

Brianne K. Nadeau

Vincent C. Gray

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Health Care Privatization Amendment Act of 2001 to align the enrollment process and enrollment period for the DC HealthCare Alliance with requirements for DC Medicaid; to amend the Department of Health Care Finance Establishment Act of 2007 to limit the initial use of the Medicaid Reserve to reforming the DC HealthCare Alliance application and recertification process and make the funding in the Medicaid Reserve non-lapsing; to amend Title 47 of the District of Columbia Official Code to require that any reprogramming of funding from the Department of Health Care Finance or the Medicaid Reserve be actively approved by resolution in Fiscal Year 2021 and to deposit all unspent local funds of the Department of Health Care Finance in Fiscal Year 2021 into the Medicaid Reserve; and to require the Office of the Chief Financial Officer to notify the Council within 3 business days if funds in the Medicaid Reserve are no longer required for the Department of Health Care Finance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Department of Health Care Finance Alliance Reform and Budget Transparency Emergency Amendment Act of 2021”.

Sec. 2. The Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401 *et seq.*) is amended as follows:

(a) Section 7c (D.C. Official Code § 7-1408) is repealed.

1 (b) A new section 7e is added to read as follows:

2 “Sec. 7e. DC HealthCare Alliance application and recertification process.

3 “(a) The Mayor shall allow applicants and enrollees for the DC HealthCare
4 Alliance program to complete initial application and recertification with the Department
5 of Human Services:

6 “(1) In person; and

7 “(2) Through electronic means, to include a web-based portal.

8 “(b) Applicants for the DC HealthCare Alliance program shall not be required to:

9 “(1) Complete a face-to-face interview to establish eligibility for
10 enrollment in the DC HealthCare Alliance program; or

11 “(2) Recertify their enrollment in person.

12 “(c) DC HealthCare Alliance program enrollees shall not be required to recertify
13 more than once in a 12-month period.”.

14 Sec. 3. The Department of Health Care Finance Establishment Act of 2007,
15 effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is
16 amended as follows:

17 (a) Section 8b(d) (D.C. Official Code § 7-771.07b) is amended to read as follows:

18 “(d)(1) There is established as a special fund the Medicaid Reserve Fund
19 (“Fund”).

20 “(2) The following monies shall be deposited into the Fund:

21 “(A) All unspent local fund monies remaining in the operating
22 budget of the Medicaid Reserve at the end of Fiscal Year 2021; and

1 “(B) All unspent local fund monies remaining in the operating
2 budget of the Department of Health Care Finance at the end of Fiscal Year 2021.

3 “(3) Money in the Fund shall be used for operating expenses permitted
4 under this section.

5 “(4)(A) The money deposited into the Fund, but not expended in a fiscal
6 year, shall not revert to the unassigned fund balance of the General Fund of the District of
7 Columbia at the end of a fiscal year or at any other time.

8 “(B) Subject to authorization in an approved budget and financial
9 plan, any funds appropriated in the Fund shall be continually available without regard to
10 fiscal year limitation.”.

11 (b) A new section 11a is added to read as follows:

12 “Sec. 11a. Unspent local funds.

13 “‘In Fiscal Year 2021, the Chief Financial Officer shall deposit all unspent local
14 funds at the Department of Health Care Finance into the Medicaid Reserve at the end of
15 the fiscal year.’”.

16 Sec. 4. Section 47-362 of the District of Columbia Official Code is amended by
17 adding a new subsection (h) to read as follows:

18 “(h) Notwithstanding § 47-363, local funds appropriated for the Department of
19 Health Care Finance and the Medicaid Reserve in Fiscal Year 2021 shall not be
20 reprogrammed to other agencies unless the Council approves the reprogramming request
21 by resolution.”.

22 Sec. 5. Notice.

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1 If the Office of the Chief Financial Officer determines at any time prior to March
2 31, 2021 that all or a portion of the Fiscal Year 2021 Medicaid Reserve is not needed to
3 ensure that the Department of Health Care Finance has sufficient funds in Fiscal Year
4 2021, then the Chief Financial Officer shall inform the Council within 3 business days
5 that funds are available to implement all or a portion of sections 201 and 202(a)(1) of the
6 Prescription Drug Monitoring Program Query and Omnibus Health Amendments Act of
7 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-890).
8 This notice shall be provided to all Councilmembers and the Officers of the Council.

9 Sec. 6. Fiscal impact statement.

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

13 Sec. 7. Effective date.

14 This act shall take effect following approval by the Mayor (or in the event of veto
15 by the Mayor, action by the Council to override the veto), and shall remain in effect for
16 no longer than 90 days, as provided for emergency acts of the Council of the District of
17 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved
18 December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).