


Councilmember Vincent C. Gray

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require that any proposed amendment to the terms “medical necessity” or “medically necessary” as those terms are defined in Section 3499.1 of Title 22 of the District of Columbia Municipal Regulations, be issued by the Department of Behavioral Health (“Department”) by rulemaking, to require the Department to issue rules to establish criteria to determine whether mental health rehabilitation services are medically necessary pursuant to section 3404.2 of Title 22A of the District of Columbia Municipal Regulations, and to subject such rules to Council approval.

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 should be.

(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.

34 (c) Behavioral health providers have communicated that the Department is
35 already applying new necessity rules in day programs which, in some cases, has resulted in a
36 90% denial rate for requests for the authorization of behavioral health treatment.

37 (d) This emergency is necessary to clarify and require that the Department treat
38 all changes to medical necessity as regulatory in nature thereby requiring transmittal of the rules
39 to Council for approval.

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

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