

THE OFFICE OF CONTRACTING AND PROCUREMENT
NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia (CPO), pursuant to authority granted by section 204 of the District of Columbia Procurement Practices Act of 1985 (PPA), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2006 Repl.), and Mayor's Order 2002-207 (dated December 18, 2002), hereby gives notice of the adoption of the following emergency rules and of the intent to adopt final rulemaking to amend Chapter 32 by adding a new paragraph 3209 to permit the Department of Mental Health (DMH) to make advance payments to Mental Health Rehabilitation Services (MHRS) providers, as defined by Title 22A, D.C. Municipal Regulation, Chapter 3499, to provide mental health services to support newly-enrolled mental health consumers transferred from the D.C. Core Services Agency (DC CSA), as part of DMH's closure of the DC CSA. D.C. Official Code §7-1131.04(15) delegates to the DMH Director all procurement authority for the agency, which is to be exercised independent of the CPO, but otherwise fully consistent with the PPA.

This emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), is justified by the need to ensure preservation of the health and welfare of District residents being served by MHRS providers. The Chief Procurement Officer gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(b) of the PPA (D.C. Official Code § 2-302.05(b)), and will not take final rulemaking action until completion of the 60-day review period or Council approval of the rules by resolution before the end of the review period.

CHAPTER 32

CONTRACT FINANCING AND FUNDING

Title 27, Chapter 32, is amended by adding a new paragraph 3209 to read as follows:

- 3209 Notwithstanding subparagraphs 3205.1 and 3205.8 above, the contracting officer may authorize advance payments to a responsible mental health rehabilitation services (MHRS) provider, as defined by Title 22A, D.C. Municipal Regulation, Chapter 3499, to provide mental health services and supports to newly-enrolled mental health consumers transferred from the D.C. Core Services Agency (DC CSA) as part of the Department of Mental Health's plan to close the DC CSA. The contracting officer shall not charge interest on advance payments made to MHRS providers under this paragraph as provided in paragraph 3206.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001. Comments must be received no later than thirty (30) days from the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be obtained at the same address.

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

The Acting Director of the Department of Health Care Finance, 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), 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)), 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 (1) to establish a new billing code for assessing eligibility of consumers for behavioral health services; and (2) to establish a rate differential and new billing code for CBI Level I (multi-systemic) services.

A notice of emergency and proposed rulemaking was published in the *D.C. Register* on February 13, 2009 (56 DCR 001501). This rulemaking amends the previously published February 13th rules by (1) establishing a new billing code for assessing eligibility of consumers for behavioral health services; and (2) establishing a rate differential and new billing code for CBI Level I services.

Issuance of these rules on an emergency basis is necessary to increase the capacity of the public mental health system to provide needed diagnostic assessment services to the 4,000 mental health consumers transitioning from the government-operated District of Columbia Community Services Agency (DC CSA) to private, community-based provider agencies over the next eighteen (18) months. This transition is occurring in accordance with the plans developed by DMH as required by the Fiscal Year 2009 Budget Support Act of 2008, Title V, Subtitle I, Sec. 5022. Copies of DMH’s plans for the DC CSA are available on the DMH website (www.dmh.dc.gov), by clicking on the link labeled D.C. Community Services Agency Report to the Council. The new rate and code for diagnostic assessment services has been developed in response to concerns raised by the mental health consumers, mental health advocates and the mental health providers in response to the Implementation Plan that was submitted to the Council of the District of Columbia on January 22, 2009. Stakeholders were particularly concerned about ensuring that the public mental health system was structured to facilitate the diagnostic assessments needed to ensure a smooth transition from the DC CSA to a new provider. The new diagnostic assessment code is expected to facilitate a smoother transition by establishing a less intensive level of assessment by a consumer’s new mental health provider that is a reimbursable service and supports the essential need for a safety net function within the private provider network.

Issuance of these rules on an emergency basis is also necessary to ensure that appropriate levels of reimbursement for CBI Level I (multi-systemic therapy) services. This emergency action is responsive to concerns raised with DMH staff by the mental health consumers, mental health advocates and the mental health providers, in response to the previously published rules. CBI Level I (multi-system therapy) is an evidence-based, intensive mental health service delivery

model that has a long history of successful outcomes for children and youth with serious emotional disturbance. An immediate increase in the reimbursement rate for CBI Level I (multi-systemic therapy) is needed to ensure that this evidence-based service remains available to children and youth with serious emotional disturbance in the District of Columbia.

