

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Community Health Omnibus Amendment Act of 2018 to require health benefit plans to provide coverage for newborn screenings and authorize civil fines and penalties, to authorize the Mayor to require hospitals and birthing facilities to report on selected clinical quality measures and to inspect hospitals and birthing facilities for auditing purposes, and to establish a Perinatal and Infant Health Advisory Committee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Better Access for Babies to Integrated Equitable Services Amendment Act of 2020”.

Sec. 2. Title III of the Community Health Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-290; D.C. Official Code § 7-858.01 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 7-858.01) is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

“(1A) “Committee” means the Perinatal and Infant Health Advisory Committee established in section 305.”.

(2) New paragraphs (3A) and (3B) are added to read as follows:

“(3A) “Doctor” means a person holding a Doctor of Medicine (M.D.) or Doctor of Osteopathic Medicine (D.O.) degree.

“(3B) “Health benefit plan” shall have the same meaning as provided in section 2(5) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.01(5)).”.

(3) A new paragraph (9) is added to read as follows:

“(9) “Report card” means a listing of A-F letter grades addressing compliance with the provisions included in section 303(a).”.

(b) Section 302 (D.C. Official Code § 7-858.02) is amended by adding a new subsection (d) to read as follows:

“(d) Each individual and group health benefits plan issued or renewed in the District of Columbia shall provide coverage for newborn screenings required by and performed in accordance with the provisions of this section.”.

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(c) Section 302 (D.C. Official Code § 7-858.03) is redesignated as section 304.

(d) Section 303 (D.C. Official Code § 7-858.04) is redesignated as section 308.

(e) A new section 303 is added to read as follows:

“Sec. 303. Birthing facility report cards; inspections; annual reports.

“(a) Each hospital and birthing facility shall report to the Department information regarding inpatient services and processes for each of the following elements as the Department may require through rulemaking, including:

“(1) Newborn screening requirements established under this title;

“(2) Lactation support services;

“(3) Education requirements on newborn and postpartum health;

“(4) Discharge standards established under this title; and

“(5) Clinical quality measures of obstetrical and neonatal care.

“(b) The Department may inspect each hospital and birthing facility to verify compliance with the requirements of this title and to assess performance related to the elements set forth in subsection (a) of this section while conducting its annual inspection of each hospital and birthing facility.

“(c) The Department shall issue an annual report that includes a report card for each hospital and birthing facility that summarizes the results of the hospital or birthing facility for each element set forth in subsection (a) of this section.”.

(f) New sections 305, 306, and 307 are added to read as follows:

“Sec. 305. Perinatal and Infant Health Advisory Committee; establishment and composition.

“(a) There is established a Perinatal and Infant Health Advisory Committee that shall be responsible for making recommendations to the Mayor and the Director of the Department of Health regarding improving perinatal health and assuring access to quality perinatal health services.

“(b) The committee shall be composed of the following 11 voting members:

“(1) The Director of the Department of Health, or designee, who shall also serve as chairperson of the committee;

“(2) The Director of the Department of Health Care Finance, or designee;

“(3) The State Superintendent of Education, or designee;

“(4) Two consumer members with children under the age of 5 years;

“(5) A doctor practicing as a pediatric primary care provider;

“(6) A doctor practicing as a neonatologist;

“(7) A doctor practicing as an obstetrician-gynecologist in an ambulatory setting;

“(8) A doctor specialized in and practicing maternal-fetal medicine;

“(9) A health care professional specialized in and practicing genetics and newborn screening; and

“(10) A certified lactation counselor.

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“(c) The non-government members shall be appointed by the Mayor pursuant to section 2(f)(69) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(69)). Each non-government member shall be appointed for a term of 3 years; except, that of the initial appointments, 2 members shall be appointed for terms of 1 year, 3 members shall be appointed for terms of 2 years, and 3 members shall be appointed for terms of 3 years. If a vacancy occurs for any reason other than the normal expiration of a term, a member shall be appointed for the remainder of the unexpired portion of the term. No member shall be appointed to more than 3 consecutive 3-year terms. The members of the committee shall serve without compensation.

“(d) The committee shall meet quarterly, at a time and place determined by the chairperson.

“(e)(1) At least 6 members shall be present to constitute a quorum.

“(2) The committee may establish such policies and procedures as it considers appropriate for the administration of its functions.

“(f) The Department shall provide administrative support to the committee.

“Sec. 306. Duties of the committee.

“The committee shall:

“(1) Gather and disseminate information about perinatal and infant health indicators to increase the public’s understanding of the status of perinatal and infant health in the District.

“(2) Review newborn screening and surveillance data, including aggregate reports and individual case studies, and provide recommendations to improve the quality of newborn screening and birthing facility maternal and newborn discharge protocols;

“(3) Provide recommendations for hospitals and birthing facilities to improve metrics on the report cards issued by the Department under section 303(c);

“(4) Evaluate the need for and efficacy of all newborn screening tests and recommend the removal or addition of screening tests, as appropriate;

“(5) Devise strategies to increase promotion and support of breastfeeding;

“(6) Review perinatal and infant health policies and programs for the purpose of providing recommendations to improve their effectiveness in improving the health of mothers and infants;

“(7) Convene sub-committees for specialty areas of perinatal and newborn health, such as metabolic disorders, to inform and provide recommendations to the full committee as needed; and

“(8) Provide an annual report to the Mayor and Council of its legislative, regulatory, programmatic, and policy recommendations.

“Sec. 307. Penalties.

“Civil fines and penalties may be imposed as sanctions for an infraction of section 302 (a) or (c), section 303(a), or section 304(a) pursuant to the Department of Consumer and

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Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) (“Civil Infractions Act”). Enforcement and adjudication of an infraction shall be pursuant to the Civil Infractions Act.”.

Sec. 3. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

(a) The first paragraph (67) is amended by striking the word “and” at the end.

(b) The second paragraph (67) is amended to read as follows:

“(68) The Commission on Fashion Arts and Events, established by section 2 of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official Code § 3-651); and”.

(c) A new paragraph (69) is added to read as follows:

“(69) The Perinatal and Infant Health Advisory Committee, established by section 305 of the Community Health Omnibus Amendment Act of 2018, passed on 2nd reading on April 7, 2020 (Enrolled version of Bill 23-416).”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia