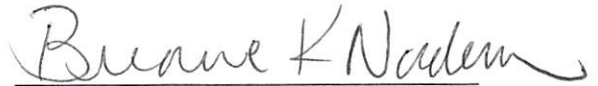


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2 Councilmember David Grosso



Councilmember Brianne K. Nadeau

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6 Councilmember Elissa Silverman



Councilmember Vincent C. Gray

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11 A BILL

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14
15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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17 _____
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19

20 To provide for an annual payment to certain providers of direct services to persons with
21 developmental disabilities, to require the Director of Health Care Finance and the
22 Director of the Department on Disability Services to consider certain factors in
23 recommending the amount of the payment, and to establish eligibility standards for a
24 provider to receive payment.

25
26 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
27 act may be cited as the "Direct Support Professional Payment Rate Act of 2019".

28 Sec. 2. Definitions.

29 For the purpose of this act, the term:

30 (1) "Developmental disability" shall have the same meaning as provided in section
31 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, approved
32 October 30, 2000 (114 Stat. 1692; 42 U.S.C. § 15002(8)).

33 (2) "Direct support professional" means an employee of a service provider that provides
34 direct treatment or services to persons with developmental disabilities for at least 50% percent of
35 their work hours.

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36 (3) "Directors" means the Director of the Department of Health Care Finance and the
37 Director of the Department on Disability Services.

38 (4) "Service provider" means an entity that provides direct residential, in-home, day or
39 support services, including employment and community development services, to clients under
40 the District's Medicaid waiver program or through an intermediate care facility.

41 Sec. 3. Payment.

42 (a) Each year, to the extent that funds are appropriated, the Mayor shall make a payment
43 to each eligible service provider in recognition of the high cost of living in the District and that
44 direct support professionals require wages in excess of the District's minimum wage.

45 (b) The entirety of this payment shall be allocated by service providers to the payment of
46 direct support professionals.

47 Sec. 4. Recommended amount of payment.

48 (a) The Directors shall, by October 1 of each year, recommend to the Mayor and Council
49 the amount of the payment provided pursuant to section 3, considering:

50 (1) The District reimbursement rates to service providers;

51 (2) The total cost of providing services, including wages; and

52 (3) The additional operating support needed to allow each service provider to pay
53 direct support professionals, on average, the greater of either 125% of the District minimum
54 wage, or the District Living Wage.

55 (b) As further guidance, service providers shall designate full-time and part-time Direct
56 Support Professionals according to a three-tiered compensation schedule that considers the direct
57 support professional's qualified experience in the field and their demonstrated competency. The
58 Directors shall calculate a provider reimbursement rate structure that allocates funding at the

59 (1) DSP 1 level at the greater of 110% of District minimum wage, or the District
60 Living Wage;

61 (2) DSP 2 level at the greater of 115% of District minimum wage, or the District
62 Living Wage; and

63 (3) DSP 3 level at the greater of 125% of District minimum wage, or the District
64 Living Wage.

65 Sec. 5. Eligibility for payment.

66 To receive payment pursuant to section 3, a service provider shall:

67 (1) Demonstrate to the Department of Health Care Finance that it pays direct
68 support professionals the rate recommended pursuant to section 4 in the operating budget cycle
69 inclusive of overtime wages and bonuses; and

70 (2) Meet any other eligibility standards established by rules issued pursuant to
71 section 6.

72 Sec. 6. Rules.

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

76 Sec. 7. Fiscal impact statement.

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

80 Sec. 8. Effective date.

81 This act shall take effect after approval by the Mayor (or in the event of veto by the
82 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
83 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
84 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
85 Columbia Register.