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 March 13, 2009 and became effective on that day. The emergency rules will remain in effect for one hundred twenty (120) days or until July 10, 2009, unless superseded by publication of another rulemaking notice in the *DC Register*, whichever comes first.

The Acting 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	T1023HE	An assessment, at least 3 hours in duration	\$ 240.00
	H0002	An assessment, 40 – 50 minutes in duration to determine eligibility for admission to a mental health treatment program	\$ 85.00
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

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
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
	H0036HQ	15 minutes	\$ 8.67 Group
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 Intervention (Level I)	H2033	15 minutes	\$45.94
Community-Based Intervention (Level II and Level III)	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 Julie Hudman, Acting Director, Department of Health Care Finance, 825 North Capitol Street, N.E., Suite 5135, Washington, D.C. 20002. Copies of these rules may be obtained from the same address.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting Director of the District Department of Transportation, pursuant to the authority of sections 2(L) and 11b(1) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002, D.C. Law 14-137, D.C. Official Code §§ 50-921.04(2)(L) and -921.35(a) (2008 Supp.), and Mayor's Order 2009-43 (March 26, 2009), hereby gives notice of the adoption, on an emergency basis, of the following rulemaking that amends Chapter 15 of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR). The new provisions revise the routes of the DC Circulator by eliminating the Fourth Street route, expanding the Smithsonian Loop route to include the National Mall, and adding a Woodley Park-Adams Morgan route. The new provisions also revise fare-related regulations and expand the hours of operation.

Emergency rulemaking action is necessary because the Washington Metropolitan Area Transit Authority eliminated two bus routes that affected the welfare of its commuters by creating a gap in service for workers, patrons, and citizens. Members of the public rely upon uninterrupted service of the DC Circulator upon arrival at Union Station and various other routes for safe transportation. The new DC Circulator routes and expanded hours of operation have been established to fill those voids.

This emergency rulemaking was adopted on March 27, 2009 and became effective immediately. The emergency rulemaking will expire in 120 days from that date, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

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

Chapter 15, DC CIRCULATOR, of Title 18 DCMR is amended as follows:**Subsection 1501.1 is amended as follows:**

Paragraph (c) is amended to read as follows:

(c) Georgetown Loop - Georgetown and other points bordering the Georgetown neighborhood;

Paragraph (e) is amended as follows:

(e) North-South Loop - Mt. Vernon Square, 7th or 9th Street, NW, the National Mall, and Water Street, SW;

Paragraph (f) is amended to read as follows:

(f) Smithsonian Loop - Constitution Avenue, 1st Street, NE, 1st Street, SE, Independence Avenue, and 17th Street; and

A new paragraph (g) is added to read as follows:

(g) Woodley Park-Adams Morgan-Downtown loop – Woodley Park to Downtown, which may include points in Adams Morgan, Columbia Heights, and 14th Street, NW.

Subsection 1501.2 is amended to read as follows:

1501.2. The routes established in § 1501.1 may operate 7 days a week between the hours of 5:00 a.m. and 3:30 a.m.

Subsection 1502.4 is amended as follows:

Paragraph (d) is amended to read as follows:

(d) Displaying a valid DC Circulator, Metrobus, or Metrorail pass, WMATA student farecard, or MetroAccess Card; or

Paragraph (e) is amended to read as follows:

(e) Displaying a transfer from a bus, train, or other vehicle upon the execution of an agreement between the Department and the owner or operator of such vehicle regarding the use of transfers.

Paragraph (f) is repealed.

Subsection 1599.1 is amended by amending the definition of the term “rechargeable fare media” to read as follows:

Rechargeable fare media - a plastic, permanent farecard issued by the Department or WMATA embedded with a computer chip that keeps track of the fare value of the farecard and any transfers between modes or operators. A WMATA SmartTrip Card is an example of a rechargeable fare media.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Freddie Fuller, Associate Director, District Department of Transportation, 2217 14th Street, N.W., Washington, D.C. 20009. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation’s website at www.ddot.dc.gov.