

A RESOLUTION

22-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 16, 2018

To declare the existence of the emergency with respect to the need to amend the Health Services Planning Program Re-establishment Act of 1996 to clarify that the State Health Planning and Development Agency currently has the authority to approve or disapprove the proposed closure or termination of services of a health care facility; and to amend the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983 to authorize the Director of the Department of Health to issue a provisional license in the specified circumstance.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Clarification of Hospital Closure Procedure Emergency Declaration Resolution of 2018”.

Sec. 2.(a) There exists an immediate need to clarify the health care facility (“HCF”) and health service closure process to ensure:

- (1) That healthcare is equitably available for all District residents;
- (2) Continuity of care for vulnerable patients;
- (3) Hospital closures do not disproportionately affect people of color, individuals living with disabilities, the infirm, the elderly, or economically underserved residents;
- (4) The orderly transition of patient care;
- (5) Hospital closures do not pose substantial risks to health outcomes; and
- (6) That the authority of the State Health Planning and Development Agency (“SHPDA”) under the Health Services Planning Program Reestablishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code 44-401 *et seq.*) (“Law 11-191”) is clarified so that it is clear that Law 11-191 currently provides SHPDA with the authority to approve or disapprove a proposed permanent closure or termination of service of a HCF or health service.

(b) Expeditious action is also necessary to authorize the Director of the Department of Health to issue a provisional license when an HCF or health service does not obtain SHPDA’S approval, as required by section 7 of Law 11-191, before the expiration of the HCF’s or health service’s license.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Clarification of Hospital Closure Procedure Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.