

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Acting 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 adopt a new Chapter 64, “Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 63 Certified Substance Use Disorder 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, twenty-one (21) years of age or older, by substance use disorder treatment and recovery providers who have been certified pursuant to Chapter 63 of this title and have an active Human Care Agreement with the Department to provide such services.

Issuance of these rules on an emergency basis is necessary to ensure the continued provision of essential substance use disorder treatment services as providers are certified under a new chapter with new service standards. The Department of Behavioral Health created new certification standards promulgated in Chapter 63 of this title to 1) generally update the substance use disorder treatment and recovery service requirements to reflect improvements in the American Society of Addiction Medicine (“ASAM”) practice guidelines; 2) align the certification requirements with other certified programs within the authority of the Department of Behavioral Health; and 3) include the requirements of the Adult Substance Abuse Rehabilitation Services (“ASARS”) State Plan Amendment (“SPA”) which enables Medicaid reimbursement for services falling within the ASARS requirements. This reimbursement rule is necessary in order to reimburse providers using non-Medicaid local District funds for non-Medicaid services provided under that chapter. Delay in promulgating the published reimbursement rates would result in interruption of substance use disorder services. Therefore, emergency action is necessary for the immediate preservation of the critical substance use disorder treatment and recovery services that will ensure the health, welfare, and safety of individuals with substance abuse disorders.

The emergency rulemaking was adopted on November 19, 2015 and is effective for services rendered on or after December 1, 2015 by a provider certified pursuant to Chapter 63 of this title. The emergency rules will remain in effect for one hundred twenty (120) days after adoption or until March 18, 2016, unless superseded by publication of another rulemaking notice in the *D.C. Register*.

The Acting 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*.

Title 22-A DCMR, MENTAL HEALTH, is amended by adding a new Chapter 64 to read

as follows:

**CHAPTER 64 REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE
DEPARTMENT OF BEHAVIORAL HEALTH CHAPTER 63
CERTIFIED SUBSTANCE USE DISORDER PROVIDERS**

6400 PURPOSE

6400.1 This chapter establishes the reimbursement rate for services provided to eligible District residents ages twenty-one (21) and older by Department of Behavioral Health (Department) certified substance use disorder providers, as this term is defined in Chapter 63 (Certification Standards for Substance Use Disorder Treatment and Recovery Providers) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

6400.2 Establishment of these reimbursement rates will allow the Department to reimburse providers using non-Medicaid local funds for services provided in accordance with the Human Care Agreement to those clients who are not eligible for Medicaid funding and for those services that are not reimbursable by Medicaid. Reimbursement rates using non-Medicaid local funds are equivalent to the reimbursement rates for equivalent services which may be reimbursable by Medicaid.

6400.3 Nothing in this chapter grants to a certified substance use disorder provider the right to reimbursement for costs of substance use disorder services and supports. Eligibility for reimbursement is determined solely by the Human Care Agreement between the Department and the certified substance use disorder provider, and reimbursement is subject to the availability of appropriated funds.

6401 REIMBURSEMENT RATE

6401.1 Reimbursement for substance abuse services shall be as follows:

SERVICE	CODE	RATE per UNIT	UNIT
Urinalysis (Laboratory)	H0003	15.00	Per service
Breathalyzer Collection	H0048	8.80	Per service
Urinalysis Collection	H0048LR	8.80	Per

SERVICE	CODE	RATE per UNIT	UNIT service
Case Management	H0006	21.97	15 min.
Case Management (HIV)	H0006HKHF	21.97	15 min.
Clinical Care Coordination	T1017HF	26.42	15 min.
Counseling, Group	H0005	8.00	15 min.
Counseling, Group, Psycho-educational	H2027HQ	6.65	15 min.
Counseling, Group, Psycho-educational (HIV)	H2027HQHF	6.65	15 min.
Counseling, Individual, On-site, Behavioral Health Therapy	H0004HF	26.42	15 min.
Counseling, Individual, Off-site	H0004HFTN	27.45	15 min.
Counseling, Family with Client	H0004HFHR	26.42	15 min.
Counseling, Family without Client	H0004HFHS	26.42	15 min.
Crisis Intervention	H0007HF	36.93	15 min.
Short-term MMIWM	H0010	605.00	Per diem
Behavioral Health Screening, Initial, Determine eligibility	H0002HF	85.34	Per service
Behavioral Health	H0002TG	140.00	

