




OFFICE OF VINCENT C. GRAY
CHAIRMAN, COMMITTEE ON HEALTH
COUNCIL OF THE DISTRICT OF COLUMBIA

MEMORANDUM

TO: Chairman Phil Mendelson

FROM: Councilmember Vincent C. Gray, Chairperson 

DATE: December 2, 2021

SUBJECT: Request to Place Emergency Measures on the Agenda for December 7, 2021
Legislative Meeting

This memo is to request that the following measures be placed on the agenda for the December 7, 2021 Legislative Meeting:

- **Contract No. NFPHC-RSK-21-C-00064 Modifications between the Not-for-Profit Hospital Corporation and Kiernan Trebach LLP Approval and Payment Authorization Emergency Declaration Resolution of 2021**
- **Contract No. NFPHC-RSK-21-C-00064 Modifications between the Not-for-Profit Hospital Corporation and Kiernan Trebach LLP Approval and Payment Authorization Emergency Amendment Act of 2021**

This emergency legislation and declaration resolution would provide retroactive approval for Contract No. NFPHC-RSK-21-C-00064 Modifications between the Not-for-Profit Hospital Corporation and Kiernan Trebach LLP to provide medical malpractice litigation services on behalf of the Hospital, and authorize payment for the goods and services received and to be received under this proposed Contract.

Early procurement was required to timely and definitively secure these essential medical malpractice litigation services while Kiernan Trebach identified a suitable subcontractor in order to satisfy the District's subcontracting requirements and to ensure support for on-going litigation matters. To accomplish these goals the parties entered into an initial four (4) month contract (August 19, 2021 – December 16, 2021; \$400,000) followed by an eight (8) month modification (December 17, 2021 – August 18, 2022; \$800,000). Council approval is now required for this twelve (12) month contract totaling \$1,200,000.

Emergency approval of this legislation and declaration resolution would approve this Contract and would enable Kiernan Trebach LLP to receive payment for the provision of these critical services at UMC.

- **Contract No. NFPHC-RSK-22-C-00030 between the Not-for-Profit Hospital Corporation and Redwood Fire and Casualty Insurance Company Approval and Payment Authorization Emergency Act of 2021**
- **Contract No. NFPHC-RSK-22-C-00030 between the Not-for-Profit Hospital Corporation and Redwood Fire and Casualty Insurance Company Approval and Payment Authorization Emergency Declaration Resolution of 2021**

This emergency legislation and declaration resolution would provide retroactive approval for Contract No. NFPHC-RSK-22-C-00030 between the Not-for-Profit Hospital Corporation and Redwood Fire and Casualty Insurance Company for the provision of workers' compensation insurance for the Not-for-Profit Hospital Corporation, and authorize payment for the services received and to be received under this proposed Contract.

Council action is necessary to approve the proposed Contract in the amount of \$1,402,120.00 for the period of November 23, 2021 to November 23, 2022. Through discussions with its broker and Berkshire Hathaway Homestate Companies, the parent entity of Redwood Fire and Casualty Insurance Company, NFPHC was able to secure a slightly lowered premium amount. But for the additional time taken to ensure maximum contract value for NFPHC, the proposed Contract would have been timely transmitted to Council.

Emergency approval of this legislation and declaration resolution would approve this Contract and would enable Redwood Fire and Casualty Insurance Company to receive payment for the provision of these critical services at UMC.

- **Contract No. NFPHC-RSK-22-C-00029 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda LTD Approval and Payment Authorization Emergency Amendment Act of 2021**
- **Contract No. NFPHC-RSK-22-C-00029 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda LTD Approval and Payment Authorization Emergency Declaration Resolution of 2021**

This emergency legislation and declaration resolution would provide retroactive approval for Contract No. NFPHC-RSK-22-C-00029 between the Not-for-Profit Hospital Corporation, commonly known as United Medical Center ("Hospital"), and Ascot Underwriting Bermuda LTD to provide Healthcare Professional Liability, General Liability Physicians & Excess Liability insurance coverage, and to authorize payment for the services rendered and to be received under the Contract.

Council action is necessary to approve the proposed Contract in the amount of \$3,419,000.00 for the period of November 23, 2021 to November 23, 2022. NFPHC was able to slightly reduce the premium due to continued discussions with its broker and Ascot. But for the additional time taken

to ensure maximum contract value for the NFPHC actual risk, the proposed Contract would have been timely transmitted to Council.

Emergency approval of this legislation and declaration resolution would approve this Contract and would enable Ascot Underwriting Bermuda LTD to receive payment for the provision of these critical insurance services at the Hospital.

- **Collective Bargaining Agreement between the Not-for-Profit Hospital Corporation and 1199 SEIU United Healthcare Workers East Emergency Approval Resolution of 2021**
- **Collective Bargaining Agreement between the Not-for-Profit Hospital Corporation and 1199 SEIU United Healthcare Workers East Emergency Declaration Resolution of 2021**

This emergency declaration resolution and emergency approval resolution would provide emergency approval for the proposed agreement for the employees employed by the Not-for-Profit Hospital Corporation (NFPHC) and who are represented by 1199 SEIU United Healthcare Workers East (SEIU). The proposed agreement establishes compensation in fiscal years 2020 through 2024 for the employees. The Employees will receive a retroactive three percent (3%) wage increase for fiscal years 2020 and 2021, effective October 1st of each year. Thereafter, the agreement provides for three percent (3%) increases effective October 1st of each year for fiscal years 2022 through 2024. As agreed to by the parties, each raise is contingent on anti-deficiency laws.

Council action is necessary to approve the proposed agreement. NFPHC and SEIU's agreement on wages, rates of pay, hours of work, and other terms and conditions of employment will allow employees of NFPHC to continue to provide vital services to its patients and the community that NFPHC serves. It is important that SEIU employees receive the payments for prior years and receive the pay increase for the current year, on an expedited basis, so that they may realize the benefits of the terms of the agreement. Additionally, If approved, this CBA will provide the NFPHC with much needed flexibility in non-professional and technical vacancies and other specialty positions and potentially help drive down overtime and agency costs across various departments.

Emergency approval of these emergency declaration and emergency approval resolutions would approve the proposed agreement and compensation increase for the employees.

Copies of the legislation and contract summaries are attached. For any questions or concerns, please contact Malcolm Cameron, Legislative Analyst, at (202) 341-4425 or mcameron@dccouncil.us.