

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Behavioral Health (DBH), pursuant to the authority set forth in Sections 5113, 5115, 5117, 5118 and 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06, 7-1141.07 and 7-1141.08 (2012 Repl. & 2014 Supp.)) and Sections 5041-5042 of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990 (October 3, 2014)), hereby gives notice of her intent to adopt, in not less than thirty (30) days of notice in the *D.C. Register*, a new Chapter 10, entitled “Fees and Trainer Expenses for Department of Behavioral Health Training Events”, to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed fee structure is to allow the DBH Training Institute (Training Institute) to produce high quality educational events conducive to adult learning that offer opportunities for DBH stakeholders and the general public to easily access behavioral healthcare educational opportunities otherwise unavailable in the District. Generating revenue from training events will improve the quality of all Training Institute educational events, expand the training department and course offering/certifications, and offset the current cost burden incurred by DBH for high-quality expert trainers.

Title 22-A DCMR, MENTAL HEALTH, is amended by adding a new Chapter 10 to read as follows:

CHAPTER 10 FEES AND TRAINER EXPENSES FOR THE DEPARTMENT OF BEHAVIORAL HEALTH TRAINING EVENTS

1000 PURPOSE

1000.1 This chapter establishes the fee structure for the Department’s training events and the allowable expenses to be paid to external trainers.

1001 FEES

1001.1 The Director may charge fees for training programs provided through the Department’s Training Institute that are approved for continuing education contact hours or incur costs associated with production. The Director may waive fees in his or her discretion for mandatory events or events for consumers and family members. Both governmental and non-governmental employees shall be subject to fees.

1001.2 In charging fees, the Director shall adhere to the following fee schedule:

Number of Contact Hours	Cost
2-4	Not to Exceed \$60.00
5-8	Not to Exceed \$120.00
10-16	Not to Exceed \$240.00
17 or more	Not to Exceed \$480.00

1001.3 The Director may charge a reasonable fee not to exceed five dollars (\$5.00) per registrant to cover the cost of any electronic enrollment and payment system.

1002 TRAINER FEES

1002.1 The Department shall not pay any trainer in excess of one-thousand five-hundred dollars (\$1,500.00) a day to participate in a Department-sponsored training event. The Director may in his or her discretion waive this requirement on a case by case basis when the proposed trainer is a national expert with superior qualifications and the waiver is necessary to provide the training.

1099 DEFINITIONS

1099.1 When used in this chapter, the following terms shall have the meaning ascribed:

Contact Hour – a measure of scheduled instruction or education training provided to the attendees, typically by licensed professionals, as a condition of receiving or maintaining a license, that does not include breaks or other content that does not meet the criteria set for the in the respective sponsorship authority approval guidelines.

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 David Shapiro, DBH Training Institute Manager, 64 New York Ave., NE, 3rd Floor, Washington, DC 20002 or david.shapiro@dc.gov. Additional copies of these rules are available from the Office of the General Counsel, Department of Behavioral Health.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Behavioral Health (DBH), as the successor-in-interest to the Department of Mental Health, pursuant to the authority set forth in Sections 5113, 5117(10) and (13), and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.06(10) and (13), and 7-1141.7), hereby gives notice of his intent to add a new Chapter 38 (Mental Health Community Residence Facilities) to Title 22 (Health), Subtitle A (Mental Health), of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the date of publication of this notice in the D.C. Register.

The proposed Chapter 38, titled "Mental Health Community Residence Facilities," will supersede and repeal Title 22, Subtitle B, Chapter 38, titled "Community Residence Facilities for Mentally Ill Persons," and will locate rules governing mental health community residence facilities (MHCRFs) in Title 22 of Subtitle A together with other mental health rules. The proposed Chapter 38 of Subtitle A also includes licensing provisions specifically applicable to MHCRFs, including prerequisites for obtaining a license, licensure categories, the inspection process, licensure renewal, licensure conversion, suspension, or revocation, and hearing requirements. Therefore, the provisions of Title 22, Subtitle B, Chapter 31 pertaining to licensing of healthcare and community residence facilities regulated by the Department of Health, will no longer apply to MHCRFs regulated by DBH. The proposed rules update the current Subtitle B, Chapter 38 rules adopted in 1995, to reflect changes in the Department's policies and requirements for MHCRFs since that time. More specifically, the rules address general eligibility requirements for living in a MHCRF, different categories of MHCRFs offering different levels of care, environmental and physical plant requirements, Operator and residence director responsibilities, staffing qualifications and requirements, and requirements for records maintenance.

Title 22-A DCMR, MENTAL HEALTH, is amended by adding a new Chapter 38 to read as follows:

CHAPTER 38 MENTAL HEALTH COMMUNITY RESIDENCE FACILITIES

3800	PURPOSE AND SCOPE OF CHAPTER	3
3801	REQUIREMENT TO HOLD A LICENSE	5
3802	MHCRF LICENSE AND INSPECTION FEES	5
3803	DISTRICT GOVERNMENT RIGHT OF ENTRY AND INSPECTION	5
3804	ELIGIBILITY REQUIREMENTS FOR LICENSURE	7
3805	APPLICATION FOR LICENSE	8
3806	INSPECTION FOR INITIAL LICENSURE	12
3807	DENIAL OF INITIAL LICENSURE	13
3808	NINETY-DAY PROVISIONAL LICENSE FOR NEWLY LICENSED FACILITIES: ISSUANCE, RENEWAL, AND	