SERVICE	CODE	RATE per UNIT	UNIT
Assessment, on- going, Risk Rating			Per service
Diagnostic Assessment, Comprehensive, Adult	H0001	256.02	Per service
Diagnostic Assessment, Brief, Modify Tx Plan	H0001TS	85.34	Per service
Medication Assisted Treatment, Methadone, Clinic or Take Home	H0020	8.58	Dose
Medication Assisted Therapy, Administration	H0020HF	8.58	Per Service
Medication Management, Adult	H0016	44.65	15 min.
Multi-systemic Therapy for Transition Age Youth (TAY) (ACRA) (ages 21 – 24)	H2033HF	57.42	15 min.
Residential Treatment, Room & Board	H0043	72.90	Per diem
Residential Treatment, Room & Board, Woman w/1 child	H0043UN	210.00	Per diem
Residential Treatment, Room & Board, Woman w/2	H0043UP	215.00	Per diem

SERVICE	CODE	RATE per UNIT	UNIT
children			
Residential Treatment, Room & Board, Woman w/3 children	H0043UQ	220.00	Per diem
Residential Treatment, Room & Board, Women w/4 or more children	H0043UR	225.00	Per diem
Recovery Support Evaluation, Alcohol/drug Assessment	H0001HF	85.34	Per service
Case Management, Recovery Support	T1017	21.97	15 min.
Environmental Stability, Supported Housing, Individual	H0044HF	849.00	Per month
Environmental Stability, Supported Housing, Woman w/children	H0044HFUN	1000.00	Per month
Prevention Education Service, Recovery Mentoring, Coaching	H0025HF	21.97	15 min.
Training and Skills Development, Life Skills, Individual	H2014	21.97	15 min.
Training and Skills Development, Life Skills, Adult, Group Substance Use	H2014HQ H0047HF	6.65 6.65	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
Disorder Services NOS, Spiritual Support Group			15 min.
PsychoSocial Rehabilitative Service, Recovery Social Activities, Group	H2017HQ	6.65	15 min.
PsychoSocial Rehabilitative Service, Education Services, Individual	H2017HF	21.97	15 min.
PsychoSocial Rehabilitative Service, Education Services, Group	H2017HFHQ	6.65	15 min.

6402 REIMBURSEMENT RATE FOR CLIENTS WHO ARE DEAF OR HARD-OF-HEARING

6402.1 Reimbursement for substance abuse services provided to clients who are deaf or hard-of-hearing by a provider certified to provide services to clients who are deaf or hard-of-hearing shall be as follows:

SERVICE	CODE	RATE per UNIT	UNIT
Urinalysis (Laboratory)	H0003HK	15.00	Per service
Breathalyzer Collection	H0048HK	11.88	Per service
Urinalysis Collection	H0048LRHK	11.88	Per service
Case Management	H0006HK	29.66	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
Case Management (HIV)	H0006HKHFHV	29.66	15 min.
Clinical Care Coordination	T1017HFHK	35.67	15 min.
Counseling, Group	H0005HK	10.80	15 min.
Counseling, Group, Psycho-educational	H2027HQHK	8.97	15 min.
Counseling, Group, Psycho-educational (HIV)	H2027HQHFHK	8.97	15 min.
Counseling, Individual, On-site, Behavioral Health Therapy	H0004HFHK	35.68	15 min.
Counseling, Individual, Off-site	H0004HFTNHK	37.06	15 min.
Counseling, Family with Client	H0004HFHRHK	35.68	15 min.
Counseling, Family without Client	H0004HFHSHK	35.68	15 min.
Crisis Intervention	H0007HFHK	49.85	15 min.
Short-term MMIWM	H0010HK	816.75	Per diem
Behavioral Health Screening, Initial, Determine eligibility	H0002HFHK	115.21	Per service
Behavioral Health Assessment, on-going, Risk Rating	H0002TGHK	189.00	Per service
Diagnostic	H0001HK	345.63	Per

SERVICE	CODE	RATE per UNIT	UNIT
Assessment, Comprehensive, Adult			service
Diagnostic Assessment, Brief, Modify Treatment Plan	H0001TSHK	115.21	Per Service
Medication Assisted Treatment, Methadone, Clinic or Take Home	H0020HK	8.58	Dose
Medication Assisted Therapy, Administration	H0020HFHK	11.58	Service
Medication Management, Adult	H0016HK	60.28	15 min.
Multi-systemic Therapy for Transition Age Youth (TAY) (ACRA) (ages 21 – 24)	H2033HFHK	77.52	15 min.
Residential Treatment, Room & Board	H0043HK	98.42	Per diem
Residential Treatment, Room & Board, Woman w/1 child	H0043UNHK	283.50	Per diem
Residential Treatment, Room & Board, Woman w/2 children	H0043UPHK	290.25	Per diem
Residential Treatment, Room &	H0043UQHK	297.00	Per diem

