

A BILL

22-622

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



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To require that any proposed amendment to the terms “medical necessity” or “medical 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the “Medical Necessity Review Criteria Temporary Amendment Act of 2017”.

Sec. 2. Section 5119 of the Department of Behavioral Health Establishment Act of 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.08) is amended as follows:

(a) The section heading is amended to read as follows:

“Sec. 5119. Rules.”.

(b) The existing text is designated as subsection (a).

(c) A new subsection (b) is added to read as follows:

“(b)(1) 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 (22A DCMR § 3499.1) shall be issued by the Department by rulemaking.

30                   “(2) The Department shall issue rules to establish criteria to determine whether  
31 mental health rehabilitation services, as that term is defined in section 3499.1 of Title 22A of the  
32 District of Columbia Municipal Regulations (22A DCMR § 3499.1), are medically necessary  
33 pursuant to section 3404.2 of Title 22A of the District of Columbia Municipal Regulations (22A  
34 DCMR § 3404.2).

35                   “(3) The rules issued pursuant to this subsection shall be submitted to the Council  
36 for a 45-day period of review, excluding days of Council recess. If the Council does not approve  
37 or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed  
38 rules shall be deemed approved.”.

39                   Sec. 3. Fiscal impact statement.

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

43                   Sec. 4. Effective date.

44                   (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
45 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
46 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
47 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
48 Columbia Register.

49                   (b) This act shall expire after 225 days of its having taken effect.