

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. 774; 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 1921, entitled “Dental Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These final rules establish standards governing reimbursement of dental services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services’, Centers for Medicare and Medicaid Services (CMS), for a five-year period beginning November 20, 2012. The corresponding amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 29, 2015 (D.C. Law 20-155; 61 DCR 9990 (October 3, 2014)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

The most recent Notice of Final Rulemaking for 29 DCMR § 1921 (Dental Services) was published in the *D.C. Register* on March 28, 2014 – Part 1, at 61 DCR 002602. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on August 28, 2015, at 62 DCR 011953. The emergency and proposed rulemaking was adopted on August 6, 2015, became effective when CMS approved the ID/DD Waiver amendment on September 24, 2015, and remains in effect until December 4, 2015, or the publication of these final rules in the *D.C. Register*, whichever occurs first. No comments were received and no substantive changes were made to the emergency and proposed rulemaking. These rules amend the previously published final rules by changing the requirements for maintaining records.

The Director of DHCF adopted these rules as final on November 16, 2015, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 1921.7 of Section 1921, DENTAL SERVICES, is amended to read as follows:

1921.7 Each provider of Medicaid reimbursable dental services shall maintain records in accordance with professional standards, in a manner that protects a person's confidentiality and meets the confidentiality requirements for Protected Health Information under the Health Insurance Portability and Accountability (HIPAA) Act and implementing regulations.