

Jan. 13, 2015 - **Court orders state to fully implement Chapter 257**

Superior Court Judge Mitchell Kaplan today issued a final order that the Commonwealth must fully implement Chapter 257 by the beginning of the state's 2016 fiscal year. The decision was made in a complaint filed against the Secretary of the Executive Office of Health and Human Services by The Collaborative -- made up of the Association for Behavioral Healthcare, the Association of Developmental Disabilities Providers and the Massachusetts Council of Human Services Providers (Providers' Council) -- and the Children's League of Massachusetts.

In an eight-page decision, Kaplan said the Commonwealth violated Chapter 257 by not completing its obligations of setting new rates for human service providers as mandated by the 2008 law.

"In this case, there was a clearly stated statutory duty to set the rates for social service providers by a date certain and the Secretary has failed to complete the task," Kaplan wrote.

[The full decision can be downloaded here.](#)

In his order, Kaplan ruled that all rates must be set within 90 days and must be in effect by July 1, 2015 -- the start of the first full fiscal year under Gov. Charles Baker. In addition, Kaplan rejected the Commonwealth's argument that setting rates under Chapter 257 is subject to appropriation.

"This is the outcome we were hoping for and expecting, and we look forward to working with the Baker administration to ensure the spirit of Chapter 257 is fulfilled," said Vic DiGravio, President/CEO of the Association for Behavioral Healthcare and a member of The Collaborative. "Judge Kaplan's ruling is great news not only for hundreds of nonprofit providers who have been waiting to be fairly reimbursed for the work they have been doing, but for hundreds of thousands of individuals and families who depend on human service providers for their safety and well-being."

During a hearing on the lawsuit last week, The Collaborative argued the Commonwealth had failed to meet its responsibilities in setting and funding the rates, thereby putting hundreds of providers in financial peril.

The Collaborative filed suit against the Patrick administration last summer after repeated delays in the implementation of the law. The Collaborative had agreed to two implementation delays in 2008 and 2011, but all rates were required to have been set by January 1, 2014 and implemented by July 1, 2014.

"It was never our desire to have this be determined by the courts, but justice has been served and we're thrilled for our members," DiGravio said. "There are some rates that have not been reviewed since 1987, so this ruling is a lifeline for countless people and service providers who require these much-delayed funds for the delivery and receipt of quality services."

Massachusetts Council of Human Service Providers, Inc