

1 *Janeese Lewis George*

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3 Councilmember Janeese Lewis George

Brianne K. Nadeau

Councilmember Brianne K. Nadeau

4 *Elissa Silverman*

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Robert C. White, Jr.

Councilmember Robert C. White, Jr.

7 *Charles Allen*

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9 Councilmember Charles Allen

Trayon White

Councilmember Trayon White, Sr.

10 *Anita Bonds*

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12 Councilmember Anita Bonds

Mary M. Cheh

Councilmember Mary M. Cheh

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15 A BILL

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19 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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24 To amend the Department on Disability Services Establishment Act of 2006 and the Citizens
25 with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978 to clarify the
26 eligibility of services provided by the Department on Disability Services to include
27 individuals with solely developmental disabilities; to require that the Mayor seek any
28 waivers and exemptions from federal Medicaid statutes, rules, and regulations necessary
29 to extend the “People with Intellectuals and Developmental Disabilities Waiver” and the
30 “Individual and Family Supports Waiver” to individuals with developmental disabilities;
31 and make conforming changes.
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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Developmental Disability Eligibility Reform Amendment Act of 2021”.

Sec. 2. The Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-761.02) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) Strike the phrase “counseling of the person with an intellectual disability” and insert the phrase “counseling of the person with an intellectual or developmental disability” in its place.

(B) Strike the phrase “with intellectual disabilities.” and insert the phrase “intellectual or developmental disabilities.” in its place.

(2) Paragraph (2A) is amended by striking the word “intellectual disabilities” and inserting the phrase “intellectual or developmental disabilities” in its place.

(3) A new paragraph (3B) is added to read as follows:

“(3B) “Developmental disabilities” means a severe, chronic disability of an individual that:

“(A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

“(B) Is manifested before the individual attains age 22;

“(C) Is likely to continue indefinitely;

“(D) Results in substantial functional limitations in 3 or more of the following areas of major life activity:

56 “(i) Self-care.
57 “(ii) Receptive and expressive language.
58 “(iii) Learning.
59 “(iv) Mobility.
60 “(v) Self-direction.
61 “(vi) Capacity for independent living.
62 “(vii) Economic self-sufficiency; and

63 “(E) Reflects the individual’s need for a combination and sequence of
64 special, interdisciplinary, or generic services, individualized supports, or other forms of
65 assistance that are of lifelong or extended duration and are individually planned and
66 coordinated.”.

67 (4) Paragraph (5A)(B) is amended by striking the word “intellectual disabilities”
68 and inserting the phrase “intellectual or developmental disabilities” in its place.

69 (b) Section 103 (D.C. Official Code § 7-761.03) is amended as follows:

70 (1) Paragraph (1) is amended by striking the phrase “intellectual and” and
71 inserting the phrase “intellectual or” in its place.

72 (2) Paragraph (2) is amended by striking the phrase “developmental disabilities”
73 and inserting the phrase “intellectual or developmental disabilities” in its place.

74 (3) Paragraph (3) is amended by striking the phrase “developmental disabilities”
75 and inserting the phrase “intellectual or developmental disabilities” in its place.

76 (c) Section 105 (D.C. Official Code § 7-761.05) is amended as follows:

77 (1) Paragraph (6) is amended by striking the phrase “developmental disabilities”
78 and inserting the phrase “intellectual or developmental disabilities” in its place.

(2) Paragraph (7) is amended by striking the phrase “intellectual and” and inserting the phrase “intellectual or” in its place.

(3) Paragraph (8) is amended by striking the phrase “intellectual and” and inserting the phrase “intellectual or” in its place.

(d) Section 105b(a) (D.C. Official Code § 7-761.05b(a)) is amended by striking the word “intellectual” and inserting the phrase “intellectual or developmental” in its place.

(e) Section 105c (D.C. Official Code § 7-761.05c) is amended as follows:

(a) Subsection (b) is amended by striking the word “intellectual” and inserting the phrase “intellectual or developmental” in its place.

(b) Subsection (c) is amended by striking the word “intellectual” and inserting the phrase “intellectual or developmental” in its place.

(f) Section 106(b)(3) (D.C. Official Code § 7-761.06(b)(3)) is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “developmental disabilities” and inserting the phrase “intellectual or developmental disabilities” in its place.

(b) Subparagraph (B) is amended by striking the phrase “developmental disabilities” and inserting the phrase “intellectual or developmental disabilities” in its place.

(g) Section 107 (D.C. Official Code § 7-761.07) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “people with intellectual and” and inserting the phrase “people with intellectual or” in its place.

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

“(c) Within 90 days of the effective date of this subsection, the Mayor shall seek any waivers and exemptions from federal Medicaid statutes, rules, and regulations necessary to extend the “People with Intellectuals and Developmental Disabilities Waiver” and the

“Individual and Family Supports Waiver” to individuals with developmental disabilities, as defined in section 102(3B).

(3) A new subsection (d) is added to read as follows:

“(d) Within 90 days of federal approval of the amendments to the “People with Intellectual and Developmental Disabilities Waiver” and the “Individual and Family Supports Waiver”, 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.*), shall issue conforming amendments to its rules (including but not limited to D.C. Municipal Regulations Title 29, Chapters 9, 19, 41, 90, and 98), to implement the provisions of this title.

(h) Section 110 (D.C. Official Code § 7-761.10) is amended by striking the phrase “intellectual and” where it appears and inserting the phrase “intellectual or” in its place.

(i) Section 112 (D.C. Official Code § 7-761.12) is amended as follows:

(a) Subsection (a) by striking the phrase “intellectual and” and inserting the phrase “intellectual or” in its place.

(b) Subsection (b) amended by striking the phrase “developmental disabilities” and inserting the phrase “intellectual or developmental disabilities” in its place.

(j) Section 113(a)(2) (D.C. Official Code § 7-761.13(a)(2)) is amended by striking the word “intellectual” and inserting “intellectual or developmental” in its place.

Sec. 3. The Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-1301.02) is amended by striking the word “intellectual” wherever it appears and inserting the phrase “intellectual or developmental” in its place.

(b) Section 103 (D.C. Official Code § 7-1301.03) is amended as follow:

(1) Paragraph (5) is amended as follows:

(A) Strike the phrase “intellectual disability” and insert the phrase “intellectual or developmental disability” in its place.

(B) Strike the phrase “intellectual disabilities” and insert the phrase “intellectual or developmental disabilities” in its place.

(2) A new paragraph (8D) is added to read as follows:

“(8D) “Developmental disabilities” means a severe, chronic disability of an individual that:

“(A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

“(B) Is manifested before the individual attains age 22;

“(C) Is likely to continue indefinitely;

“(D) Results in substantial functional limitations in 3 or more of the following areas of major life activity:

“(i) Self-care.

“(ii) Receptive and expressive language.

“(iii) Learning.

“(iv) Mobility.

“(v) Self-direction.

146 “(vi) Capacity for independent living.
147 “(vii) Economic self-sufficiency; and
148 “(E) Reflects the individual’s need for a combination and sequence of
149 special, interdisciplinary, or generic services, individualized supports, or other forms of
150 assistance that are of lifelong or extended duration and are individually planned and
151 coordinated.”.

152 (3) Paragraph (12) is amended to by striking the phrase “intellectual disability”
153 and inserting the phrase “intellectual or developmental disability” in its place.

154 (4) Paragraph (13) is amended to by striking the word “intellectual” and inserting
155 the phrase “intellectual or developmental” in its place.

156 (5) Paragraph (20) is amended to by striking the word “intellectual” and inserting
157 the phrase “intellectual or developmental” in its place.

158 (6) Paragraph (22) is amended to by striking the word “intellectual” where it
159 appears and inserting the phrase “intellectual or developmental” in its place.

160 (c) Section 501 (D.C. Official Code § 7-1305.01) is amended as follow:

161 (1) Subsection (a) is amended by striking the phrase “an intellectual” and
162 inserting the phrase “an intellectual or developmental” in its place.

163 (2) Subsection (e) is amended by striking the word “intellectual” and inserting the
164 phrase “intellectual or developmental” in its place.

165 (d) Section 502 (D.C. Official Code § 7-1305.02) is amended by striking the word
166 “intellectual” wherever it appears and inserting the phrase “intellectual or developmental” in its
167 place.

(e) Section 504(d)(1) (D.C. Official Code § 7-1305.04(d)(1)) is amended by striking the word “intellectual” and inserting the phrase “intellectual or developmental” in its place.

(f) Section 513(a) (D.C. Official Code § 7-1305.13(a)) is amended by striking the word “intellectual” and inserting the phrase “intellectual or developmental” in its place.

(g) Section 514(a) (D.C. Official Code § 7-1305.14(a)) is amended by striking the word “intellectual” and inserting the phrase “intellectual or developmental” in its place.

(h) Section 603 (D.C. Official Code § 7-1306.03) is amended by striking the word “intellectual” and inserting the phrase “intellectual or developmental” in its place.

(i) A new section 606 is added to read as follows:

“Sec. 606. Grandfather clause.

“Nothing in this act shall be construed to impact the eligibility of individuals currently receiving Developmental Disabilities Administration supports and services prior to its enactment.”.

Sec. 4. The Direct Support Professional Payment Rate Act of 2020, effective April 16, 2020 (D.C. Law 23-77; D.C. Official Code § 4-2001 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Official Code § 4-2001(2)) is amended by striking the phrase “Intellectual and Developmental” and inserting the phrase “Intellectual or Developmental” in its place.

(b) Section 4(b)(1) (D.C. Official Code § 4-2003(b)(1)) is amended by striking the phrase “Intellectual and Developmental” and inserting the phrase “Intellectual or Developmental” in its place.

Sec. 5. Section 103(13A) of the Rental Housing Act of 1985, effective July 17, 1985(D.C. Law 6-10; D.C. Official Code § 42-3501.03(13A)) is amended by striking the phrase

191 “Intellectual and Developmental” and inserting the phrase “Intellectual or Developmental” in its
192 place.

193 Sec. 6. Fiscal impact statement.

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

197 Sec. 7. Effective date.

198 This act shall take effect after approval by the Mayor (or in the event of veto by the
199 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
200 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
201 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
202 Columbia Register.