

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) 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 a new Section 988, entitled “Medicaid Fee Schedule,” of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

DHCF reimburses Medicaid providers other than institutional providers whose rates are determined pursuant to a reimbursement methodology, in accordance with a Medicaid fee schedule. The Medicaid fee schedule is posted on a website maintained by DHCF. The fee schedule requires periodic adjustments, when necessary, to reflect changes in federal and District requirements, nationally-recognized coding systems, medical practice, and the relative value of services. These rules require DHCF to publish a notice in the *D.C. Register* at least thirty (30) days prior to the effective date of changes to the Medicaid fee schedule, unless the notice exceeds two (2) pages. If the notice of the changes to the Medicaid fee schedule exceeds two (2) pages, these rules will require DHCF to post the changes in the fee schedule on a website maintained by DHCF and include the website address in the notice that is published in the *D.C. Register*.

An initial Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 22, 2015 at 62 DCR 006692. No comments were received. A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 2, 2015 at 62 DCR 013059. No comments were received and no substantive changes have been made. The Director has adopted these rules as final on December 22, 2015 and they shall become effective on the date of publication of this rulemaking in the *D.C. Register*.

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

A new Section 988, MEDICAID FEE SCHEDULE, is added to read as follows:

988 MEDICAID FEE SCHEDULE

- 988.1 The Medicaid fee schedule includes reimbursement rates for Medicaid covered services and is posted at www.dc-medicaid.com.
- 988.2 Medicaid covered services that are listed on the fee schedule include, but are not limited to, the following services:

- (a) Laboratory and x-ray services;
- (b) Physicians' services;
- (c) Medical care and other types of remedial care;
- (d) Home health services;
- (e) Dental services;
- (f) Durable Medicaid Equipment (DME);
- (f) Diagnostic, screening, preventive, and rehabilitative services; and
- (g) Hospice care.

988.3 DHCF shall review the Medicaid fee schedule periodically. The Medicaid fee schedule may be adjusted where necessary to:

- (a) Comply with changes in federal or District requirements;
- (b) Comply with changes in nationally-recognized coding systems, such as Healthcare Common Procedure Coding System (HCPCS), Current Procedural Terminology (CPT), and Code on Dental Procedures and Nomenclature (CDT);
- (c) Establish an initial allowable amount for a new procedure or a procedure based on information that was not available when the fee schedule was established for the current calendar year; and
- (d) Adjust the allowable amount when DHCF determines that the current allowable amount is:
 - (1) Not appropriate for the service provided;
 - (2) Based on errors in data or calculation; or
 - (3) Ineffective for proper or efficient administration of the State Medicaid Program

988.4 DHCF shall publish a Public Notice in the *D.C. Register* which informs the public of changes to the Medicaid fee schedule. The Public Notice shall be published at least thirty (30) calendar days in advance of the change. The Notice shall describe the type of change, the reason for the change, the effective date of the change, and the Medicaid reimbursement rate. If the Public Notice of the changes to the Medicaid fee schedule exceeds two (2) pages, DHCF shall post the changes in the

fee schedule consistent with the requirements set forth in this section on a website maintained by DHCF and include the website address in the Public Notice.

988.5 In those instances where a Medicaid fee is included in a rule, DHCF shall amend and publish the revised rule in the *D.C. Register* pursuant to the procedures of title I of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code §§ 2-501 *et seq.*), and the requirement of § 988.4 shall not apply.

999 DEFINITIONS

999.1 For purposes of this section, the following terms shall have the meanings ascribed:

Medicaid Fee Schedule - a comprehensive list of fee maximums used to reimburse providers on a fee-for-service basis.