

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require a utility company to implement a third-party notification program, to require an assisted living residence, a community residence facility, and a nursing facility to enroll in the third-party notification program and designate a District agency as its third-party contact authorizing it to receive duplicate notification of any past-due bill or termination of service sent to the residence or facility, and to require the third-party contact to provide a copy of any duplicate notification it receives to the Long-Term Care Ombudsman.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Community Residential Facilities Third-Party Notice of Utility Disconnection Requirement Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Assisted living residence” shall have the same meaning as provided in section 201(4) of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code § 44-102.01(4)).

(2) “Community residence facility” shall have the same meaning as provided in section 2(4) of the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(4)).

(3) “Entity” means an assisted living residence, a community residence facility, or a nursing facility operating in the District.

(4) “Managing agency” means the District government agency that has oversight of an entity.

(5) “Nursing facility” means a 24-hour institution or distinct part of a 24-hour institution that:

(A) Is primarily engaged in providing nursing care and related services to residents who require medical or nursing care, or rehabilitation services to persons who are injured, disabled, or sick;

(B) Is not primarily for the care and treatment of mental diseases; and

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(C) Has in effect a transfer agreement that meets the requirements of section 1802 of the Social Security Amendments of 1965, approved July 30, 1965 (79 Stat. 291; 42 U.S.C. § 1395a), with one or more hospitals.

(6) “Ombudsman” means the District of Columbia Long-Term Care Ombudsman established by section 202(a) of the District of Columbia Long-Term Care Ombudsman Program Act of 1988, effective March 16, 1989 (D.C. Law 7-218; D.C. Official Code § 7-702.02(a)) (“Ombudsman Act”), and designated under section 307(a)(12) of the Older Americans Act of 1965, approved October 18, 1978 (92 Stat. 1525; 42 U.S.C. § 3027(a)(12)), to perform the mandated functions of the Long-Term Care Ombudsman Program established by section 201 of the Ombudsman Act.

(7) “Third-party contact” means a person or agency authorized to receive duplicate notification of a past-due bill or termination of service sent to an entity by a utility company.

(8) “Third-Party Notification program” is a program maintained by a utility company under which a customer of the utility company can designate another person or an agency to be the customer’s third-party contact authorized to receive a copy of any notification regarding the customer’s past-due bill or termination of service because of a past-due bill.

(9) “Utility company” means a business that provides water, natural gas, or electricity service to an entity.

Sec. 3. Third-Party Notification program; utility company requirement.

(a)(1) Within 60 days after the effective date of this act, each utility company shall have implemented a Third-Party Notification program, including providing the enrollment form required by section 4(b).

(2) The enrollment form shall include a provision giving an entity, or other customer, designating a third-party contact the option of making the address, telephone number, and account records of the entity, or other customer, confidential, except in circumstances that the information is required by law to be provided.

(b)(1) A utility company shall send a duplicate of any notification of a past-due bill or termination of service because of a past-due bill sent to an entity to the third-party contact managing agency no more than 2 days after the initial notification was sent to the entity.

(2) Notwithstanding the requirement set forth in paragraph (1) of this subsection, a utility company shall provide such duplicate notifications only in cases where the third-party contacts have been and remain authorized by the participating entity.

Sec. 4. Third-Party Notification program; entity requirement.

(a) Within 90 days after the effective date of this act, an entity shall enroll in the Third-Party Notification program of each utility company from which the entity receives service and, notwithstanding having designated another person or body to be a third-party contact, designate the appropriate managing agency, or agencies, as a third-party contact.

(b) An entity shall provide the managing agency, or agencies, a completed Third-Party Notification program enrollment form from each utility company providing service to the entity showing that the managing agency has been designated the entity's third-party contact.

Sec. 5. Ombudsman; notification requirement.

Upon receiving a copy of a notification from a utility company to the utility company's customer of a past-due bill or termination of service, the third-party contact managing agency shall transmit a copy of the notification to the Ombudsman, which shall be transmitted so that the Ombudsman receives the copy on the same day that the notification was received by the third-party contact managing agency.

Sec. 6. Nonliability of a third-party contact and Ombudsman.

A third-party contact, whether a managing agency or other designee, and the Ombudsman shall not have any:

- (1) Responsibility for paying a past-due bill;
- (2) Liability regarding a past-due bill or any other charges that may accrue;
- (3) Authority to delay or prevent termination of service; or
- (4) Authority to make a payment arrangement for the entity.

Sec. 7. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia