

A BILL

24-419

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

24

25

26

27

28

29

30

31

To amend the District of Columbia Act on the Aging to require the Department of Aging and Community Living to establish a Senior Nutrition Services Communications Plan, improve implementation of nutrition programming, and establish an Interagency Senior Food Security Taskforce; to amend the Food Stamp Expansion Act of 2009 to require the Department of Human Services to allow expanded access to the SNAP enrollment system, adopt the Elderly Simplified Application Project, create a standard medical deduction for SNAP applications, and develop senior-targeted outreach and communications for online SNAP; to amend the Healthy Tots Act of 2014 to require the Office of State Superintendent of Education to provide outreach to adult day care centers eligible for the Child and Adult Care Food Program; and to amend the Department of Health Care Finance Establishment Act of 2007 to require reimbursable services under the EPD Medicaid waiver to include home-delivered meals, nutrition supplements, and medical nutrition therapy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “No Senior Hungry Omnibus Amendment Act of 2022”.

Sec. 2. The District of Columbia Act on the Aging, effective October 29, 1975 (D.C. Law 1-24, D.C. Official Code § 7-503.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 7-502.01) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “means” and inserting the phrase “or “Senior” means” in its place.

(2) A new paragraph (4A) is added to read as follows:

32 “(4A) “Nutrition services” means all District and federal programs providing food
33 or nutrition assistance to seniors, including programs providing transportation and accessibility
34 to food resources.”.

35 (b) New sections 319, 320, and 321 are added to read as follows:

36 “Sec. 319. Senior nutrition services communications plan.

37 “(a) Within 180 days of the effective date of the No Senior Hungry Omnibus Amendment
38 Act of 2022, introduced on October 1, 2021 (Bill 24-419), the Department shall establish and
39 implement a senior nutrition services communications plan that, at a minimum:

40 “(1) Describes the outreach needs of the District’s food insecure senior population
41 and best practices for communicating with this population, including senior residents who are
42 difficult to reach, such as those who are not currently participating in available programming;

43 “(2) Requires the Department to disseminate information about all senior nutrition
44 services provided by the District using best practices for reaching seniors, including an annual
45 mailer to District seniors that lists nutrition services, including how to enroll in such services;

46 “(3) Cross-promotes senior nutrition services;

47 “(4) Provides annual trainings for all senior-facing District employees and
48 community-based organizations on nutrition services that are available to District seniors;

49 “(5) Provides outreach to physicians and clinicians serving seniors so that they are
50 able to provide appropriate referrals for their patients using existing referral systems; and

51 “(6) Details how the Department, in partnership with the Office of the Chief
52 Technology Officer, will update its websites and application portals for senior nutrition services

53 using best practices for senior-facing technology, taking into account access to and familiarity
54 with technology among the population being served.

55 “(b) In preparing the plan required by subsection (a) of this section, the Department shall:

56 “(1) Coordinate with all District agencies providing services relevant to senior
57 food insecurity and the taskforce established by section 321; and

58 “(2) Provide opportunity for input from the public, including community-based
59 organizations serving seniors, healthcare providers, and seniors participating in nutrition
60 programs, by:

61 “(A) Holding at least 4 community meetings open to the public; and

62 “(B) Drafting a plan available for written comments.

63 “(c) The Department shall update the plan required by subsection (a) of this section every
64 3 years. The Department shall publish the plan required by subsection (a) of this section and all
65 updates on its website.

66 “Sec. 320. Nutrition Services.

67 “(a) In administering nutrition services, the Department shall screen clients for food
68 insecurity and malnutrition and provide appropriate referrals based on such screening, also
69 taking into account a client’s meal preparation ability, in-person and online grocery shopping
70 ability, and access to grocery stores and transportation.

71 “(b) The Department shall implement the Senior Food Security Plan prepared by the
72 Senior Food Security Interagency Taskforce under section 321(c)(3), including monitoring
73 actions taken by other affected agencies.

74 “(c) Beginning January 1, 2025, and by every January 1 thereafter, the Department shall
75 provide an annual progress report to the Mayor and Council on its implementation of the Senior
76 Food Security Plan during the preceding fiscal year, including, at a minimum:

77 “(1) All actions taken under the Senior Food Security Plan during the preceding
78 fiscal year by the Department and other affected agencies;

79 “(2) Data on senior participation in nutrition programs, including the number of
80 seniors participating in nutrition services compared to the number of eligible residents;

81 “(3) Qualitative data on participant satisfaction with and awareness of nutrition
82 programs, including food quality, referral and enrollment systems, and perceived access to
83 resources; and

84 “(4) Senior food insecurity data and the District’s progress on addressing senior
85 food insecurity, broken down by Ward and, if possible, by quadrant, and neighborhood

86 “(d) All agencies providing senior nutrition services shall provide any data or information
87 relevant to the annual progress report required by subsection (c) of this section to the Department
88 upon request.

