

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) 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 (2016 Repl. & 2019 Supp.)), and 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) (2018 Repl.)), hereby gives notice of an amendment, on an emergency basis, to Section 995 (Medicaid Physician and Specialty Services Rate Methodology) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules provide DHCF the authority to make recurring periodic supplemental payments for one (1) fiscal year to Medicaid-enrolled physician groups, with at least five hundred (500) physicians that are members of the group, that contract with a public general hospital located in an economically underserved area of the District to deliver inpatient, emergency department, and intensive care physician services to Medicaid beneficiaries. These supplemental payments will mitigate the financial losses of eligible physician group practices that offer these critically important services to Medicaid beneficiaries. DHCF projects an increase in aggregate expenditures of approximately four and a half (\$4.5) million dollars in Fiscal Year 2020.

DHCF is also amending the District's State Plan for Medical Assistance. These proposed rules correspond to the State Plan Amendment (SPA), which requires approval by the Centers for Medicare and Medicaid Services (CMS). These rules shall become effective for services rendered on or after October 1, 2019 through September 30, 2020, if the corresponding State Plan Amendment (SPA) has been approved by CMS with an effective date of October 1, 2019, or on the effective date established by the CMS in its approval of the corresponding SPA, whichever is later.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Medicaid beneficiaries in need of inpatient, emergency, and intensive care physician services that are delivered by physicians. This emergency rulemaking will ensure that physicians that deliver these services are able to continue delivering critically important healthcare services to vulnerable District Medicaid beneficiaries in the District without interruption.

The emergency rulemaking was adopted on November 13, 2019, and shall become effective upon publication in the *D.C. Register*. The emergency rules will remain in effect for one hundred and twenty (120) days from the date of adoption until March 12, 2020, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to take final rulemaking action to adopt this emergency and proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 995, MEDICAID PHYSICIAN AND SPECIALTY SERVICES RATE METHODOLOGY, is amended to read as follows:**

**Subsection 995.8 is amended to read as follows:**

995.8 For services rendered on or after October 1, 2019 through September 30, 2020, supplemental payments in the amount described in § 995.10 shall be equally distributed among physician groups that meet the criteria described in Subsection 995.9.

**Subsection 995.10 is amended to read as follows:**

995.10 Supplemental payments made in accordance with Subsection 995.8 shall not exceed four and a half (\$4.5) million for Fiscal Year (FY) 2020.

**Subsection 995.11 is amended to read as follows:**

995.11 Payments shall be made in three (3) installments, aligning with the end of the first (1<sup>st</sup>), second (2<sup>nd</sup>), and third (3<sup>rd</sup>) quarters of the federal FY. All payments shall be made by June 30, 2020.

Comments on these rules should be submitted in writing to Melisa Byrd, Senior Deputy and Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4<sup>th</sup> Street, N.W., Suite 900, Washington D.C. 20001, via telephone on (202) 442-8742, via email at [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.