

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 1936, entitled “Wellness 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 wellness 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.

Wellness services are designed to promote and maintain good health and assist in increasing the person’s independence, participation, emotional well-being, and productivity in their home, work, and community. Wellness services consist of the following five (5) types of services: bereavement counseling, fitness training, massage therapy, nutrition evaluation/consultation, and sexuality education. A Notice of Emergency and Proposed Rulemaking for 29 DCMR § 1936.23 (Wellness Services) was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004117, which amended Subsection 1936.23 of the previously published final rulemaking by providing the reimbursement rate for these services in terms of both billable unit and hourly, and by increasing the rates to correspond with Waiver Year 4. 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:

Subsection 1936.23 of Section 1936, WELLNESS SERVICES, is amended to read as follows:

- 1936.23 The Medicaid reimbursement rate for wellness services shall be:
- (a) Fifteen dollars and twenty-five cents (\$15.25) per billable unit or sixty-one dollars (\$61.00) per hour for Massage Therapy;
 - (b) Nineteen dollars and five cents (\$19.05) per billable unit or seventy-six dollars and twenty cents (\$76.20) per hour for Sexuality Education;
 - (c) Eighteen dollars and eighty-one cents (\$18.81) per billable unit or seventy-five dollars and twenty-four cents (\$75.24) per hour for Fitness Training;
 - (d) Eleven dollars and twenty-eight cents (\$11.28) per billable unit or forty-five dollars and twelve cents (\$45.12) per hour for Small Group Fitness Training;
 - (e) Sixteen dollars and thirty cents (\$16.30) per billable unit or sixty-five dollars and twenty cents (\$65.20) per hour for Nutrition Counseling; and
 - (f) Sixteen dollars and thirty cents (\$16.30) per billable unit or sixty-five dollars and twenty cents (\$65.20) per hour for Bereavement Counseling.