

**DEPARTMENT OF HEALTH CARE FINANCE &
DEPARTMENT ON DISABILITY SERVICES**

PUBLIC NOTICE OF PROPOSED AMENDMENTS

**Home and Community-Based Services Waiver for
Persons with Intellectual and Developmental Disabilities**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02) (2012 Repl. & 2014 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), and the Director of the Department on Disability Services (DDS), pursuant to authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.* (2012 Repl.)), hereby give notice of their intent to amend certain rates for services through the District of Columbia Medicaid program's Home and Community-Based Services (HCBS) Waiver for Persons with Intellectual and Developmental Disabilities (IDD).

DHCF and DDS submitted proposed amendments to the HCBS IDD waiver that were approved by the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on September 24, 2015. Those amendments included changes to waiver service definitions, provider qualifications, and rates, and were subject to a comprehensive public input process, including publication in the *D.C. Register* at 62 DCR 11999-12001 (Aug. 28, 2015); 61 DCR 12351-12357 (Nov. 28, 2014); 61 DCR 11597-11603 (Oct. 31, 2014); and 61 DCR 2330-2333 (Mar. 14, 2014). During the time period in which the amendments were pending CMS approval, and during the last public comment period (which began on August 28, 2015, and continued through September 28, 2015), DDS and DHCF discovered a formula error applied to the overtime/paid time off calculations in the rate-book Excel spreadsheets that impacted the rates for Supported Living, Supported Living with Transportation and Residential Habilitation Services. The proposed rates below correct the formula error, account for additional direct support staffing time for Supported Living with Transportation and Residential Habilitation Services, and implement the D.C. Living Wage for 2016, among other things.

Accordingly, DHCF and DDS propose the following changes in certain rate components and reimbursements to be effective upon publication of the implementing regulations. Please note that the agencies are only publishing proposed rates that have changed since the last publication and public comment period.

- (1) All Direct Support Professional (DSP) hourly wages have been increased to thirteen dollars and eighty-seven cents (\$13.87) to match the rate paid in the Intermediate Care Facility for Individuals with Intellectual and Developmental Disabilities (ICF/IID) methodology, so that there is parity in the programs, and to

satisfy the D.C. Living Wage for 2016, which is thirteen dollars and eighty-four cents (\$13.84).

- (2) DSP staffing patterns have been increased two (2) to three (3) hours depending on the intensity of the service to ensure staff coverage during the first shift on Monday through Friday for the hours prior to people leaving for day/vocational or employment services.
- (3) The transportation cost center for Supported Living with Transportation and Residential Habilitation includes eight (8) hours of a DSP, plus paid time off.
- (4) The transportation cost center allocation for operational transportation costs (*i.e.* gas, lease, maintenance, public transportation) has been reduced from eighteen dollars (\$18.00) per day to twelve dollars (\$12.00) per day to align with the ICF/IID rate model.
- (5) There is no increase in hourly wages for the RN, LPN, House Manager or QIDP. The current wages exceed those paid by the DHCF cost model for ICF/IID homes for fiscal year 2016.
- (6) All direct care staffing paid time off and overtime (PTO/OT) calculations have been *corrected*, eliminating the doubling error applied to the FTEs for positions eligible for PTO/OT that had been identified by DHCF in 2015.
- (7) The Medicaid reimbursement rate for supported living services without transportation shall be as follows:
 - (a) Basic Support Level 1: Provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 during all hours when individuals are awake and receiving services. The reimbursement rate shall be two hundred thirty-one dollars and eleven cents (\$231.11) per day;
 - (b) Basic Support Level 2: Provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 1:3 during all awake hours when the residents are receiving services. The reimbursement rate shall be two hundred forty-one dollars and thirty-nine cents (\$241.39) per day;
 - (c) Moderate Support Level 1: Provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during the remaining awake hours, and 1:3 staff asleep overnight coverage. The reimbursement rate shall be three hundred twenty-six dollars and twenty-two cents (\$326.22) per day;

