DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED 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 Section 930, entitled "Nutrition Evaluation and Consultation Services," of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Register (DCMR).

The repealed section established standards governing reimbursement of nutrition evaluation and consultation services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers for the period from November 2007 to November 2012. The renewal of the ID/DD Waiver, which was approved by the Council of the District of Columbia (Council) and by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five-year period beginning November 20, 2012, no longer includes nutrition evaluation and consultation services as a separate service, but includes these services along with bereavement counseling, fitness training, massage therapy, and sexuality education in what are known as Wellness Services, 29 DCMR § 1936. The recent amendments to the ID/DD Waiver, which were approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2014 Repl. & 2015 Supp.)), and by CMS effective September 24, 2015, continue to include the former nutrition evaluation and consultation services as part of Wellness Services.

The Director of DHCF gives notice of the intent to take final rulemaking action to adopt the repeal of these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 930, NUTRITION EVALUATION AND CONSULTATION SERVICES, is deleted in its entirety and amended to read as follows:

930 [REPEALED]

Comments on these proposed rules shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, District of Columbia Department of Health Care Finance, 441 Fourth Street, N.W., Suite 900, Washington, D.C. 20001, by telephone on

(202) 442-8742, by email at DHCFPublicComments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the above address.