

Councilmember Vincent C. Gray

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve amendments to the rules governing the Health Care Safety Net Administration to conform with statutory changes and update eligibility requirements and standards on eligibility determinations.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Health Care Safety Net Administration Rulemaking Approval Emergency Declaration Resolution of 2022”.

Sec. 2. (a) Pursuant to section 7a of the Health Care Privatization Amendment Act of 2001, effective March 30, 2004 (D.C. Law 15-109; D.C. Official Code § 7-1406), the Council must approve rules of the Department of Health Care Finance, to amend Chapter 33 (Health Care Safety Net Administration) of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations, regarding the Health Care Safety Net Administration.

(b) Alliance program application and recertification processes were required to resume with the end of the public health emergency effective July 25, 2021, under Mayor’s Order 2021-096, and delayed to November 5, 2021 under the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021.

1 (c) The resumption of the Alliance program application and recertification
2 processes—include, among other things, in person interviews.

3 (d) The Mayor’s Order 2022-008, establishing a limited public health emergency
4 from January 11, 2022, to January 26, 2022, does not reinstate the waiver of these in
5 person interviews.

6 (e) The final rules ensure that individuals who need Alliance program coverage
7 but are unable to appear in person for interviews when initially applying or renewing
8 health coverage can be determined eligible through a new streamlined application and
9 renewal process, thereby providing them with critical access to needed health care
10 services.

11 (f) On November 19, 2021, the District of Columbia Department of Health Care
12 Finance published amendments, on an emergency basis, in the *D.C. Register* at 68 DCR
13 12292.

14 (g) In addition to ensuring that individuals who are in need of Alliance coverage
15 but unable to appear in person for interviews when initially applying for or renewing
16 eligibility can be determined eligible through a more simplified and streamlined process,
17 thereby providing them with critical access to health care services.

18 (h) With the elimination of the interview requirement, the implementation of
19 periodic electronic data matches is also needed on an emergency basis to maintain
20 program integrity by preventing out-of-District residents from obtaining Alliance
21 program coverage, and to ensure local District dollars are appropriately covering eligible
22 District residents in need of Alliance program health coverage.

1 (i) Additionally, rulemaking adopts Medicaid Adjusted Gross Income (MAGI)
2 financial eligibility requirements that remove a bifurcated and outdated processes and
3 transitions the eligibility processes to an updated electronic process, which removes
4 barriers for maintaining health coverage.

5 (j) Finally, the rulemaking capitates payments for incarcerated individuals and
6 performing electronic data matches to confirm District residency helps ensure that local
7 dollars are not inappropriately spent and can be used to cover eligible individuals in need
8 of Alliance program coverage.

9 (k) Approval is necessary to allow the continuation of services to DC Health Care
10 Alliance program participants. Without this approval, Alliance program participants will
11 face barriers to establishing and continuing Alliance program eligibility, unjustly
12 convicted and incarcerated individuals will not have access to care, and the Department
13 of Health Care Finance will be limited in its ability to control local funds where a
14 participant may not be eligible for participation due to relocating outside of the District or
15 becoming incarcerated.

16 Sec. 3. The Council of the District of Columbia determines that the
17 circumstances enumerated in Section 2 constitute emergency circumstances making it
18 necessary that the Health Care Safety Net Administration Rulemaking Approval
19 Resolution of 2022 be adopted after a single reading.

20 Sect 4. Effective date.

21 This resolution shall take effect immediately.