

**AN ACT**

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**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**

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To require, on a temporary basis, that any amendment to the terms medical necessity or medical 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.

**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 2018”.

Sec. 2. Section 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 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) Designate the existing text as subsection (a).

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

“(b)(1) Any 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.

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

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

**ENROLLED ORIGINAL**

**Sec. 3. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Budget Director 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. 4. Effective date.**

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

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia