

DEPARTMENT OF MENTAL HEALTH
NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Mental Health (Department), pursuant to the authority set forth in sections 104 and 105 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04 and 7-1131.05 (2008 Repl.)) hereby gives notice of the intent to adopt a new chapter 58, to be entitled “Independent Mental Health Community Residence Facility Supportive Services — Reimbursement”, of subtitle A (Mental Health) of title 22 (Health) of the District of Columbia Municipal Regulations.

The Department licenses Mental Health Community Residence Facilities (MHCRFs) to provide group housing for individuals with serious mental illnesses who are not able to live independently. These individuals have been found by the Department to require a certain level of care within their homes. Those individuals who are more seriously mentally ill, and therefore require more intensive services, live in contracted MHCRFs where the MHCRF operator has a contract with the Department to provide additional supports and services to the individuals to help ensure a successful community tenure. Individuals who do not require such intensive supports and services can reside in independent MHCRFs; that is, MHCRFs that receive no additional funding from the Department and are only required to provide the level of services and supports specified in the MHCRF regulations, 22 DCMR B38.

Individuals who require the support provided in a contracted MHCRF may, on occasion, live instead in an independent MHCRF until such time as they can be placed in a contracted MHCRF or their condition improves so that they only need the level of care provided by an independent MHCRF. In those instances the independent MHCRF may have to provide additional services and supports until the person can be moved or until the individual no longer requires the additional supports. Independent MHCRFs may enter into a special Human Care Agreement with the Department so that in those situations when a person needs additional supports, the independent MHCRF can receive some funding in order to ensure the supports are provided and the person can continue to remain in the community until he or she can be placed in the more structured contract MHCRF.

The proposed rules establish the reimbursement requirements and rate for those qualified independent MHCRF operators who provide additional supports pursuant to a contract with the Department to those individuals who have been determined to need such additional supports.

The Director gives notice of the 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 District of Columbia Municipal Regulations is amended by adding a new chapter 58 to read as follows:

**CHAPTER 58 INDEPENDENT MENTAL HEALTH COMMUNITY RESIDENCE
FACILITY SUPPORTIVE SERVICES - REIMBURSEMENT**

5800 PURPOSE

5800.1 This chapter establishes the reimbursement rate for the Independent Mental Health Community Residence Facility Supportive Services. Establishment of a reimbursement rate will allow the Department of Mental Health (Department) to contract with independent Mental Health Community Residence Facility (MHCRF) operators who enter into a Human Care Agreement (HCA) with the Department to provide additional supportive services for specific consumers at an established rate.

5800.2 Nothing in this chapter grants to an independent MHCRF operator the right to reimbursement for costs of MHCRF services. Eligibility for reimbursement for supportive services is determined solely by the HCA between the Department and the independent MHCRF operator and is subject to the availability of appropriated funds.

5801 REIMBURSEMENT RATE

5801.1 The Independent MHCRF Supportive Services rate is as set forth below:

SERVICE	RATE	UNIT
Supportive Services (Independent MHCRF)	\$10.00	Daily

5802 ELIGIBILITY

5802.1 Only a licensed independent MHCRF operator who has entered into a HCA with the Department to provide services to individuals who require a higher level of care, as determined by an assessment and treatment plan, will be eligible for reimbursement in accordance with its HCA with the Department, and may bill the Department under this chapter.

5803 SUBMISSION OF CLAIM; PAYMENT OF VOUCHER

5803.1 The licensed independent MHCRF operator shall submit all Supportive Services claims under the HCA by invoice, pursuant to this chapter and the terms of the HCA between the Department and the licensed independent MHCRF operator.

5803.2 The licensed independent MHCRF operator shall submit appropriate documentation to support all claims under its HCA with the Department.

5803.3 The Department will reimburse a licensed independent MHCRF operator for a claim that is determined by the Department to be eligible for reimbursement pursuant to the terms of the HCA between the Department and the licensed independent MHCRF operator, subject to the availability of appropriated funds.

5804 AUDITS

5804.1 A licensed independent MHCRF operator shall, upon the request of the Department, cooperate in any audit or investigation concerning the Independent MHCRF Supportive Services program.

5899 DEFINITIONS

5899.1 When used in this chapter, the following terms shall have the meaning ascribed:

Mental Health Community Residence Facility (MHCRF) - a publicly or privately owned residence licensed in accordance with 22 DCMR B38, that houses individuals, eighteen (18) or older, with a principal diagnosis of mental illness and who require twenty-four hour (24 hr.) on site supervision, personal assistance, lodging, and meals and who are not in the custody of the District of Columbia Department of Corrections.

Independent Mental Health Community Residence Facility (MHCRF) Operator – an individual or entity which is licensed to operate an MHCRF and whose only contract with the Department is for supportive services pursuant to this rule.

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 Mental Health at 64 New York Avenue, N.E., 4th Floor, Washington, D.C. 20002, or e-mailed to Suzanne Fenzel, Assistant Attorney General, at Suzanne.Fenzel@dc.gov or at telephone (202) 673 - 2293. Copies of the proposed rules may be obtained from dmh.dc.gov or from the Department of Mental Health at the address above.