89 “Sec. 321. Senior Food Security Interagency Taskforce.

90 “(a) There is established a Senior Food Security Interagency Taskforce (“Taskforce”), led
91 by the Department, that shall regularly evaluate the District’s programs and policies related to
92 senior food insecurity, and programs and policies that could be established. The Taskforce shall
93 advise and guide the Mayor, the Council, and the Department on programs and policies to
94 address senior food insecurity in the District.

95 “(b) The Taskforce shall be composed of:

96 (1) At least seven members selected by the Mayor to represent District agencies
97 that work on programs providing nutrition and transportation services to seniors, including, at a
98 minimum, the Department, Department of Human Services, Department of Healthcare Finance,
99 Department of Health, Office of the State Superintendent of Education, the Office of the Food
100 Policy Director within the Office of Planning, and the Department of For-Hire Vehicles.

101 (2) Seven members selected by the Mayor representing organizations serving
102 seniors, including at least one Registered Dietitian Nutritionist or licensed Certified Nutrition
103 Specialist with expertise in the nutritional needs of seniors, at least one representative of the
104 Senior Villages, and representatives from minority and other marginalized communities.

105 (3) One member of the Food Policy Council selected by the Food Policy Director;
106 and

107 (4) Four members selected by the Mayor who are District seniors currently
108 receiving or participating in nutrition services, who shall receive a stipend for their participation
109 in the Taskforce.

110 “(c) The Taskforce shall, at a minimum:

111 “(1) Advise the Department and Mayor in implementation of policies and
112 outreach to address senior food insecurity;

113 “(2) Advise the Department in the development of the Senior Nutrition Services
114 Communications Plan required by section 319;

115 “(3) Within one year of the effective date of the No Senior Hungry Omnibus
116 Amendment Act of 2022, introduced on October 1, 2021 (Bill 24-419), prepare a Senior Food
117 Security Plan that:

118 “(A) Describes the state of food security among the District’s senior
119 population, including a description of the food insecure population by geography and
120 demographics, root causes of food insecurity, and risks of food insecurity for the senior
121 population, as well as descriptions of any subcategories among food insecure seniors, including
122 the specific root causes, risks, and unique needs of such subcategories;

123 “(B) Identifies all senior nutrition services, including transportation
124 services, currently available in the District, identifies where there are gaps or additional needs in
125 services, overlap and redundancies among existing services, and makes recommendations for
126 where services, outreach, and resources should be created, expanded, consolidated, or better
127 coordinated to increase their reach;

128 “(C) Recommends strategies to improve the nutritional quality of foods
129 served to seniors, including increasing the amount of local fresh produce provided by congregate
130 meals, home-delivered meals, and food boxes under the Emergency Food Assistance Program,
131 the Commodity Supplemental Food Program, and other nutrition services programs;

132 “(D) Identifies cross-promotion and referral pathways consistent with the
133 Senior Food Services Communications Plan required by section 319;

134 “(E) Recommends strategies to expand access to nutrition services through
135 increased delivery and transportation services; and

136 “(F) Identifies social welfare program application processes that should be
137 improved to increase enrollment, and recommends strategies for streamlining and integrating
138 processes and making online platforms more user friendly, taking into account access to and
139 familiarity with technology among the population being served;

140 “(4) Meet at least every other month until the Senior Food Security Plan required
141 by subsection (c)(3) of this section is completed, and then quarterly thereafter; and

142 “(5) Provide opportunity for public comment on the Senior Food Security Plan
143 required by subsection (c)(3) of this section.”.

144 Sec. 3. The Food Stamp Expansion Act of 2009, effective March 3, 2010 (D.C. Law 18-
145 111, D.C. Official Code § 4-261.01 *et seq.*), is amended by adding a new section 5085 to read as
146 follows:

147 “Sec. 5085. Senior SNAP participation.

