

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require that any proposed amendment to the terms “medical necessity” or “medically necessary” as those terms are defined in Section 3499.1 of Title 22 of the District of Columbia Municipal Regulations or development of criteria to determine whether Mental Health Rehabilitation Services are medically necessary per Section 3404.2 of Title 22 of the District of Columbia Municipal Regulations shall be issued by the Mayor by rulemaking and submitted to the Council for a 45-day review period.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the “Medical Necessity Review Criteria Emergency Amendment Act of 2017”.

Sec. 2. Section 5119 of the Department of Behavioral Health Establishment Act of 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.08) is amended as follows:

(a) The section heading is amended to read as follows:

“Sec. 5119. Rules.”.

(b) The existing text is designated as subsection (a).

(c) New subsections (b) and (c) are added to read as follows:

“(b) Any proposed amendment to the terms “medical necessity” or “medically necessary” as those terms are defined in Section 3499.1 of Title 22 of the District of Columbia Municipal Regulations (22 DCMR § 3499.1) shall be issued by the Mayor by rulemaking. The proposed rules shall be submitted to the Council for a 45-day period of

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34 review, excluding days of Council recess. If the Council does not approve or disapprove
35 the proposed rules, by resolution, within the 45-day review period, the proposed rules
36 shall be deemed approved.”.

37 “(c) Any proposed criteria developed to determine whether Mental Health
38 Rehabilitation Services are medically necessary per Section 3404.2 of Title 22 of the
39 District of Columbia Municipal Regulations (22 DCMR § 3404.2) shall be issued by the
40 Mayor by rulemaking. The proposed rules shall be submitted to the Council for a 45-day
41 period of review, excluding days of Council recess. If the Council does not approve or
42 disapprove the proposed rules, by resolution, within the 45-day review period, the
43 proposed rules shall be deemed approved.”.

44 Sec. 3. Fiscal impact statement.

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

48 Sec. 4. Effective date.

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

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