

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require that all changes to the terms “medical necessity” or “medical necessary” as those terms are defined in Section 3499.1 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 Temporary 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

review, excluding days of Council recess. If the Council does not approve or disapprove

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33 the proposed rules, by resolution, within the 45-day review period, the proposed rules
34 shall be deemed approved.”.

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

42 Sec. 3. Fiscal impact statement.

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

46 Sec. 4. Effective date.

47 (a) This act shall take effect following approval by the Mayor (or in the event of
48 veto by the Mayor, action by the Council to override the veto), a 30-day period of
49 congressional review as provided in section 602(c)(1) of the District of Columbia Home
50 Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-
51 206.02(c)(1)), and publication in the District of Columbia Register.

52 (b) This act shall expire after 225 days of its having taken effect.