148 “To increase the number of eligible seniors enrolled in SNAP, the Department of Human
149 Services (“DHS”) shall:

150 “(1) Within one year of the effective date of the No Senior Hungry Omnibus
151 Amendment Act of 2022, introduced on October 1, 2021 (Bill 24-419), allow community-based
152 organizations engaged in SNAP outreach and enrollment to access the SNAP enrollment system
153 on behalf of SNAP participants; provided, that DHS may certify specific community-based
154 organizations or allow individual SNAP participants to designate a proxy;

155 “(2) Within 180 days of the effective date of the No Senior Hungry Omnibus
156 Amendment Act of 2022, introduced on October 1, 2021 (Bill 24-419), adopt the Elderly

157 Simplified Application Project as defined by the United States Department of Agriculture’s
158 guidance document Elderly Simplified Application Project Guidance;

159 “(3) Within one year of the effective date of the No Senior Hungry Omnibus
160 Amendment Act of 2022, introduced on October 1, 2021 (Bill 24-419), create a standard medical
161 deduction to simplify the collection of medical expense information for SNAP participants who
162 are elderly or non-elderly and living with disabilities, and obtain a demonstration waiver from
163 the United States Department of Agriculture;

164 “(4) Within one year of the effective date of the No Senior Hungry Omnibus
165 Amendment Act of 2022, introduced on October 1, 2021 (Bill 24-419), streamline the
166 submission process for rent, utilities, and other information to increase SNAP benefit amounts;

167 “(5) Within 180 days of the effective date of the No Senior Hungry Omnibus
168 Amendment Act of 2022, introduced on October 1, 2021 (Bill 24-419), develop and implement
169 senior-targeted outreach and communications for online SNAP, including assistance in online
170 ordering; and

171 “(6) Within one year of the effective date of the No Senior Hungry Omnibus
172 Amendment Act of 2022, introduced on October 1, 2021 (Bill 24-419), update the online portal
173 to make it more user friendly, including making it possible for SNAP applicants to view the
174 status of their application.”.

175 Sec. 4. The Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155;
176 D.C. Official Code § 38-281 *et seq.*), is amended by adding a new section 4078 to read as
177 follows:

178 “Sec. 4078. Adult day care participation.

179 “Within 180 days of the effective date of the No Senior Hungry Omnibus Amendment
180 Act of 2022, introduced on October 1, 2021 (Bill 24-419), OSSE shall identify all adult day care
181 centers in the District eligible for the CACF Program and provide outreach and technical
182 assistance to nonparticipating centers to enroll them in the CACF Program.”.

183 Sec. 5. The Department of Health Care Finance Establishment Act of 2007, effective
184 February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended by
185 adding a new section 13 to read as follows:

186 “Sec. 13. Nutrition services.

187 (a) Within one year of the effective date of the No Senior Hungry Omnibus Amendment
188 Act of 2022, introduced on October 1, 2021 (Bill 24-419)the Department shall amend the
189 services included in the Elderly and Persons with Physical Disabilities (“EPD”) waiver to
190 include:

191 (1) Home-delivered meals to maintain optimal nutritional and health status of
192 waiver enrollees;

193 (2) Vitamins, minerals, and nutritional supplements and substitutes; and

194 (3) Medical nutrition therapy.

195 (b) The Department shall require that EPD waiver case managers screen for nutritional
196 needs and food insecurity and address any unmet needs in the enrollee’s Person-Centered
197 Service Plan.

198 (c) The Department shall provide training to EPD waiver case managers regarding senior
199 nutrition needs, outreach to clinicians informing them of the expanded coverage under this
200 section, and technical assistance to dietitians and nutritionists on how to enroll in Medicaid as an
201 EPD waiver provider and obtain reimbursement for medical nutrition therapy services.

202 (d) For purposes of this section, the term:

203 (1) "Home delivered meals" means up to 2 meals per day that are safely and
204 nutritiously prepared, packaged, and delivered to a waiver enrollee at his or her home. Home
205 delivered meals may include a single ready-to-eat meal or multiple single-serving meals that are
206 frozen, vacuum-packed, modified-atmosphere-packed, or shelf stable. Home delivered meals
207 shall be prepared and delivered to meet the individual's dietary or specialized nutrition needs.

208 (2) "Medical nutrition therapy" means screening, assessment, diagnosis,
209 intervention, and ongoing monitoring, evaluation, and counseling provided by a licensed dietitian
210 or nutritionist.

211 Sec. 6. Applicability

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

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

ENGROSSED ORIGINAL

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

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

221 Sec. 7. Fiscal impact statement.

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

225 Sec. 8. Effective date.

226 This act shall take effect following approval by the Mayor (or in the event of veto by
227 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
228 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
229 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
230 Columbia Register.