

Brianne K. Nadeau

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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 align 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, make the funding in the Medicaid Reserve non-lapsing, to amend Title 47 of the D.C. Official Code to require any reprogramming of funding from the Department of Health Care Finance or the Medicaid Reserve to be actively approved by resolution in Fiscal Year 2021, deposit all unspent local funds of the Department of Healthcare Finance in Fiscal Year 2021 into the Medicaid Reserve, and to require the Office of the Chief Financial to notify the Council within 3 business days if funds in the Medicaid 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(a) Section 7c (D.C. Official Code § 7-1408) is repealed.

(b) Add a new section 7e to read as follows:

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

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

5 “(1) In person; and

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

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

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

10 “(2) Recertify their enrollment in person.”

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

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

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

17 (1) Subsection (b) is amended as follows:

18 (A) Paragraph (1) is amended to read as follows:

19 “(1) To pay for the fiscal effect associated with section 7e; and”.

20 (B) Paragraph (2) is repealed.

21 (C) Paragraph (3) is repealed.

22 (D) Paragraph (4) is amended as follows:

23 (i) Subparagraph (B) is amended as follows:

1 (I) Sub-subparagraph (ii) is amended by striking the
2 word “and”

3 (II) Sub-subparagraph (iii) is amended by striking
4 the phrase “tools;” and inserting the phrase “tools; and” in its place.

5 (ii) Subparagraph (C) is repealed.

6 (2) Subsection (d) is amended to read as follows:

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

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

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

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

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

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

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

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

23 “Sec. 11a. Unspent local funds.

1 “In Fiscal Year 2021, the Chief Financial Officer shall deposit all unspent local
2 funds at the Department of Health Care Finance into the Medicaid Reserve at the end of
3 the fiscal year.”.

4 Sec. 203. Section 47-362 of the District of Columbia Official Code is amended by
5 adding a new subsection (h) to read as follows:

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

10 Sec. 4. Applicability.

11 (a) Section 3(a)(1) of this act shall apply upon the date of inclusion of its fiscal
12 effect in an approved budget and financial plan.

13 (b)(1) If the Office of the Chief Financial Officer determines at any time prior to
14 March 31, 2021 that all or a portion of the Fiscal Year 2021 Medicaid Reserve is not
15 needed to ensure that the Department of Health Care Finance has sufficient funds in
16 Fiscal Year 2021, then the Chief Financial Officer shall inform the Council within 3
17 business days that funds are available to implement all or a portion of Section 3(a)(1) of
18 this act. This notice shall be provided to all Councilmembers and the Officers of the
19 Council.

20 (2) The Chief Financial Officer shall certify the date of the inclusion of
21 the fiscal effect in an approved budget and financial plan, and provide notice to the
22 Budget Director of the Council of the certification.

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

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

5 Sec. 3. Fiscal impact statement.

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

9 Sec. 4. Effective date.

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