

A RESOLUTION

22-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2017

To declare the existence of an emergency with respect to the need 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 22A of the District of Columbia Municipal Regulations, be issued by the Department of Behavioral Health by rulemaking, to require the Department of Behavioral Health 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 (“Department”) uses medical necessity criteria to determine the appropriate level of service coverage for individuals seeking to obtain mental health rehabilitative services (“MHRS”) from the Department.

(b) The Department is considering changes to the criteria it uses to determine whether MHRS are medically necessary. Behavioral health providers fear that such changes will lead to fewer consumers receiving treatment at a time when the public is demanding better protections for individuals suffering from behavioral health issues.

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

(d) This emergency is necessary to clarify that the Department must issue rules if it seeks to change the definition of the terms medical necessity or medically necessary, as those terms are defined in section 3404.2 of Title 22A of the District of Columbia Municipal Regulations, and to require the Department to issue rules to establish criteria to determine whether mental health rehabilitation services are medically necessary.

**ENROLLED ORIGINAL**

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

Sec. 4. This resolution shall take effect immediately.