
TO: All Vendors Providing Services under the Court Costs for Indigents Act
FROM: William Shay, Esq., Director, Audit and Oversight
Gina Dembowski, Director, Vendor Payment Department
Denise Torracco, Supervisor, Vendor Payment Department
RE: Important Notice Regarding Billing Deadlines
DATE: August 9, 2011

This letter serves to advise you that the Commonwealth's FY 2012 budget included language which impacts the payment of your bills **effective with bills submitted on July 1, 2011, and after, for all fiscal years of service**

For your convenience we are outlining the most relevant changes below however, you should review the statutory enactments in full at www.mass.gov by selecting the FY 2012 Budget. Ultimately it is your responsibility to educate yourself on the law as it impacts your profession and business.

There are two new billing deadlines. The first is applicable when your services are complete on or before June 30th, the last day of the fiscal year. The second requires you to submit a partial bill for all services rendered during the fiscal year in situations where your services are ongoing on June 30th. These two rules are detailed below. CPCS has attached, and posted on our Website at www.publiccounsel.net under "Non-Attorney Professional Services", detailed examples of the new billing timelines contained in s.116 amending c.211D s. 12. These examples should answer any questions you may have regarding the changes outlined below. After reviewing the below if you have any questions please review these examples.

GENERAL RULE: BILLS MUST BE SUBMITTED WITHIN 60 DAYS OF YOUR LAST DATE OF SERVICE TO BE ELIGIBLE TO RECEIVE FULL PAYMENT.

Bills must be submitted to CPCS within 60 calendar days of the last date services were rendered.

Bills submitted between 61-89 days after the last date services were rendered are reduced by 10% pursuant to the statute.

Bills submitted 90 or more days after the last date services were rendered cannot be paid and are rejected pursuant to the statute.

FISCAL YEAR END RULE: IN ANY CASE WHERE YOUR SERVICES CONTINUE INTO A NEW FISCAL YEAR YOU MUST SUBMIT A FISCAL YEAR END BILL FOR SERVICES PERFORMED BETWEEN JULY 1ST AND JUNE 30TH NO LATER THAN JULY 31ST TO BE ELIGIBLE TO RECEIVE FULL PAYMENT.

In cases where you have not completed your services on the assignment on June 30th, the statute REQUIRES the submission of a Year End bill for work performed in the prior fiscal year no later than July 31st.

Fiscal Year End Bills submitted August 1st through August 30th will be reduced 10% pursuant to the statute.

Fiscal Year End Bills submitted after August 31st cannot be paid pursuant to the statute.

Important Notes:

For bills submitted electronically through Vbill, the date you submit the bill electronically is the date used to compute whether the bill is timely. The fact that the attorney acts on the bill later does not affect the submittal date.

For bills not submitted through Vbill, the date submitted is the date that CPCS receives the required paperwork (for specifics please refer to <http://www.publiccounsel.net/>, Billing Information: “Other non-attorney services billing.”) As such, you must allow adequate time for mailing. CPCS will not reverse late fees or rejections due to such delays.

The last date of service is computed based upon the last date billed. CPCS will not correct input errors resulting from a failure to bill a date of service. Further the final date billed cannot be later than the last date services were provided.

The status of your service on the case not the status of the case in court is determinative. For example, if you complete your work in September, your bill must be submitted within 60 days from the last date you provided services to be eligible for full payment despite the fact that the case continued in court thereafter. Nor can CPCS process a Year End bill submitted in such cases.

If a bill is rejected for payment under the statute, you may appeal the denial of payment to the Chief Counsel of CPCS. The procedures for making such an appeal will be contained in the notice you receive advising of the rejection. Please be aware, however, that the statute requires the Chief Counsel to find that the delay in billing was due to “extraordinary circumstances beyond the control of the vendor.”

Statutory Amendments Effecting Payment for Transcripts

The \$3 per page fee for transcripts remains unchanged; however, if the party requesting the transcript is indigent, all paper copies, if requested by counsel, shall be paid at an amount not to exceed 10 cents per page. In addition, an electronic reproduction of the transcript must be made available upon request at a total fee not to exceed \$5.00. Notwithstanding this maximum fee, certain court rules require production of the electronic reproduction at no cost. CPCS will not pay any fee for electronic media in those cases. In addition, because CPCS cannot pay for any copies not specifically requested by Counsel please inquire of Counsel if he or she requires paper copies.

Reporting the Costs of Psychologists, Psychiatrists and Investigators

In fiscal year 2012 CPCS is to report quarterly to the House and Senate Committee on Ways and Means the number and cost of private investigators, psychologists and psychiatrists.

Vbill Examples of Court Cost Vendor Billing Timelines

A Forensic Psychologist is hired by a Public Defender or Assigned Counsel and:

1. Completes her work September 8th and submits a Vbill for approval by the attorney on October 10th. The attorney does not approve the bill until January 28th and paperwork is received by CPCS on February 2nd.

This bill is eligible for full payment. The Vbill was submitted electronically within 60 days of the last date of service. The fact that it was not approved by Counsel and the paperwork was not received until after 90 days had passed does not alter the original submittal date.

2. Same as above except the investigator submits her bill on November 16th.

The bill will be reduced by 10% because it was submitted between 61-89 days after the last date of service.

3. Same as above except the bill is submitted December 16th.

The bill will be rejected because it was submitted 90 or more days after the last date of service.

4. Same as above except the bill is submitted July 20th.

The bill will be rejected because it was submitted 90 or more days after the last date of service.

5. The Vendor begins his work June 3rd, completes his work on July 19th, and submits a Vbill for approval by the attorney for services rendered through June 30th on July 28th

This bill is eligible for full payment. The Vbill was submitted electronically prior to July 30th.

6. Begins her work June 3rd, completes her work on the case on July 19th, and attempts to submit a Vbill for services rendered in both fiscal years on July 28th

Vbill will not allow submission of this bill because it includes services provided in 2 fiscal years. You must submit two bills timely to be eligible for full payment.

Please direct all questions to: vendorbills@publiccounsel.net