

## 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 (2012 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 1918, entitled “Creative Arts Therapies,” 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 creative arts therapies 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.

Creative arts therapies are designed to provide therapeutic supports to help a person with a disability express and understand emotions through artistic expression and the creative process. A Notice of Emergency and Proposed Rulemaking for 29 DCMR § 1918 (Art Therapies) was published in the *D.C. Register* on March 18, 2016, at 63 DCR 004103. The emergency and proposed rulemaking amended the previously published final rulemaking by changing the reimbursement rates in Subsection 1918.16 for art, dance, drama, and music therapy. The emergency rulemaking was adopted on March 9, 2016, became effective immediately, and shall remain in effect until July 7, 2016, or until superseded by publication of this Notice of Final Rulemaking in the *D.C. Register*. 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 1918.16 of Section 1918, CREATIVE ARTS THERAPIES, is amended to read as follows:**

1918.16 The reimbursement rate for Creative Arts Therapies services shall be:

- (a) Twenty-five dollars and six cents (\$25.06) per person for a total of no more than one hundred dollars and twenty-four cents (\$100.24) per forty-five (45) minutes for art, dance, drama or music therapy in a group not to exceed four (4); and
- (b) Seventy-five dollars and twenty-three cents (\$75.23) per forty-five (45) minutes for art, dance, drama or music therapy as an individual service.