

## DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07 (2012 Repl.)), hereby gives notice of the intent to repeal Chapter 23 (Certification Standards for Substance Abuse Treatment Facilities and Programs) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The Department established a new Chapter 63, “Certification Standards for Substance Use Disorder Treatment and Recovery Providers” of Subtitle A (Mental Health) of Title 22 (Health) of the DCMR, effective September 4, 2015. The purpose of the new rule was to: 1) update the substance use disorder treatment and recovery service requirements to reflect improvements in the American Society of Addiction Medicine (“ASAM”) practice guidelines, including the addition of clinical care coordination services and the requirement that treatment services be performed by qualified practitioners; 2) establish new levels of care that improve person-centered, individualized treatment; 3) align the certification requirements with other certified programs within the authority of the Department of Behavioral Health; and 4) incorporate the requirements of the Adult Substance Abuse Rehabilitation Services (“ASARS”) State Plan Amendment (“SPA”), which allows Medicaid reimbursement for services falling within the ASARS requirements. Substance use disorder providers that were certified pursuant to Chapter 23 of Title 29 (Public Welfare), and other eligible providers, are required to become certified under the new Chapter 63 in order to continue to provide substance use disorder services. Providers certified pursuant to Chapter 23 were notified that Chapter 23 would be repealed effective May 31, 2016, and have therefore had a period of nine (9) months in order to ensure the new certifications standards were met if they wished to continue to provide services. Until this rulemaking is effective, to the extent that there is any conflict between the provisions of Chapter 23, Title 29 DCMR and Chapter 63, Title 22-A DCMR, the latter will govern.

The Director also gives notice of intent to take final rulemaking action in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. The repeal of Chapter 23 will be effective on that date.

**Chapter 23, CERTIFICATION STANDARDS FOR SUBSTANCE ABUSE TREATMENT FACILITIES AND PROGRAMS, of Title 29 DCMR, PUBLIC WELFARE, is repealed in its entirety and reserved.**

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 Suzanne Fenzel, Deputy Director, Office of Strategic Planning, Policy and Evaluation, Department of Behavioral Health, at 64 New York Ave., NE, 3rd Floor, Washington, D.C. 20002, or e-mailed to [Suzanne.Fenzel@dc.gov](mailto:Suzanne.Fenzel@dc.gov). Copies of the proposed rules may be obtained from [dbh.dc.gov](http://dbh.dc.gov) or from the Department of Behavioral Health at the address above.