

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Health Services Planning Program Re-establishment Act of 1996 to exempt certain projects from the certificate of need process required of all persons proposing to offer or develop in the District a new institutional health service, subject to the execution of a contract between the District and District Hospital Partners, L.P., with certain enumerated contractual requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “East End Health Equity Amendment Act of 2018”.

Sec. 2. 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 as follows:

(a) Subsection (b) is amended as follows:

(1) Paragraph (11) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (13) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Paragraph (14) is amended by striking the period and inserting the phrase “; and” in its place.

(4) New paragraphs (15), (16), and (17) are added to read as follows:

“(15) The acquisition of equipment for, and the construction of, a hospital by the District on the St. Elizabeths Hospital Campus (“East End Hospital”) with 200 licensed beds, which shall be operated by George Washington University Hospital (“GWU Hospital”) or Universal Health Services;

“(16)(A) The acquisition of equipment for, and the development and operation by, GWU Hospital of an additional licensed bed capacity of 200 beds; provided, that 50 of the 200 beds shall be situated at the existing GWU Hospital building; provided further, that the remaining 150 beds shall be situated on the Foggy Bottom Campus of George Washington University, unless otherwise approved by act of the Council;

“(B) 120 days prior to initiating development of any portion of the 150 additional beds authorized pursuant to subparagraph (A) of this paragraph, GWU Hospital shall make publicly available and submit to the SHPDA and the Council a comprehensive list of all

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new institutional health services to be provided in accordance with such licensed bed capacity; and

“(C) The authority to expand the GWU Hospital by an additional licensed bed capacity of 200 beds pursuant to subparagraph (A) of this paragraph shall expire as of June 30, 2019, if the contract referred to in subsection (h)(1) of this section has not been submitted by the Mayor to the Council; and

“(17) The acquisition of equipment for, and the construction and operation of, health care facilities, including urgent care and ambulatory care facilities, in Wards 7 and 8 by GWU Hospital or Universal Health Services to support the East End Hospital.”.

(b) New subsections (h), (i), and (j) are added to read as follows:

“(h) The provisions of subsection (b)(15) through(17) of this section shall apply upon satisfying the following conditions:

“(1) The execution of a mutually agreed upon contract between District Hospital Partners, L.P., and the District that includes, without limitation, requirements to:

“(A) Increase the minimum number of licensed beds for the East End Hospital from between 106 and 125 licensed beds to 200 licensed beds;

“(B) Integrate the East End Hospital into the GWU Hospital system;

“(C) Design and construct the East End Hospital with sufficient shell space to preserve the ability to increase the size of the facility by an additional 50 licensed beds while the facility continues to operate;

“(D) Construct the East End Hospital through a Project Labor Agreement;

“(E) Maintain District ownership of the land upon which the East End Hospital is constructed;

“(F) Maintain District ownership of the East End Hospital; provided, that the parties may authorize District Hospital Partners, L.P., to purchase the East End Hospital;

“(G) Provide a detailed workforce development plan between the District and District Hospital Partners, L.P., that includes strategies to:

“(i) Prepare qualified District residents for employment at the East End Hospital;

“(ii) Train District residents for employment at the East End Hospital; and

“(iii)(I) Provide preference in hiring for employment at the East End Hospital, first to:

“(aa) Qualified employees of United Medical Center who meet the minimum standards for employment established by GWU Hospital; provided that there exist just cause for the employer to deny employment based on qualifications to any such employee; and

“(bb) Qualified employees of Howard University Hospital, who are not members of the medical faculty, who meet the minimum standards for employment established by GWU Hospital; and

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“(II) Provide preference in hiring for employment at the East End Hospital, second to District residents, with a particular emphasis on the residents of Wards 7 and 8;

“(H) Hire a majority of the current non-supervisory employees of United Medical Center; and

“(I) Work with the unions representing current employees of United Medical Center to develop a neutrality agreement to which all parties agree; and

“(2)(A) The filing, by the Mayor, with the Office of the Secretary to the Council of one or more academic affiliation agreements, (including physician services agreements, between Howard University and one or more health care facilities to ensure that Howard University College of Medicine meets its applicable accreditation requirements to continue its academic mission; provided that, for the purposes of this subparagraph the term “health care facilities” shall not be limited to health care facilities in the District or existing health care facilities, and may include the East End Hospital; and

“(B) The submission of an academic affiliation agreement submitted in accordance with sub-subparagraph (i) of this subparagraph that specifies accommodations for Howard University College of Medicine’s medical faculty, medical students, and medical residents; provided, that such an agreement may summarize or redact any confidential information negotiated between the contracting parties.

“(i)(1) The Secretary to the Council shall cause the notice of the receipt of an academic affiliation agreement submitted in accordance with subsection (h)(2)(A) of this section to be published in the District of Columbia Register.

“(2) The date of publication of the notice of the receipt of an academic affiliation agreement submitted in accordance with paragraph (1) of this subsection shall not affect the applicability of subsection (b)(15) through (17) of this section.

“(j) The activities described in subsection (b)(15) through (17) of this section may be pursued simultaneously by District Hospital Partners, L.P.; provided, that the development of the 150 additional beds in a new health care facility authorized pursuant to subsection (b)(16) of this section shall not proceed prior to the development of the East End Hospital with 150 licensed beds and shell space for an additional 50 licensed beds.”.

Sec. 3. 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.

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Sec. 4. 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. 5. Effective date.

The 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