a § 4b, retains authority for overall management, administration, and oversight activities related to the operation of the Massachusetts' Home Care Program, including services provided under the 1915(c) Home and Community Based Services Waiver (the "Waiver"). A critical component of this responsibility is ensuring the maintenance of a network of qualified providers.

Pursuant to this authority, EOEA has established the Homemaker Notification of Intent to Contract (Homemaker NOI) process. All organizations that seek to provide homemaker, personal care, and/or supportive home care aide services to consumers enrolled in the Home Care Program are required to

submit documentation that describes their qualifications and demonstrates compliance with the rules and regulations governing the Home Care Program. Providers whose documentation is deemed complete and adequate by EOEА are placed on the Homemaker NOI list published annually. Only providers on the Homemaker NOI list may contract for homemaker, personal care, and supportive home care aide services to consumers enrolled in the Home Care Program. The Homemaker NOI does not commit EOEА or any ASAP to award a contract, pay any cost incurred in the preparation of the application, procure any services, or purchase any volume of services. Elder Affairs' receipt of a completed NOI does not guarantee a service contract with any ASAP.

ASAPs, which perform certain delegated functions on behalf of EOEА, have important responsibilities relative to the maintenance of the provider network. These responsibilities include conducting procurements, executing contracts, quality assurance and monitoring of provider performance, and ensuring the financial integrity of billing and payments for services.

Required Actions:

Homemaker Notification of Intent to Contract Application

In order to ensure that consumers receive the highest quality service through the Home Care Program, providers are required to meet all the standards of performance as they are described in the Homemaker NOI, the standard Provider Agreement issued by EOEА, the EOEА Provider Network Quality Assurance Manual, EOEА-approved service descriptions, and all applicable laws, regulations, and Program Instructions. New providers must meet these standards to contract with an ASAP to provide services to Home Care Program consumers. For existing providers, failure to meet these standards continuously may result in suspension or termination of a contract to provide services to Home Care Program consumers.

All providers are required to complete the Homemaker NOI application in accordance with the Homemaker NOI instructions issued separately. Information regarding the Homemaker NOI process, instructions and requirements are available to interested parties at the EOEА Notice of Intent (NOI) Contract Management System (CMS) (also known as Provider Contracting System (800ageinfo.com)). EOEА will review all timely submissions and approve or reject each provider's NOI. All providers whose NOI has been approved by EOEА will appear on the Homemaker NOI list.

The EOEА review of NOI submissions is preliminary in nature. ASAPs must conduct a comprehensive review of a provider's NOI and, in the case of new providers (i.e., providers who are not currently under contract to any ASAP to provide homemaker and personal care services), an on-site review to ensure that the provider meets the standards described above. ASAPs shall not contract with organizations whose submissions fail to meet the required standards.

The qualification process for new providers is as follows:

1. New providers may submit their Homemaker NOI applications at any time via the EOEА Notice of Intent (NOI) Contract Management System (CMS) also known as [Provider Contracting System \(800ageinfo.com\)](#) in accordance with the instructions provided.
 - a. EOEА conducts a review and approves or rejects the submission. After the application has been reviewed, a determination is made by EOEА within a maximum of 45 days.

- b. If the application is rejected by EOE, the provider may resubmit its NOI application at any time provided enrollment is not closed. If enrollment is closed, NOI applications will be reviewed when enrollment resumes.
 - c. If the provider application is approved by EOE, the NOI Contract Management system ([Provider Contracting System \(800ageinfo.com\)](http://800ageinfo.com)) shares the approved provider with the ASAPs serving the cities/towns identified in the provider's application.
2. The ASAP will conduct a comprehensive review prior to contracting to confirm that the practices outlined in the provider's approved NOI application are accurate and the provider meets additional requirements as outlined in this PI. If the ASAP finds that the provider does not meet the requirements outlined in this PI or in their approved NOI application, the ASAP is prohibited from contracting with the provider.
3. If the NOI meets established program standards, an ASAP may contact the provider to conduct an on-site review of the provider's operations and to review documents that support its NOI application. At the time of the on-site review, the provider must have provided homemaker and personal care services to a minimum of ten (10) consumers; at least seven (7) of whom must be receiving services. If a provider need exists for a particular service, the minimum number of consumers may be reduced to five (5), and at least two (2) of the five (5) consumers must be receiving services. Review of the files must have either redacted information on the consumer or consumer permission for review of the files.
4. The outcome of the on-site review will result in a letter to the provider. ASAPs are permitted to share these results with each other.
5. If the provider's operations meet established program standards, the ASAP may enter into rate negotiations with the provider.
6. If the provider's operations do not meet program standards, the ASAP will notify EOE, who may remove the provider from the NOI List. The provider is not prohibited from resubmitting an NOI application. There are no mandated timelines for the ASAP review of a provider's NOI submission or on-site review of a provider's operations.

