

## 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. & 2013 Supp.)) and 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 Section 903 of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), entitled "Outpatient and Emergency Room Services."

The effect of these final rules is to provide supplemental payments to hospitals located within the District of Columbia that participate in the Medicaid program for outpatient hospital services.

The corresponding amendment to the District of Columbia State Plan for Medical Assistance (State Plan) required approval by the Council of the District of Columbia (Council) and the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (CMS). The State Plan Amendment (SPA) was approved by the Council through the Medical Assistance Program Emergency Amendment Act of 2013, signed July 30, 2013 (D.C. Act 20-130; 60 DCR 11384 (August 9, 2013)). The SPA was approved by CMS on February 19, 2014 with an effective date of May 1, 2013 through September 30, 2014.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 26, 2013 at 60 DCR 006236, and a Notice of Second Emergency and Proposed Rulemaking was published November 29, 2013 at 60 DCR 016337. No comments were received. The Director adopted these rules as final on March 4, 2014 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Section 903 (Outpatient and Emergency Room Services) of Chapter 9 (Medicaid Program), Title 29 (Public Welfare), of the DCMR is amended by adding the following new subsection:**

- 903.6 Each eligible hospital shall receive a supplemental hospital access payment calculated as set forth below:
- (a) Except as provided in Subsection (c) and (e), for visits and services beginning May 1, 2013 and ending on September 30, 2014, additional quarterly access payments shall be made to each eligible hospital in an amount equal to each hospital's FY 2011 outpatient Medicaid payments divided by the total applicable hospital FY 2011 outpatient Medicaid payments multiplied by one quarter of the total outpatient private hospital access payment pool of \$41,025,417 minus \$250,000. The private hospital

access payment pool shall be equal to the available spending room under the private hospital upper payment limit;

- (b) Applicable hospital FY 2011 outpatient Medicaid payments shall include all outpatient Medicaid payments to Medicaid participating hospitals located within the District of Columbia except for the United Medical Center;
- (c) In addition to the payment established in Subsection (a), all private children's hospitals with less than 150 beds located in the District of Columbia that participate in the Medicaid program shall receive an additional annual amount of \$250,000 as an adjustment to the quarterly access payments;
- (d) In no instance shall a Disproportionate Share Hospital (DSH) hospital receive more in quarterly access payments than the hospital-specific DSH limit, as adjusted by the District in accordance with the District's State Plan for Medical Assistance (State Plan). Any private hospital quarterly access payments that would otherwise exceed the adjusted hospital-specific DSH limit shall be distributed to other qualifying private hospitals based on each hospital's FY 2011 outpatient Medicaid payments relative to the total qualifying private hospital FY 2011 outpatient Medicaid payments;
- (e) For visits and services beginning May 1, 2013, quarterly access payments shall be made to the United Medical Center. Each payment shall be equal to one quarter of the public hospital access payment pool amount of \$1,259,557. The public hospital access payment pool shall be equal to the lesser of the available spending room under the public hospital upper payment limit and the hospital-specific DSH limit as adjusted by the District in accordance with the State Plan; and
- (f) Payments shall be made 15 business days after the end of the quarter for the Medicaid visits and services rendered during that quarter.

903.99

#### Definitions

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

**Available spending room** - The remaining room for outpatient hospital reimbursement that when combined with all other outpatient payments made under the District's Medicaid State plan shall not exceed the allowable federal outpatient hospital upper payment limit specified in 42 C.F.R. § 447.321.

**Upper payment limit** – The federal requirement limiting outpatient hospital Medicaid reimbursement to a reasonable estimate of the amount that would be paid for the services furnished by the group of facilities under Medicare payment principles consistent with 42 C.F.R. § 447.321.

**Disproportionate Share Hospital** – A hospital located in the District of Columbia that meets the qualifications established pursuant to Section 1923(b) of the Social Security Act (42 U.S.C. § 1396r-4).

**Hospital-specific DSH limit** - The federal requirement limiting hospital disproportionate share hospital (DSH) payments to the uncompensated care of providing inpatient and outpatient hospital services to Medicaid and uninsured individuals, consistent with Section 8 of Attachment 4.19-A of the District's federally approved Medicaid State plan.

**Eligible Hospital** – A hospital located in the District of Columbia that participates in the District of Columbia Medicaid program.

## D.C. DEPARTMENT OF HUMAN RESOURCES

NOTICE OF FINAL RULEMAKING

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008; and in accordance with the provisions of Chapter VIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01(e-1) (2012 Repl. & 2013 Supp.)), hereby gives notice that final rulemaking action was taken to adopt the following amendments to Sections 825, "Reserved", and 899, "Definitions", of Chapter 8, "Career Service," of Subtitle B of Title 6 "Government Personnel", of the District of Columbia Municipal Regulations (DCMR).

The purpose of these rules is to amend Section 825, Reserved, of 6-B DCMR, Chapter 8. Specifically, the provisions allow for a 10-point hiring preference to be awarded to an applicant for a Career Service position who is 18 to 21 years of age and in foster care or within 5 years of leaving foster care. In addition, Section 899, Definitions, is being amended to add definitions for the terms "foster care," "foster child" and "ward of the state."

No comments were received and no changes were made to the Notice of Proposed Rulemaking published December 27, 2013 at 60 DCR 017232. The rules were adopted on February 3, 2014 and shall become effective upon publication of this notice in the *D.C. Register*.

**Chapter 8, "Career Service," of Subtitle B of Title 6 of the District of Columbia Municipal Regulations is amended as follows:**

**The title of Section 825 is changed from "Reserved" to "Foster Care Youth Employment Preference." and new provisions are added to read as follows:**

**825 FOSTER CARE YOUTH EMPLOYMENT PREFERENCE**

825.1 Pursuant to D.C. Law 19-162, the "Foster Care Youth Employment Amendment Act of 2012," effective July 13, 2012 (D.C. Act 19-372; 59 DCR 5713 (May 25, 2012)), a person who applies for competitive employment in the Career Service and who at the time of application is 18 to 21 years of age, is in foster care, or who is within 5 years of leaving foster care may be awarded a 10-point hiring preference, unless the person declines the preference points.

825.2 An applicant must meet the following requirements at the time of application to be awarded the hiring preference in accordance with Subsection 825.1:

- (a) Be within five (5) years of leaving foster care under the Child and Family Services Agency (CFSA) and is a resident of the District; or
- (b) Is currently in the foster care program of CFSA; and