- (d) Moderate Support Level 2: Provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during remaining awake hours, and 1:3 staff awake coverage overnight. The reimbursement rate shall be three hundred thirty-six dollars and fifty cents (\$336.50) per day;
- (e) Intensive Support Level 1: Provides support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be three hundred seventy-five dollars and sixty-eight cents (\$375.68) per day;
- (f) Intensive Support Level 2: Provides support for a home with three (3) residents and a direct care staff support ratio of 2:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be four hundred twenty-four dollars and ninety-eight cents (\$424.98) per day;
- (g) Basic Support Level 1: Provides asleep overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 during all hours when individuals are awake and receiving services. The reimbursement rate shall be three hundred fifteen dollars and fifty-nine cents (\$315.59) per day;
- (h) Basic Support Level 2: Provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 1:2 during all awake hours when the residents are receiving services. The reimbursement rate shall be three hundred twenty-eight dollars and thirty-four cents (\$328.34) per day;
- (i) Moderate Support Level 1: Provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 2:2 for four (4) hours a day, 1:2 during remaining awake hours and 1:2 staff awake coverage overnight. The reimbursement rate shall be three hundred ninety-two dollars and twenty-nine cents (\$392.29) per day;
- (j) Moderate Support Level 2: Provides support in a supported living residence with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for eight (8) hours a day, 1:2 during remaining awake hours when residents are in the home and adjusted for increased absenteeism. The rate shall be four hundred forty dollars and twenty-one cents (\$440.21) per day;

- (k) Intensive Support Level 1: Provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for all awake hours when residents are in the home and adjusted for increased absenteeism. The rate shall be five hundred fifteen dollars and forty-three cents (\$515.43) per day;
 - (l) Supported living periodic services: The hourly rate shall be twenty-three dollars and ninety-six cents (\$23.96) billable in quarter-hour units (fifteen minutes) of five dollars and ninety-nine cents (\$5.99) per billable unit;
 - (m) There shall be a specialized service rate for supported living with skilled nursing services. The rate shall be five hundred three dollars and fifty-three cents (\$503.53) per day without transportation, when there are at least three (3) people living in the supported living residence or residing in a home that require skilled nursing services and demonstrate extraordinary medical needs; and
 - (n) There shall be a specialized service rate for twenty-four hour one-to-one supported living service for a person living in a single occupancy supported living residence. The rate shall be six hundred and eight dollars and seven cents (\$608.07) for asleep overnight staff and six hundred twenty-seven dollar and fifteen cents (\$627.15) for one-to-one awake overnight staff.
- (8) The Medicaid reimbursement rate for supported living services with transportation shall be as follows:
- (a) Basic Support Level 1: Provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 during all hours. The reimbursement rate shall be three hundred thirteen dollars and nine cents (\$313.09) per day;
 - (b) Basic Support Level 2: Provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 1:3 during all awake hours. The reimbursement rate shall be three hundred twenty-three dollars and thirty-seven cents (\$323.37) per day;
 - (c) Moderate Support Level 1: Provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during the remaining awake hours, and 1:3 staff asleep overnight coverage. The reimbursement rate shall be four hundred eight dollars and nineteen cents (\$408.19) per day;

- (d) Moderate Support Level 2: Provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during remaining awake hours, and 1:3 staff awake coverage overnight. The reimbursement rate shall be four hundred eighteen dollars and forty-seven cents (\$418.47) per day;
- (e) Intensive Support Level 1: Provides support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be four hundred fifty-seven dollars and sixty-six cents (\$457.66) per day;
- (f) Intensive Support Level 2: Provides support for a home with three (3) residents and a direct care staff support ratio of 2:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be five hundred six dollars and ninety-five cents (\$506.95) per day;
- (g) Basic Support Level 1: Provides asleep overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 staff asleep overnight coverage and 1:2 staff awake coverage when residents are receiving services. The reimbursement rate shall be three hundred eighty-nine dollars and fifteen cents (\$389.15) per day;
- (h) Basic Support Level 2: Provides overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 1:2 during all awake hours when the resident is receiving services. The reimbursement rate shall be four hundred one dollars and ninety cents (\$401.90) per day;
- (i) Moderate Support Level 1: Provides awake overnight daily rate for a home with two (2) residents and a direct care staff support ratio of 2:2 for four (4) hours a day, 1:2 during remaining awake hours and 1:2 staff awake coverage overnight shall be four hundred sixty-five dollars and eighty-six cents (\$465.86) per day;
- (j) Moderate Support Level 2: Provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for eight (8) hours a day, 1:2 during remaining awake hours when residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be five hundred thirteen dollars and seventy-eight cents (\$513.78) per day;