SERVICE	CODE	RATE per UNIT	UNIT
Board, Woman w/3 children			
Residential Treatment, Room & Board - Women w/4 or more children	H0043URHK	303.75	Per diem
Recovery Support Evaluation, Alcohol/drug Assessment	H0001HK	115.21	Per service
Case Management, Recovery Support	T1017HFHK	29.66	15 min.
Environmental Stability, Supported Housing, Individual	H0044HFHK	849.00	Per month
Environmental Stability, Supported Housing, Woman w/children	H0044HFUNHK	1000.00	Per month
Prevention Education Service, Recovery Mentoring, Coaching	H0025HFHK	29.66	15 min.
Training and Skills Development, Life Skills, Individual	H2014HK	29.66	15 min.
Training and Skills Development, Life Skills, Adult, Group	H2014HQHK	8.98	15 min.
Substance Use Disorder Services NOS, Spiritual Support Group	H0047HFHK	8.98	15 min.
PsychoSocial		8.98	15

SERVICE	CODE	RATE per UNIT	UNIT
Rehabilitative Service, Recovery Social Activities, Group	H2017HQHK		min.
PsychoSocial Rehabilitative Service, Education Services, Individual	H2017HFHK	29.66	15 min.
PsychoSocial Rehabilitative Service, Education Services, Group	H2017HFHQHK	8.98	15 min.

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. Copies of the proposed rules may be obtained from dbh.dc.gov or from the Department of Behavioral Health at the address above.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Sections 3(b)(11), (15), and (17) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(11), (15), and (17) (2012 Repl. & 2015 Supp.)), hereby gives notice of the adoption, on an emergency basis, of the following amendments to create a new Chapter 84 (General Educational Development (GED[®]) Testing) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (“DCMR”), and to delete Section 2320 (General Educational Development (GED[®]) Testing) of Chapter 23 (Curriculum and Testing) in Subtitle E (Original Title 5), Title 5 DCMR (Education), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rulemaking is to (1) align regulations with the 2014 Series of the GED[®] test, which is now a computer-based test; (2) to provide the flexibility needed to allow the District of Columbia to continue to act as the national GED[®] jurisdiction, which gives the Office of the State Superintendent of Education (OSSE) the authority to provide GED[®] testing and credentialing to a range of non-residents; and (3) establish new eligibility requirements for test takers. This emergency rulemaking is necessitated by the immediate need to ensure that OSSE maintains the national partnership with GED Testing Service which authorizes OSSE to provide GED[®] testing and credentialing to a range of non-residents and reduces the GED[®] test fee for District residents to fifteen dollars (\$15.00) total for all four (4) subject area tests.

The rules were adopted on December 10, 2015 and became effective on that date. The rules will remain in effect for up to one hundred twenty (120) days, expiring on April 8, 2016, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The State Superintendent of Education also gives notice of her intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

A new Chapter 84 is added to Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, as follows:

CHAPTER 84 GENERAL EDUCATIONAL DEVELOPMENT (GED[®]) TESTING**8400 GENERAL PROVISIONS**

8400.1 The Office of the State Superintendent of Education (“OSSE” or “State Superintendent”) is the sole entity authorized and responsible for the administration of the tests of General Educational Development (GED[®] test) for eligible applicants in the District of Columbia; and, is the sole entity authorized to certify and monitor other entities as official GED[®] testing sites for eligible applicants in the District of Columbia.

8401 ADMINISTRATION OF THE GED[®] TEST

- 8401.1 The content of the GED[®] test administered by the OSSE shall be determined or supplied by GED Testing Service.
- 8401.2 The State Superintendent shall refer all applicants seeking test-taking accommodations to GED Testing Service. The decision to provide test-taking accommodations is made solely by GED Testing Service.
- 8401.3 The GED[®] test is a computer-based test and shall be given on computer at an approved test center.
- 8401.4 A resident must complete all subjects in the same language in order to earn a GED[®] test credential.
- 8401.5 The GED[®] test shall not be administered for any purpose prohibited by GED Testing Service.

