

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 (2016 Repl. & 2019 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) (2018 Repl.)) hereby gives notice of an amendment to Section 903 (Outpatient and Emergency Room Services) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This final rule will extend DHCF's authority to make supplemental payments to eligible hospitals located within the District of Columbia that participate in the Medicaid program through September 30, 2029. The estimated increase in aggregate Medicaid expenditures associated with the extension of the supplemental payments is approximately seventeen million, six hundred and twenty-two thousand and seven dollars (\$17,622,007) in Fiscal Year 2020.

These rules correspond to a State Plan Amendment (SPA), which was approved by the Centers for Medicare and Medicaid Services (CMS) on December 6, 2019, with an effective date of November 30, 2019. The corresponding SPA was added to the District's Medicaid State Plan, which can be found on DHCF's website at <https://dhcf.dc.gov/page/medicaid-state-plan>.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 29, 2019 at 66 DCR 15762. No comments were received, but DHCF is making technical amendments to the dates in §§ 903.31(a) and (e) to align with the effective date of the approved SPA. The Director adopted these rules as final on March 24, 2020 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:

Subsection 903.31 of Section 903, OUTPATIENT AND EMERGENCY ROOM SERVICES, is amended to read as follows:

- 903.31 Beginning FY 2020, each eligible hospital shall receive a supplemental hospital access payment calculated as set forth below:
- (a) For visits and services beginning November 30, 2019 and ending on September 30, 2029, quarterly access payments shall be made to each eligible private hospital;
 - (b) Each payment shall be in an amount equal to each hospital's outpatient Medicaid payments for the three (3) District Fiscal Years prior to the current District Fiscal Year, divided by the total in-District private hospital

outpatient Medicaid payments for the same District Fiscal Year, multiplied by one fourth (1/4th) of the total outpatient private hospital access payment pool.

- (c) The total outpatient private hospital access payment pool shall be equal to the total available spending room under the private hospital outpatient Medicaid upper payment limit for the corresponding District year, as determined by the State Medicaid agency;
- (d) Applicable private hospital 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; and
- (e) For visits and services beginning November 30, 2019 and ending on September 30, 2029, quarterly access payments shall be made to the United Medical Center as follows:
 - (1) Each payment shall be equal to one fourth (1/4th) of the total outpatient public hospital access payment pool; and
 - (2) The total outpatient public hospital access payment pool shall be equal to the total available spending room under the District-operated hospital outpatient Medicaid upper payment limit for the corresponding District Fiscal Year;
- (f) Payments shall be made fifteen (15) business days after the end of the quarter for the Medicaid visits and services rendered during that quarter; and
- (g) For purposes of this section, the term District Fiscal Year shall mean dates beginning on October 1st and ending on September 30th.