

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
AND
ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**

SECOND ERRATA NOTICE FOR ZONING COMMISSION ORDER NO. 08-12

The Administrator of the Office of Documents and Administrative Issuances, pursuant to the authority set forth in the § 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-559), hereby gives notice of the following corrections to the text of the Notice of Final Rulemaking published in the District of Columbia Register, and issued by the Zoning Commission of the District of Columbia on November 14, 2008 at 55 DCR 11862. The Notice of Final Rulemaking amended the Zoning Map incorporated in Title 11 of the DCMR (Zoning) to rezone certain properties located in Ward 8 that were zoned R-5-A to the R-2, R-3, or the R-4 Zone District. This is the second errata notice for this rulemaking. The first errata notice was published in the District of Columbia Register on June 11, 2010 at 57 DCR 5050.

In the chart included in the Notice of Final Rulemaking, the following properties are deleted from the portion of the chart rezoning properties to the R-2 Zone District:

Square 5920, Lots 70-92. These properties were inadvertently listed twice, once in the R-2 portion, and once in the R-3 portion. They should have been listed only in the section rezoning them to the R-3 Zone District.

Inquiries regarding this notice shall be addressed by mail to Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001 or via telephone at (202) 727-5090.

DEPARTMENT OF MENTAL HEALTH**NOTICE OF FINAL 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.

A notice of proposed rulemaking was published in the *D.C. Register* on June 11, 2010 (57 DCR 5055). No comments were received on the proposed rules and no substantive changes have been made. These rules shall become effective on the date of publication of this notice in the *DC 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.

WASHINGTON CONVENTION AND SPORTS AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the Washington Convention and Sports Authority (“Authority”), pursuant to section 203 of the Washington Convention Center Authority Act of 1994, D.C. Law 10-188, D.C. Code § 10-1201.03 as amended (the “Act”), hereby gives notice of its final adoption of the following amendment to Chapter 3 of Title 19 of the District of Columbia Municipal Regulations. This amendment was originally adopted, on an emergency basis, on June 3, 2010, and a Notice of Emergency and Proposed Rulemaking was published in the *District of Columbia Register* on June 11, 2010 at 57 DCR 5063. The amendment reflects changes to the Act as a result of the Fiscal Year 2010 Budget Support Act of 2009, D.C. Law 18-111, which effectuated the merger of the Washington Convention Center Authority and the D.C. Sports and Entertainment Commission into the Washington Convention and Sports Authority, and which expanded the Authority’s statutory purpose. The amendment provides for flexibility in the Authority’s procurement process, particularly when entering into sole source contracts regarding the Authority’s real estate interests, as well as agreements to attract, sponsor or fund tourism, sports and entertainment and other events for the District of Columbia as required by the Act.

This rulemaking shall take effect immediately upon publication in the *District of Columbia Register*.

Chapter 3, Section 308, of Title 19 of the District of Columbia Municipal Regulations is amended as follows:

**CHAPTER 3. WASHINGTON CONVENTION AND SPORTS AUTHORITY:
PROCUREMENT****308. Sole Source Procurement.**

308.1 The CCO shall take all reasonable steps to avoid using sole source procurements.

308.2 The CCO may procure goods, services, or construction on a sole source basis without following the procedures set forth in sections 304, 305, and 306 if the CCO:

- (a) makes a written determination that the minimum needs of the Authority can only be met by such goods, services or construction and that the proposed sole source is the only source capable of providing them; or
- (b) makes a written determination that such goods, services or construction related to a transaction by the Authority regarding real property which it owns, intends to acquire, or which is under its control.

308.3 The CCO’s written determination shall include the following:

- (a) for a determination made under subsection 308.2(a):
 - (1) a description of the Authority's requirement, including the estimated cost;
 - (2) an explanation of the unique nature of the procurement and of the contractor's unique qualifications;
 - (3) a determination that the costs to the Authority will be fair and reasonable; and
 - (4) a description of the market survey conducted and list of potential sources contacted, or an explanation for why such description or list was not possible.

- (b) for a determination under subsection 308.2(b):
 - (1) a description of the goods, services or construction which are related to the real property transaction;
 - (2) the estimated cost to the Authority of the related goods, services or construction; and
 - (3) a determination that the costs to the Authority of the goods, services or construction will be fair and reasonable.

308.4 The CCO shall include all applicable standard contract clauses in any procurement made under Sections 308.2 and 308.3.

308.5 The CCO may enter into agreements to sponsor, or otherwise provide funding and/or in-kind services to, events that promote tourism, leisure travel, sports, sports teams, recreational events or entertainment events on a sole source basis without following the procedures set forth in sections 304, 305, 306, or this Section 308. In entering into any such agreement(s), the CCO shall ensure that the Authority's support is publicly recognized through methods which may include, but shall not be limited to, display of the Authority's marks, logos or brands during the sponsored event; press or media advisories; and, signage.