

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish that changes to the medical necessity criteria and level of care for both Mental Health Rehabilitation Services and Adult Substance Abuse Rehabilitative Services may only be effectuated through rulemaking and to require that the Mayor issues rules on medical necessity.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Necessity Review Criteria Emergency Declaration Resolution of 2017”.

Sec. 2 (a) The Department of Behavioral Health (the “Department”) uses medical necessity criteria to determine what the appropriate level of services for a DBH consumer is.

(b) The Department is considering changes to the way it determines its medical necessity criteria and behavioral health providers fear that this change will lead to fewer consumers receiving treatment in a time where the public is demanding better protections for individuals suffering from behavioral health diagnoses.

(c) Behavioral health providers have communicated that the Department is already applying new necessity rules in day programs which, in some cases, has resulted in a 90% denial rate for requests for the authorization of behavioral health treatment.

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33 (d) This emergency is necessary to clarify and require that the Department treat
34 all changes to medical necessity criteria and level of care as regulatory in nature thereby
35 requiring transmittal of the rules to Council for approval.

36 Sec. 3. The Council of the District of Columbia determined that the circumstances
37 enumerated in section 2 constitute emergency circumstances making it necessary that the
38 Medical Necessity Review Criteria Emergency Act of 2017 be adopted after a single reading.

39 Sec. 4. This resolution shall take effect immediately.

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