

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. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 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 amendments to Section 1930, entitled “Respite Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These final rules change the reimbursement rate for respite services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed 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. An amendment to the ID/DD Waiver was 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. & 2016 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Respite care provides relief to the family or primary caregiver to meet planned or emergency situations. A Notice of Emergency and Proposed Rulemaking for 29 DCMR §§ 1930.14 and 1930.18 (Respite Services) was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004111, which amended the previously published final rulemakings by changing the hourly rate in Subsection 1930.14 to twenty dollars and sixty cents (\$20.60) and the daily rate in Subsection 1930.18 to four hundred one dollars and twenty cents (\$401.20). The emergency rulemaking was adopted on March 9, 2016, became effective immediately, and remained in effect until July 7, 2016. DHCF received no comments to the emergency and proposed rulemaking and no changes have been made.

The Director adopted these rules as final on June 23, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 1930.14 and 1930.18, of Section 1930, RESPITE SERVICES, are amended to read as follows:

1930.14 Medicaid reimbursement for hourly respite services shall be twenty dollars and sixty cents (\$20.60) per hour and shall be limited to seven hundred twenty (720) hours per calendar year.

...

1930.18 Medicaid reimbursement for daily respite services shall be four hundred one dollars and twenty cents (\$401.20) per day and shall be limited to thirty (30) days per calendar year.