

DEPARTMENT OF MENTAL HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Mental Health (“Department”), pursuant to the authority set forth in sections 104 and 105 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04 and 7-1131.05), hereby gives notice of his intent to adopt a new Chapter 36 of Title 22A of the District of Columbia Municipal Regulations (“DCMR”), entitled “Child Choice Providers – Flexible Spending Local Funds Program”.

In 2009, the Department of Mental Health contracted with five (5) community providers of Mental Health Rehabilitation Services to become designated as Child Choice Providers in the child and youth system of care. Child Choice Providers are ones in which key core competencies have been demonstrated with respect to delivering high-quality, culturally-competent, evidence-based mental health services for children and youth and have a contract with the Department to provide these services. The Child Choice Providers are eligible to bill the Department up to a monthly ceiling provided in their contracts for locally-funded services and supports that are intended to augment the clinical services and increase the therapeutic benefit to the consumers. In order to ensure accurate billing, reimbursement, and auditing of expenses under the contract, this regulation creates a billing code and rate to allow each provider to submit claims for flexible spending reimbursement through the Department’s eCura system.

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

Title 22A DCMR is amended by adding a new chapter 36 to read as follows:

**CHAPTER 36 CHILD CHOICE PROVIDERS –
FLEXIBLE SPENDING LOCAL FUNDS PROGRAM****3600 CHILD CHOICE PROVIDERS – FLEXIBLE SPENDING LOCAL FUNDS
PROGRAM**

3600.1 This chapter establishes the “Child Choice, Flexible Spending Local Funds Program” under the code “FLEXN” within the Department of Mental Health’s eCura system. The establishment of the FLEXN code will help ensure the accurate billing, reimbursement, and auditing of District-funded, non-Medicaid-reimbursable expenses paid under the Child Choice Provider contracts.

3600.2 Nothing in this chapter grants to a Child Choice Provider agency the right to reimbursement for costs of providing FLEXN-code services. Eligibility for reimbursement for FLEXN-code services is determined solely by the contract between the Department and the Child Choice Provider and is subject to the availability of appropriated funds.

3601 FLEXIBLE SPENDING-CHILD CHOICE, LOCAL FUNDS PROGRAM CODE AND RATE

3601.1 The FLEXN code and rate are set forth below:

SERVICE	CODE	RATE
Flexible Spending-Child Choice, Local Funds	FLEXN	\$0.01

3602 ELIGIBILITY

3602.1 Only a Child Choice Provider that has incurred expenses eligible for reimbursement in accordance with its contract with the Department may bill the Department under this regulation.

3603 SUBMISSION OF CLAIM; PAYMENT OF VOUCHER

3603.1 The Child Choice Provider shall submit all FLEXN-code claims under the contract through eCura, pursuant to this chapter and the terms of the contract between the Department and the Child Choice Provider.

3603.2 The Child Choice Provider shall submit appropriate documentation to support all claims under the contract and upon request of the Department shall cooperate in any audit or investigation concerning this program.

3603.3 The Department will reimburse a Child Choice Provider for a claim that is determined by the Department to be eligible for reimbursement pursuant to the terms of the contract between the Department and the Child Choice Provider, subject to the availability of appropriated funds.

3699 DEFINITIONS

When used in this chapter, the following terms shall have the meaning ascribed:

Child Choice Provider – a Mental Health Rehabilitation Service (MHRS) Core Service Agency (CSA) with demonstrated ability to provide quality, evidence-based, innovative services and interventions to meet the most complex and changing needs of children, youth, and their families in the District, particularly those who have histories of abuse or neglect, and has a contract with the Department to provide these services as a Child Choice Provider.

FLEXN-code Services – non-Medicaid services and supports provided by a Child Choice Provider pursuant to a contract with the Department that are intended to augment and thereby increase the therapeutic benefit of clinical services provided to the consumers.

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 filed with the Office of General Counsel for the Department of Mental Health at 64 New York Avenue, N.E., 4th Floor, Washington, D.C. 20002, or e-mailed to Suzanne Fenzel, Assistant Attorney General, at Suzanne.Fenzel@dc.gov. Copies of the proposed rules may be obtained from dmh.dc.gov or from the Department of Mental Health at the address above.