- (k) Intensive Support Level 1: Provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for all awake hours when residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be five hundred eighty-eight dollars and ninety-nine cents (\$588.99) per day;
 - (l) Periodic: The hourly rate shall be twenty seven dollars and eight cents (\$27.08) per hour billable in quarter-hour units of six dollars and seventy-seven cents (\$6.77) per fifteen (15) minute unit;
 - (m) There shall be a specialized service rate for supported living with skilled nursing services. The reimbursement rate is five hundred fifty-nine dollars and ten cents (\$559.10) per day, when there are at least three (3) people living in the supported living residence or home who require Skilled Nursing Services and demonstrate extraordinary medical needs.
 - (n) There shall be a specialized service rate for twenty-four (24) hour one-to-one supported living service for a person living in a single occupancy supported living residence. The reimbursement rate is seven hundred thirty-five dollars and sixty-two cents (\$735.62) asleep overnight staff and seven hundred fifty-four dollars and seventy cents (\$754.70) for one-to-one awake overnight staff.
- (9) The reimbursement rate for residential habilitation services for a Group Home for People with Intellectual Disabilities with four (4) persons shall be as follows:
- (a) The Basic Support Level 1 daily rate shall be two hundred sixty-six dollars and seventy-eight cents (\$266.78) for a direct care staff support ratio of 1:4 for all awake and overnight hours;
 - (b) The Moderate Support Level 2 daily rate shall be three hundred seventy-four dollars and eighty-seven cents (\$374.87) for a direct care staff support ratio of 1:4 for awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
 - (c) The Enhanced Moderate Support Level 3 daily rate shall be four hundred and twenty dollars and three cents (\$420.03) for a direct care staff support ratio of 2:4 staff awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
 - (d) The Intensive Support daily rate shall five hundred ten dollars and eighty-two cents (\$510.82) for a direct care staff support ratio of 2:4 staff awake

overnight and 3:4 during all awake hours when persons are in the home and adjusted for increased absenteeism; and

- (e) The Intensive Support daily rate shall be six hundred six dollars and thirty-one cents (\$606.31) for twenty-four (24) hour licensed practical nursing services.
- (10) The reimbursement rate for residential habilitation services for a Group Home for People with Intellectual Disabilities with five (5) to six (6) persons shall be as follows:
- (a) The Basic Support Level 1 daily rate shall be two hundred eighty-nine dollars and fourteen cents (\$289.14) for a direct care staff support ratio of 1:5 or 1:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home;
 - (b) The Moderate Support Level 2 daily rate shall be three hundred fifty-seven dollars and twenty-nine cents (\$357.29) a direct care staff support ratio of 2:5 or 2:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
 - (c) The Enhanced Moderate Support Level 3 daily rate shall be three hundred ninety-seven dollars and ninety-two cents (\$397.92) for a staff support ratio of 2:5 or 2:6 staff awake overnight and 3:5 or 3:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
 - (d) The Intensive Support daily rate shall be four hundred ninety-five dollars and ninety-eight cents (\$495.98) for increased direct care staff support for sleep hours to 2:5 or 2:6 for staff awake overnight support and 4:5 or 4:6 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
 - (e) The Intensive Support daily rate shall be five hundred seven dollars and seventeen cents (\$507.17) for twenty-four (24) hour licensed practical nursing services.

Copies of the proposed rate books for the amendments to the HCBS IDD waiver are available on the DDS website at <http://dds.dc.gov/page/waiver-amendment-information> or upon request from Laura L. Nuss, Director, D.C. Department on Disability Services, 1125 Fifteenth Street, N.W., 4th Floor, Washington, D.C. 20005.

There are two opportunities to provide comments on the proposed HCBS IDD waiver rate amendments:

Written comments on the proposed HCBS IDD waiver rate amendments shall be submitted to Laura L. Nuss, Director, D.C. Department on Disability Services, 1125 Fifteenth Street, N.W., 4th Floor, Washington, D.C. 20005, or via e-mail at dds.publiccomments@dc.gov, during the thirty (30) day public comment period, starting from the date this notice is published in the *D.C. Register*. DHCF and DDS will hold a public forum during which written and oral comments on the proposed amendments will be accepted. The public forum will be held at the D.C. Department on Disability Services, 1125 Fifteenth Street, N.W., Washington, D.C. 20015 on Monday, January 11, 2016 at 1:30 PM.

Copies of this notice also will be published on the DDS website at <http://dds.dc.gov> and on the DHCF website at <http://dhcf.dc.gov>.

For further information, contact Erin Leveton, Program Manager, DDS State Office of Disability Administration, at (202) 730-1754, or erin.leveton@dc.gov.