

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a Program of All-Inclusive Care for the Elderly and to grant the Mayor the authority to administer the program, to require the Mayor to certify entities to provide eligible individuals with community-based comprehensive health care services, and to authorize the Mayor to issue rules to implement the requirements of the program; and to amend the Health Services Planning Program Re-Establishment Act of 1996 to exempt from certificate of need requirements entities certified by the Mayor to provide eligible individuals with community-based comprehensive health care services pursuant to the Program of All-Inclusive Care for the Elderly.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Program of All-Inclusive Care for the Elderly Establishment Amendment Act of 2018”.

TITLE I. PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) “Eligible individual” means an individual who:

(A) Is 55 years of age or older;

(B) Meets the level of care required under Medicaid for coverage of nursing facility services;

(C) Resides in the service area of a PACE organization;

(D) Satisfies the requirements of 42 C.F.R. § 460.150; and

(E) Complies with such other eligibility conditions as may be imposed by the Mayor pursuant to section 105.

(2) “Medicaid” means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department of Health Care Finance.

(3) "PACE" means the Program of All-Inclusive Care for the Elderly established pursuant to section 102.

(4) "PACE organization" means an entity certified by the Mayor pursuant to section 104 to provide eligible individuals with community-based comprehensive health care services.

Sec. 102. Establishment of PACE.

There is established a Program of All-Inclusive Care for the Elderly for the purpose of:

- (1) Enhancing the quality of life and autonomy of eligible individuals;
- (2) Maximizing the dignity of, and respect for, eligible individuals;
- (3) Enabling eligible individuals to live in the community for the maximum period of time that is medically and socially feasible; and
- (4) Preserving and supporting the family unit of eligible individuals.

Sec. 103. Administration of PACE.

(a) The Mayor shall administer PACE and shall:

- (1) Establish an application process for eligible individuals;
- (2) Certify PACE organizations in accordance with the requirements of section 104;
- (3) Oversee PACE organizations operating in the District; and
- (4) Perform any other functions necessary to manage the activities of PACE.

(b) The Mayor may limit the number of PACE organizations approved to operate in the District in accordance with the number and needs of eligible individuals.

(c) The Mayor may designate the service area of PACE organizations.

(d) Notwithstanding any other provision of law, PACE organizations shall be exempt from regulation as insurers by the Department of Insurance, Securities, and Banking.

Sec. 104. PACE organization certification; provision of services.

(a) The Mayor shall certify a PACE organization pursuant to a determination that an entity has demonstrated:

- (1) Enrollment as a Medicaid provider, in accordance with Chapter 94 of Title 29 of the District of Columbia Municipal Regulations (29 DCMR § 9400 *et seq.*);
- (2) Compliance with the requirements of 42 C.F.R. Part 460; and
- (3) Compliance with any additional requirements imposed by the Mayor pursuant to section 105.

(b) PACE organizations certified by the Mayor pursuant to subsection (a) of this section shall provide eligible individuals with community-based comprehensive health care services designed to meet the objectives of section 102, including:

- (1) Multidisciplinary assessment and treatment planning;
- (2) Primary care services, including physician and nursing services;
- (3) Social work services;

- (4) Restorative therapies;
- (5) Personal care and support services;
- (6) Nutritional counseling;
- (7) Recreational therapy;
- (8) Transportation;
- (9) Meals;
- (10) Medical specialty services;
- (11) Laboratory tests;
- (12) Drugs and biologicals;
- (13) Prosthetics and durable medical equipment;
- (14) Acute inpatient, ambulatory, and emergency care; and
- (15) Nursing facility care.

Sec. 105. 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.*), may issue rules to implement the provisions of this title.

TITLE II. CERTIFICATE OF NEED EXEMPTION

Sec. 201. Section 8 of the Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407), is amended by adding a new subsection (h) to read as follows:

“(h)(1) A PACE organization certified pursuant to section 104 of the Program of All-Inclusive Care for the Elderly Establishment Amendment Act of 2018, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-924), shall be exempt from certificate of need requirements.

“(2) For the purposes of this subsection, the term “PACE organization” shall have the same meaning as provided in section 101(4) of the Program of All-Inclusive Care for the Elderly Establishment Amendment Act of 2018, passed on 2nd reading on December 4, 2018 (Enrolled version of Bill 22-924).”.

TITLE III. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 302. 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. 303. 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 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