

**DEPARTMENT OF HEALTH
NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health, 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 (2002), Reorganization Plan No. 4 of 1996 and Mayor's Order 97-42, dated February 18, 1997, hereby gives notice of the adoption, on an emergency basis, of an amendment to sections 5200.4 and 5213.1 of Chapter 52 of Title 29 of the District of Columbia Municipal Regulations (DCMR), entitled "Medicaid Reimbursement For Mental Health Rehabilitative Services (MHRS)". The purpose of these proposed rules is to set forth the appropriate billing code for the MHRS services and increases in reimbursement rates for certain MHRS services: medication/somatic treatment, counseling, community-based intervention (CBI) and assertive community treatment (ACT).

The Medicaid MHRS reimbursement rates have not been adjusted since the inception of the program in 2001. The purpose of increasing the reimbursement rates for medication/somatic treatment, counseling, CBI and ACT is to ensure that qualified mental health service providers are participating in the MHRS program and available to provide needed mental health services.

The Department of Mental Health (DMH) retained a consultant with extensive experience in Medicaid rate setting to benchmark the MHRS reimbursement rates against comparable Medicaid-funded services in eleven (11) jurisdictions and against the Medicare rates for comparable services. As a result of the benchmarking study, DMH proposed that the Department of Health increase the reimbursement rates for the medication/somatic treatment, counseling, CBI and ACT services. In addition to increasing the reimbursement rates for those four services, DMH proposed an additional 20% differential for medication/somatic and counseling services provided for consumers under the age of twenty-two (22). The reimbursement rate differential for services provided to children and youth is intended to expand the capacity of the public mental health system to provide needed services to this population. DMH has primary responsibility for coordinating the provision of mental health services to children and adolescents in the child welfare system. A report of the results of the annual *Dixon* community service review of the mental health services provided to children and youth in the District of Columbia showed that there were significant deficits in the mental health service delivery system for children, including long waiting periods for needed therapy services. There is a national shortage of qualified mental health practitioners specializing in serving children and adolescents. The rate differential is intended to increase the number of qualified child and adolescent mental health practitioners who participate in the MHRS program and to incentivize qualified providers to enter the field of child and adolescent mental health. The projected cost of implementing these reimbursement rates in FY 2009 is a total of \$ 3.5 million dollars based on the expected FY'09 utilization rates. The District's projected share of the total cost is \$1.32 million dollars. The projected federal portion is \$2.23 million dollars.

Issuance of these rules on an emergency basis is necessary to increase the number of qualified providers participating in the MHRS program, especially qualified providers of services to

children, youth and their families. Emergency action is necessary for the immediate preservation of the health, welfare and safety of children, youth and adults with mental illness in need of mental health services.

The emergency rulemaking was adopted on September 23, 2008 and will become effective on November 1, 2008. The emergency rules will remain in effect for one hundred twenty (120) days or until January 20, 2009, unless superseded by publication of another rulemaking notice in the *DC Register*, whichever comes first.

The Director also gives notice of intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *DC Register*.

Chapter 52 of Title 29 DCMR (Medicaid Reimbursement for Mental Health Rehabilitative Services) is amended as follows:

Section 5200.4 shall be deleted in its entirety and amended to read as follows:

5200.4 Each MHRS provider shall comply with the certification standards set forth in Chapter 34 of Title 22A District of Columbia Municipal Regulations (DCMR).

Section 5213.1 shall be deleted in its entirety and amended to read as follows:

5213.1 Medicaid reimbursement for MHRS shall be determined as follows:

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Diagnostic/Assessment	T1023	An assessment, at least 3 hours in duration	\$ 240.00
Medication/Somatic Treatment	T1502	15 minutes	\$ 35.72 – Individual (ages 22 and over)
	T1502HA	15 minutes	\$ 38.96 – Individual (ages 0 – 21)
	T1502HQ	15 minutes	\$ 19.33 - Group
Counseling	H0004	15 minutes	\$ 19.50 Individual On-site (ages 22 and over)
	H004HA	15 minutes	\$ 20.31 - Individual On-Site (ages 0 – 21)
	H004HQ	15 minutes	\$ 10.45 - Group
Community Support	H0036	15 minutes	\$ 20.10 Individual
			\$ 8.67 Group

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Crisis/Emergency	H2011	15 minutes	\$ 33.57
Day Services	H0025	One day, at least 3 hours in duration	\$ 144.77
Intensive Day Treatment	H2021	One day, at least 5 hours in duration	\$ 164.61
Community-Based	H2022	15 minutes	\$ 31.35
Assertive Community Treatment	H0039	15 minutes	\$ 33.23

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be submitted in writing to Robert T. Maruca, Senior Deputy Director, Medical Assistance Administration, Department of Health, 825 North Capitol Street, N.E., Washington, D.C. 20002. Copies of these rules may be obtained from the same address.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY RULEMAKING

The Chairperson of the District of Columbia Taxicab Commission, pursuant to the authority set forth under section 105 of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2023; D.C. Official Code § 50-381(a) (2008 Supp)), Mayor's Order, 2007-231, dated October 17, 2007, hereby gives notice of the emergency rulemaking action taken on Thursday, September 25, 2008 to amend Section 801.6 of Title 31 of the District of Columbia Municipal Regulations to extend for a one hundred and twenty (120) day period the one dollar (\$1.00) per taxicab trip fuel surcharge set to expire at midnight, September 25, 2008. The extension will begin at 12:01 a.m. Friday, September 26, 2008 and will end at midnight, Friday, January 23, 2009, unless superseded by another rulemaking notice.

The emergency rulemaking action is to offset increases in fuel cost. Without the fuel surcharge, taxicab operators may not be able to continue to meet their public service obligations to provide vital transportation service to the public and preserve the status quo. The increased costs of fuel may cause many taxicab operators to leave the industry or discontinue taxicab service because they may not earn a fair return on their investment. Also, taxicab operators may not be able to meet basic health and welfare needs for themselves or their families. The potential termination of taxicab service may affect senior citizens and persons with disabilities who rely on taxicab service for medical care, extended health services, physical therapy, social, and other supportive services.

The fuel surcharge will only affect taxicab fares for service provided within the District of Columbia and does not apply to interstate fares.

Title 31 DCMR, Chapter 8, OPERATION OF TAXICABS, Section 801, Passenger Rates and Charges, is amended as follows:

- 801.6 (m) Emergency Fuel Surcharge - A \$1.00 emergency fuel surcharge applies to each taxicab trip within the District of Columbia for a one hundred and twenty (120) day period, which will begin at 12:01 a.m., Friday, September 26, 2008 and which will end at midnight, Friday, January 23, 2009.