


Councilmember Kenyan R. McDuffie

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clarification of Hospital Closure Procedure Congressional Review Emergency Amendment Act of 2019".

Sec. 2. Section 7(c) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-406(c)), is amended by striking the phrase "extent possible." and inserting the phrase "extent possible, which may include organizing meetings with affected stakeholders and providing planning and technical assistance for possible patient load transition, and, if the notice of closure is approved by SHPDA, continue to assist in the orderly transition by overseeing the placement of patients into new HCFs in a manner that ensures that the health and well-being of the patients is protected."

36 Sec. 3. Section 7 of the Health-Care and Community Residence Facility Hospice and
37 Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official
38 Code § 44-506), is amended as follows:

39 (a) Subsection (c) is amended by striking the phrase “Provisional licenses” and inserting
40 the phrase “Except as provided in subsection (f) of this section, provisional licenses” in its place.

41 (b) A new subsection (f) is added to read as follows:

42 “(f)(1) If a notice of closure of a health care facility or health service is denied by the
43 State Health Planning and Developmental Agency pursuant to section 7(c) of the Health Services
44 Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191;
45 D.C. Official Code § 44-406(c)), the Director of the Department of Health may issue a
46 provisional license to the health care facility or health service to continue to operate for up to 3
47 years.

48 “(2) For the purposes of this subsection, the terms “health care facility” and
49 “health service” shall have the same meanings as provided in section 2(10) and (12) of the
50 Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C.
51 Law 11-191; D.C. Official Code § 44-401(10) and (12)), respectively.”.

52 Sec. 4. Applicability.

53 This act shall apply as of January 30, 2019.

54 Sec. 5. Fiscal impact statement.

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

58 Sec. 6. Effective date.

59 This act shall take effect following approval by the Mayor (or in the event of veto by the
60 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
61 90 days, as provided for emergency acts of the Council of the District of Columbia in section
62 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
63 D.C. Official Code § 1-204.12(a)).