Existing providers (those who are currently under contract to at least one ASAP for the provision of homemaker and personal care services) are required to update their NOI application as needed. Those with an approved NOI may renew their contract(s) or seek to contract with additional ASAPs.

Removal from the Homemaker NOI List

In addition, EOE reserves the authority to remove any provider from the Homemaker NOI list or place any provider on a suspended status where a provider's non-compliance is deemed critical to the proper operation of the Home Care Program and/or where such non-compliance endangers the health and welfare of Home Care Program consumers.

- Providers whose status is suspended may not receive new referrals from any ASAP nor enter into new contracts with any ASAPs.
- Providers removed from the Homemaker NOI list shall have their ASAP contracts terminated, may not serve any consumers through the Home Care Program, and may not reapply to regain approved status on the Homemaker NOI list for a period of at least twelve (12) months. After the expiration of the twelve-month period, such providers shall be subject to the same qualification process required of new providers.

ASAPs shall continuously monitor the quality of service provision to Home Care Program consumers in accordance with the Provider Network Quality Assurance Manual. These activities include on-site reviews every two years of providers of homemaker and personal care, and supportive home care aide

services. EOEA Provider Monitoring Standards require all providers receive on-site reviews at least once during the first six months after the first services are provided. This is the minimum standard; ASAPs may at any time decide that an on-site review is advisable. ASAPs shall copy EOEA on all corrective action plans initiated with providers, whether these result from the findings of an on-site audit or other review activities or incidents. EOEA may contact the ASAP for additional information regarding the cause(s) for the corrective action plan.

EOEA may, at its sole discretion and depending on the severity of the problem(s) with the provider, take the following actions:

EOEA may immediately suspend a provider if:

1. a provider's non-compliance endangers the health and welfare of Home Care Program consumers as determined by EOEA; or
2. a provider engages in non-compliant billing practices. Within the scope of this Program Instruction, non-compliant billing practices shall include, but not be limited to, a) fraudulent billing, or b) failure to remediate routine and repeated concerns that are raised by the ASAPs as part of the reconciliation process.

When a provider is suspended for such cause, EOEA may request a meeting with the provider. The provider will be required to explain the issues of non-compliance. After such meeting, EOEA may:

1. remove the suspension based on information supplied by the provider;
2. remove the provider from the Homemaker NOI list; or
3. continue the suspension and require a corrective action plan to the provider.

If EOEA requires a corrective action plan, the provider shall have 60 days to achieve full compliance with all the requirements of the corrective action plan. At the expiration of the 60-day period, EOEA will review the provider's performance, and may either:

1. deem the provider in compliance and take the provider off suspension; or
2. remove the provider from the Homemaker NOI list; or
3. continue the suspension and require a new corrective action plan.

If EOEA removes a provider from the Homemaker NOI list, the provider may request in writing a debriefing of the decision by the Director of Home Care Policy and Operations or other designee of the Director. All written requests for a debriefing must be received by EOEA within fourteen (14) calendar days after the date of removal from the Homemaker NOI list.

Debriefings regarding removal from the Homemaker NOI list are of an informal nature and are not adjudicatory proceedings subject to the provisions of M.G.L. c. 30a, §§ 10 and 11, 801 CMR 1.01, 1.02, 1.03, or 651 CMR 9.00.

Effective Date:

This PI is effective immediately.

Contact:

If you have questions about this PI, please contact Joel Bartlett, Home Care Provider Coordinator, at Joel.D.Bartlett@mass.gov.