

**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. & 2013 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.*), 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), pending approval by the Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

The proposed amendments to the HCBS Waiver contain changes to the methods and standards for setting payment rates for some services. DHCF and DDS previously published public notice of a series of proposed changes in rate methodologies and reimbursements, among other things, in the D.C. Register at: 61 DCR 2330-2333 (Mar. 14, 2014); 61 DCR 11597 (Oct. 31, 2014) and 61 DCR 12231 (Nov. 28, 2014). Following the public comment period, DHCF and DDS submitted proposed waiver amendments to CMS. As part of the CMS review process, DHCF and DDS received a series of questions regarding how rates were developed, resulting in a re-review of the rate methodologies. Based upon that review, we are publishing for public comment the following proposed changes in rate methodologies and reimbursements, to be effective upon approval by CMS and publication of implementing regulations. Please note that we are only publishing proposed rates that have changed since the last publication and public comment period.

1. CMS requested additional detailed information regarding the rate setting methodology for each waiver service, and specifically questioned why the indirect component of the rates ranged between 15 and 20%. DDS no longer had in the records the back-up detail that supported the various indirect percentages developed in 2010 for each rate developed in, and as a result, was required to re-develop the indirect cost calculations for each service. The

indirect calculations updated for 2015 slightly altered the rate methodology resulting in reductions by 1% or less to the rates for hourly Respite, some Supported Employment services and Individualized Day Supports.

- a. For Respite, the proposed rate is \$5.13 per quarter hour.
  - b. For Supported Employment Paraprofessional Services, the proposed rate is \$7.14 per quarter hour.
  - c. For Supported Employment Professional Individual Services, the proposed rate is \$11.86 per quarter hour.
  - d. For Individualized Day Supports at 1:2 ratio, the proposed rate is \$5.31 per quarter hour.
  - e. For Individualized Day Supports at 1:1 ratio, the proposed rate is \$9.40 per quarter hour.
2. The updated indirect rate calculation for Supported Living with Transportation periodic alternatively increased the rate by approximately 2% as a result of adjustments that were made to reflect the increases in costs associated with the time spent transporting individual waiver participants to different locations for day and vocational services that the District has experienced now that the service is being utilized. The proposed rate is \$6.75 per quarter hour.
3. In response to questions from CMS, there is a proposed change to the rates for Day Habilitation and Employment Readiness in response to identifying an error in the methodology. The methodology assumed 260 program days when in fact the District recognizes eleven (11) holidays and as such the number of program days should have been 249 days per year.
- a. For Day Habilitation, the proposed rate is \$5.43 per quarter hour.
  - b. For Small Group Day Habilitation, the proposed rate is \$8.20 per quarter hour.
  - c. For Day Habilitation 1:1 supports, the proposed rate is \$10.28 per quarter hour.
  - d. For Employment Readiness, the proposed rate is \$4.68 per quarter hour.
4. There is a proposed rate modifier for nutritionally adequate meal for participants in Day Habilitation, Small Group Day Habilitation, and Individualized Day Supports, who live independently or in the family home and who select to receive a meal.
- a. The proposed rate modifier per meal is \$7.30.
  - b. The proposed rate modifier for meal delivery to a Day Habilitation or Small Group Day Habilitation setting by a third party vendor is \$5.00 per meal.

5. The Companion Individual rate is proposed to match the current rate for Personal Care Services and the proposed rate is \$4.72 per quarter hour. Additionally, there is a proposed group rate for Companion Services of \$2.91 per quarter hour.
6. There is a proposed change to the rate for Creative Arts Group Therapies (group not to exceed 4 participants) because of a rounding error. The proposed rate is \$24.99 per person for a 45 minute unit.
7. There is a new rate for Group Supported Employment Paraprofessional Individual Services, the proposed rate is \$2.85 per quarter hour.

Copies of the proposed rate books for the amendments to the HCBS 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 waiver rate amendments:

Written comments on the proposed 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](mailto:dds.publiccomments@dc.gov), during the thirty (30) day public comment period, starting from the date this notice is published.

DHCF and DDS will hold a public forum during which written and oral comments on the proposed amendments and transition plan 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 Thursday, September 17 at noon. Directly following this public forum, DDS will provide an update on its progress in implementing the District of Columbia Transition Plan for the HCBS IDD waiver. The Transition Plan is available on-line at: <http://dds.dc.gov/publication/hcbs-idd-waiver-transition-plan-4-30-2015> 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.

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

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