8402 ELIGIBILITY REQUIREMENTS

- 8402.1 An applicant is eligible to take the GED[®] tests in the District of Columbia if the applicant:
- (a) Establishes evidence of residence in the District of Columbia, as defined in this chapter, at the time of both application and examination by presenting documentation in compliance with D.C. Official Code § 38-309-310;
 - (b) Has not already graduated or matriculated from a traditional high school program;
 - (c) Prior to taking each GED[®] subject test, demonstrates preparedness to successfully complete the test by:
 - (1) Providing documentation of the completion of the corresponding GED[®] subject test of the official practice test, the GED Ready[®], with a result of “likely to pass” or “too close to call” for that Module; or
 - (2) Providing a letter from a GED[®] preparation program recognized by the State Superintendent stating that the applicant has participated in that program and is prepared to successfully complete the corresponding GED[®] subject test; and
 - (d) Is at least eighteen (18) years old, and meets one of the following criteria:

- (1) The applicant has not been enrolled in a traditional high school program for a period of not less than six (6) months prior to submitting an application;
- (2) The applicant was a member of a high school class which has already graduated;
- (3) The applicant has officially withdrawn from a traditional high school program without re-enrollment for a period of not less than six (6) months, during which time the applicant has been enrolled in a GED[®] preparatory class; or
- (4) The applicant is certified by a GED[®] preparation program sponsored by the government of the District of Columbia or the federal government.

8402.2 Exceptions to the criteria stated in § 8402.1(c) or (d) shall be approved by the State Superintendent or an authorized designee.

8402.3 Nonresidents of the District of Columbia who are otherwise eligible may apply and participate in GED[®] testing and credentialing in the District if they fall under one (1) of the following criteria:

- (a) The applicant is currently serving as a member, or dependent family member, of the Armed Forces of the United States on active duty assignment in the District of Columbia;
- (b) The applicant is a trainee in a program sponsored by the government of the District of Columbia or federal government which is operated in the District of Columbia; or
- (c) The applicant is a ward of the District of Columbia.

8402.4 Notwithstanding the criteria established for nonresidents in Subsection 8402.3 of this chapter, the State Superintendent may waive the residency requirements of Subsection 8402.1(a) of this chapter and provide GED[®] testing and credentialing to nonresidents who are otherwise qualified under GED Testing Service's testing policies.

8402.5 The State Superintendent shall also provide GED[®] testing and credentialing services to persons incarcerated or confined in institutions located in the District of Columbia or operated by the District outside the physical boundaries of the District.

8403 RETESTING

8403.1 An applicant who has taken any GED[®] subject test and failed to meet the minimum standards for qualification may apply to retake the test that was failed after the expiration of the applicable waiting period, as follows:

- (a) Thirty (30) calendar days, if the applicant has taken the corresponding GED Ready[®] test, the official practice test for the GED[®] test and achieved a result of “likely to pass” or “too close to call” since the date of their failed attempt; or
- (b) Sixty (60) calendar days if the applicant has tested and failed the subject test three times and sixty (60) calendar days waiting period between each subsequent administration of the same subject test.

8403.2 Exceptions to the criteria stated in § 8403.1 shall be approved by the State Superintendent or an authorized designee.

8404 FEE SCHEDULE

8404.1 The Superintendent shall adopt and publicize uniform fees for the administration of each GED[®] test and subsequent re-tests.

8404.2 Waivers of the testing fees stated in § 8404.1 may be approved by the State Superintendent or an authorized designee in cases of demonstrated financial hardship.

8405 ISSUANCE OF THE GED[®] CREDENTIAL

8405.1 The State Superintendent shall approve the issuance of the District of Columbia GED[®] credential, as defined in this chapter, pursuant to statutory requirements, the requirements of GED Testing Service, and the provisions of this section.

8405.2 Approval of the issuance of GED[®] credentials by the State Superintendent shall be based upon certification that the applicants are qualified by virtue of having fulfilled all requirements for issuance of the credential.

8405.3 GED Testing Service shall establish the minimum qualifying score for issuance of a District of Columbia GED[®] Credential and the Superintendent shall reserve the option of establishing a higher passing score for the District of Columbia at any time.

8499 DEFINITIONS

“**Applicant**” means the individual who is seeking to take the GED[®] test.

“**Credential**” means the certificate and/or the state diploma provided by OSSE for successfully passing the GED[®] test.

“GED[®] test” means the nationally recognized high school equivalency test.

“Module” means a single subject area being measured by the GED[®] test.

“OSSE” means the Office of the State Superintendent of Education.

“Residence” means the address where the applicant’s parent, legal guardian, custodian or other primary caregiver resides, if the applicant is under eighteen (18), or if the applicant is an adult, or emancipated minor, the address where the applicant actually resides.

Chapter 23, CURRICULUM AND TESTING, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2320, GENERAL EDUCATIONAL DEVELOPMENT (GED[®]) TESTING, is deleted in its entirety.

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* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: State Education Agency Diploma, 810 First Street, NE 9th Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.