

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Behavioral Health (Department), pursuant to the authority set forth in Sections 5113, 5115, 5117, and 5118 of the "Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013", signed November 8, 2013 (D.C. Act 20-0204, 60 DCR 15341 (November 8, 2013), and any similar succeeding legislation, hereby gives notice of the adoption, on an emergency basis, of a new Chapter 62, "Reimbursement Rates for Services Provided by the Department of Behavioral Health-Certified Substance Abuse Providers" to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these proposed and emergency rules is to set forth the reimbursement rates for services provided to eligible District residents by Department-certified substance abuse treatment facilities and programs which have an active Human Care Agreement with the Department to provide such services. This Notice of Second Emergency and Proposed Rulemaking makes one change to the original Notice of Emergency and Proposed Rulemaking adopted on October 1, 2013, and published in the *D.C. Register* on October 18, 2013 at 60 DCR 014839, by including the reimbursement rate for two (2) Family Counseling services.

Issuance of these rules on an emergency basis is necessary to ensure the continued provision of essential substance abuse treatment services under a uniform rate structure. The Department was created effective October 1, 2013 by a merger between the Department of Mental Health and the Addiction, Prevention and Recovery Administration of the Department of Health in order to allow for better integrated services for individuals with mental health and substance abuse issues. The merger required changes in provider Human Care Agreements and the development of uniform rates to avoid disparate rates across the provider network. Delay in promulgating the published reimbursement rates would result in interruption of substance abuse services. Therefore, emergency action is necessary for the immediate preservation of the critical substance abuse treatment services that will ensure the health, welfare, and safety of individuals with substance abuse disorders.

The first Notice of Emergency and Proposed Rulemaking was adopted on October 1, 2013 effective for services rendered on or after October 1, 2013, and expired January 28, 2014. This Notice of Second Emergency and Proposed Rulemaking was adopted on January 29, 2014 and is effective for services rendered on or after January 29, 2014. These emergency rules will remain in effect for one hundred twenty (120) days or until May 23, 2014, unless superseded by publication of another rulemaking notice in the *D.C. Register*.

The Director also gives notice of intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Subtitle A (Mental Health) of Title 22 (Health) of the DCMR is amended by adding a new Chapter 62 to read as follows:

CHAPTER 62 REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE DEPARTMENT OF BEHAVIORAL HEALTH CERTIFIED SUBSTANCE ABUSE PROVIDERS

6200 PURPOSE

6200.1 This chapter establishes the reimbursement rate for services provided to eligible District residents by Department of Behavioral Health (Department) certified substance abuse providers, as this term is defined in Chapter 23 (Certification Standards for Substance Abuse Treatment Facilities and Programs) of Title 29 (Public Health) of the District of Columbia Municipal Regulations (DCMR).

6200.2 Nothing in this chapter grants to a certified substance abuse provider the right to reimbursement for costs of substance abuse services and supports. Eligibility for reimbursement is determined solely by the Human Care Agreement between the Department and the certified substance abuse provider, and reimbursement is subject to the availability of appropriated funds.

6201 REIMBURSEMENT RATE

6201.1 Reimbursement for substance abuse services shall be as follows:

| SERVICE | CODE | RATE per UNIT |
|--|----------------|----------------------|
| Breathalyzer Urinalysis | H0003 | 15.00 |
| Breathalyzer Specimen Collection | H0048 | 8.80 |
| Case Management | H0006 | 20.02 |
| Case Management (HIV) | H0006V8 | 20.02 |
| Treatment Planning | T1007 | 22.00 |
| Treatment Planning - Complex IP | T1007TG | 24.00 |
| Counseling Group | H0005 | 10.45 |
| Counseling Group - Psycho-educational | H2027 | 3.51 |
| Counseling Group - Psycho-educational (HIV) | H2027V8 | 3.51 |

| SERVICE | CODE | RATE per UNIT |
|---|-----------|---------------|
| Counseling On-site - Behavioral Health Therapy | H0004 | 20.31 |
| Counseling, Family with Client | H0004HR | 20.31 |
| Counseling, Family without Client | H0004HS | 20.31 |
| Crisis Intervention | H0007HF | 33.57 |
| CS Peer Support Group - Substance Abuse | H0038HFHQ | 8.67 |
| CS Peer Support - Substance Abuse | H0038HF | 19.19 |
| Detoxification - Outpatient - Ambulatory | H0014 | 24.53 |
| Detoxification - Residential - Acute care | H0010 | 605.00 |
| Behavioral Health Screening - Determine eligibility | H0002HF | 85.00 |
| Behavioral Health Screening - Evaluate Risk Rating | H0002TG | 140.00 |
| Diagnostic Assessment - Community-Based | H0001HF | 425.00 |
| Diagnostic Assessment - Ongoing - Modify Tx Plan | H0001TS | 385.00 |
| Diagnostic Assessment - In-depth Exam - Youth | H0001HA | 240.00 |
| Diagnostic Assessment - Ongoing Follow-up - Youth | H0001HATS | 85.00 |

| SERVICE | CODE | RATE per UNIT |
|---|-----------|------------------|
| Intensive Outpatient - All Inclusive | H0015 | 74.25 |
| Intervention - Substance Abuse Recognition | H0022 | 27.17 |
| Dose - Methadone - Clinic or Take-Home | H0020 | 8.58 |
| Medication Assisted Therapy | H0020HF | 8.58 |
| Medication Management - Adult | H0016HF | 35.72 |
| Medication Management - Youth | H0016HAHF | 38.96 |
| Outpatient Therapy - Intensive | H0015HA | 164.61 |
| Prenatal Care, at-risk Assessment | H1000 | 142.56 |
| Prenatal Care, at-risk enhanced service - Ante- partum Management | H1001 | 80.08 |
| Prenatal Care, at-risk enhanced service - Care Coordination | H1002 | 80.08 |
| Prenatal Care, at-risk enhanced service - Education | H1003 | 80.08 |
| Prenatal Care, at-risk enhanced service - follow- up Home Visit | H1004 | 100.76 |
| Residential - Long term Therapeutic | H0019 | 132.55 |

| SERVICE | CODE | RATE per UNIT |
|--|---------|------------------|
| Residential - Long term Room & Board | H0043 | 72.90 |
| Residential Treatment - Inclusive | H0018 | 136.84 |
| Residential Treatment - Women w/1 child | H0019UN | 210.00 |
| Residential Treatment - Women w/2 children | H0019UP | 215.00 |
| Residential Treatment - Women w/3 children | H0019UQ | 220.00 |
| Residential Treatment - Women w/4 or more children | H0019UR | 225.00 |

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 Office of General Counsel for the Department of Behavioral Health at 64 New York Avenue, N.E., 3rd Floor, Washington, D.C. 20002, or e-mailed to Matthew Caspari, General Counsel, at Matthew.Caspari@dc.gov, or at telephone (202) 673-7505. Copies of the proposed rules may be obtained from dbh.dc.gov or from the Department of Behavioral Health at the address above.