

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment to repeal Chapter 7 (Medicaid Day Treatment Programs) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

Medicaid day treatment programs are nonresidential programs operated for the purposes of providing medically supervised day treatments for the following individuals: (1) adults who are elderly; (2) adults who have a developmental disability; (3) adults who have mental disorders; and (4) infants and children who are aged three (3) or younger.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) has required the termination of all existing fee-for-service day treatment programs. In January 2013, pursuant to this directive, DHCF ceased enrollment of new admissions into existing day treatment programs.

Based upon the District's need to continue delivering day treatment type services in the wake of eliminating services, DHCF and other District agencies have since developed and transitioned many day treatment users to existing alternative services. On April 24, 2015, DHCF published rules governing Adult Day Health Services, a new service designed to encourage older adults to live in the community by offering non-residential medical supports; provide supervised therapeutic activities in an integrated community setting that foster opportunities for community inclusion; and deter more costly facility-based care.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 23, 2015 at 62 DCR 013878. No comments were received. No substantive changes have been made. The Director adopted these rules as final on January 12, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 7, MEDICAID DAY TREATMENT PROGRAMS, of Title 29 DCMR, PUBLIC WELFARE, is repealed in its entirety, effective on the date of publication of this notice in the *D.C. Register*.