

## 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. 774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 Supp.)), and in Section 6(6) of 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) (2012 Repl.)), hereby gives notice of the adoption of amendments to Section 1924, entitled “Family Training Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These final rules establish standards governing reimbursement for professionals who provide family training services to caregivers of participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (“ID/DD Waiver”), and conditions of participation for the Medicaid providers employing family training services professionals.

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five (5) year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2015 Supp.)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Family training services are training, counseling, and other professional support services offered to the families of persons enrolled in the ID/DD Waiver or to other uncompensated persons providing support to an ID/DD Waiver participant. The most recent Notice of Final Rulemaking for 29 DCMR § 1924 (Family Training Services) was published in the *D.C. Register* on January 31, 2014, at 61 DCR 000846. A Notice of Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on October 30, 2015, at 62 DCR 014125, was adopted and became effective on October 20, 2015, and remained in effect until the adoption of a Notice of Second Emergency and Proposed Rulemaking. The Notice of Second Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on February 12, 2016 at 63 DCR 001717, was adopted and became effective on February 1, 2016, and remains in effect until May 31, 2016, or publication of this final rulemaking in the *D.C. Register*, whichever occurs first.

The first emergency and proposed rules amended the previously published final rules by: (1) modifying rates to reflect increased costs of providing service; (2) allowing Medicaid reimbursement of family training provided to uncompensated caregivers of people receiving supported living periodic services; and (3) excluding Medicaid reimbursement of family training services provided to people receiving supported living with transportation services, with the exception of family training provided to uncompensated caregivers of people receiving supported living with transportation periodic services. DHCF received no public comments on

the first emergency and proposed rules and no substantive changes were made. The second emergency and proposed rulemaking continued the changes in the first emergency and proposed rulemaking and updated the rates in Subsection 1924.16 to align with Waiver Year 4. DHCF received no public comments on the second emergency and proposed rules and no substantive changes were made.

The Director of DHCF adopted these rules as final on March 28, 2016, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Subsections 1924.13 and 1924.16 of Section 1924, FAMILY TRAINING SERVICES, are amended to read as follows:**

1924.13 Medicaid reimbursement shall not be available when family training services that are included in a person's ISP are provided concurrently with the following ID/DD Waiver services:

- (a) Supported living and supported living with transportation, with the exception of family training services which may be provided to uncompensated caregivers for people receiving supported living periodic or supported living with transportation periodic services;
- (b) Residential habilitation; or
- (c) Host home without transportation.

...

1924.16 The Medicaid reimbursement rate for family training services shall be sixty-one dollars (\$61.00) per hour, or fifteen dollars and twenty-five cents (\$15.25) per unit. The billable unit of service for family training services shall be fifteen (15) minutes.