

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

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. 744; D.C. Official Code § 1-307.02 (2014 Repl.)) 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.)), hereby gives notice of the adoption of an amendment to Section 4209 of Chapter 42 (Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (“DCMR”).

These final rules amend the previously published standards governing reimbursement of providers of personal care services under the Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities (“EPD Waiver”) by increasing the rates for services rendered by a personal care aid (“PCA”) to comply with the Living Wage Act of 2006 (“Living Wage Act”), effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)). These rules increase the previous living wage rates by twenty cents (20¢) per hour, or five cents (5¢) per fifteen (15) minute increment. This adjustment was made to comply with the Department of Employment Services’ recent increases to the living wage rate effective January 1, 2015.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on February 6, 2015 at 62 DCR 001765. No comments were received and no changes have been made. The Director adopted these rules as final on March 19, 2015, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Section 4209, REIMBURSEMENT RATES: PERSONAL CARE AIDE SERVICES, of Chapter 42, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WHO ARE ELDERLY AND INDIVIDUALS WITH PHYSICAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 4209.2 and 4209.3 are amended to read as follows:

- 4209.2 Each Provider shall be reimbursed four dollars and seventy-two cents (\$4.72) per fifteen (15) minutes for services rendered by a PCA, of which three dollars and forty-five cents (\$3.45) per fifteen (15) minutes shall be paid to the PCA to comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.1 *et seq.* (2012 Repl.)).
- 4209.3 A unit of service for PCA services shall be fifteen (15) minutes spent performing the allowable tasks.