

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 Supplemental Nutrition Assistance Program (“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 Elderly and Persons with Physical Disabilities 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 § 7-501.01 *et seq.*), is amended as follows:

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

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

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

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

(b) Title III is amended by adding new sections 319, 320, and 321 to read as follows:
“Sec. 319. Senior nutrition services communications plan.

“(a) Within 180 days after the applicability date of the No Senior Hungry Omnibus Amendment Act of 2022, passed on 2nd reading on December 6, 2022 (Enrolled version of Bill

24-419), the Department shall establish and implement a senior nutrition services communications plan that, at a minimum:

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

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

“(3) Cross-promotes senior nutrition services;

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

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

“(6) Details how the Department, in partnership with the Office of the Chief Technology Officer, will update its websites and application portals for senior nutrition services using best practices for senior-facing technology, taking into account access to and familiarity with technology among the population being served.

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

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

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

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

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

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

“Sec. 320. Nutrition services.

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

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

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

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

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

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

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

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

“Sec. 321. Senior Food Security Interagency Taskforce.

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

“(b) The Taskforce shall be composed of:

(1) At least 7 members selected by the Mayor to represent District agencies that work on programs providing nutrition and transportation services to seniors, including, at a minimum, the Department, Department of Human Services, Department of Healthcare Finance, Department of Health, Office of the State Superintendent of Education, the Office of the Food Policy Director within the Office of Planning, and the Department of For-Hire Vehicles.

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

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

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

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

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

“(2) Advise the Department in the development of the senior nutrition services communications plan required by section 319;

“(3) Within one year after the applicability date of the No Senior Hungry Omnibus Amendment Act of 2022, passed on 2nd reading December 6, 2022 (Enrolled version of Bill 24-419), prepare a Senior Food Security Plan that:

“(A) Describes the state of food security among the District’s senior population, including a description of the food insecure population by geography and

demographics, root causes of food insecurity, and risks of food insecurity for the senior population, as well as descriptions of any subcategories among food insecure seniors, including the specific root causes, risks, and unique needs of such subcategories;

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

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

“(D) Identifies cross-promotion and referral pathways consistent with the senior food services communications plan required by section 319;

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

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

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

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

Sec. 3. The Food Stamp Expansion Act of 2009, effective March 3, 2010 (D.C. Law 18-111, D.C. Official Code § 4-261.01 *et seq.*), is amended as follows:

(a) Section 5081 (D.C. Official Code § 4-261.01) is amended by adding a new paragraph (4A) to read as follows:

“(4A) “SNAP” means the Supplemental Nutrition Assistance Program, established pursuant to section 4 of the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 201).

(b) A new section 5085 is added to read as follows:

“Sec. 5085. Senior SNAP participation.

“To increase the number of eligible seniors enrolled in SNAP, the Department of Human Services shall:

“(1) Within one year after the applicability date of the No Senior Hungry Omnibus Amendment Act of 2022, passed on 2nd reading on December 6, 2022 (Enrolled version of Bill 24-419) (“No Senior Hungry Omnibus Amendment Act”), allow community-based organizations engaged in SNAP outreach and enrollment to access the SNAP enrollment system on behalf of SNAP participants; except, that the Department of Human Services may

certify specific community-based organizations or allow individual SNAP participants to designate a proxy;

“(2) Within 180 days after the applicability date of the No Senior Hungry Omnibus Amendment Act, adopt the Elderly Simplified Application Project, as defined by the United States Department of Agriculture’s guidance document Elderly Simplified Application Project Guidance;

“(3) Within one year after the applicability date of the No Senior Hungry Omnibus Amendment Act, create a standard medical deduction to simplify the collection of medical expense information for SNAP participants who are elderly or non-elderly and living with disabilities and obtain a demonstration waiver from the United States Department of Agriculture;

“(4) Within one year after the applicability date of the No Senior Hungry Omnibus Amendment Act, streamline the submission process for rent, utilities, and other information to increase SNAP benefit amounts;

“(5) Within 180 days after the applicability date of the No Senior Hungry Omnibus Amendment Act, develop and implement senior-targeted outreach and communications for online SNAP, including assistance in online ordering; and

“(6) Within one year after the applicability date of the No Senior Hungry Omnibus Amendment Act, update the online portal to make it more user friendly, including making it possible for SNAP applicants to view the status of their application.”.

Sec. 4. The Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-281 *et seq.*), is amended as follows:

(a) Section 4077 (D.C. Official Code § 38-285) is amended by striking the phrase “This subtitle shall apply” and inserting the phrase “Sections 4072 through 4075 shall apply” in its place.

(b) A new section 4078 is added to read as follows:

“Sec. 4078. Adult day care participation.

“Within 180 days after the applicability date of the No Senior Hungry Omnibus Amendment Act of 2022, passed on 2nd reading on December 6, 2022 (Enrolled version of Bill 24-419), OSSE shall identify all adult day care centers in the District eligible for the CACF Program and provide outreach and technical assistance to nonparticipating centers to enroll them in the CACF Program.”.

Sec. 5. The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended by adding a new section 11b to read as follows:

“Sec. 11b. Nutrition services.

(a) Within one year after the applicability date of the No Senior Hungry Omnibus Amendment Act of 2022, passed on 2nd reading on December 6, 2022 (Enrolled version of Bill

24-419), the Department shall amend the services included in the Elderly and Persons with Physical Disabilities (“EPD”) waiver to include:

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

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

(3) Medical nutrition therapy.

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

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

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

(1) “Home delivered meals” means up to 2 meals per day that are safely and nutritiously prepared, packaged, and delivered to a waiver enrollee at the enrollee’s home, which may include a single ready-to-eat meal or multiple single-serving meals that are frozen, vacuum-packed, modified-atmosphere-packed, or shelf stable, and that are prepared and delivered to meet the individual’s dietary or specialized nutrition needs.

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

Sec. 6. 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.

Sec. 7. 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).

ENROLLED ORIGINAL

Sec. 8. Effective date.

This 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