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3 Chairman Mendelson at the request  
4 of the Not-for-Profit Hospital Corporation  
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6  
7 A BILL  
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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15 To amend, on an emergency basis, Chapter 9A of Title 44 of the D.C. Official Code to  
16 clarify that during a public health emergency, a request for a District operating  
17 subsidy of more than \$40 million in Fiscal Year 2021 or more than \$20 million in  
18 Fiscal Year 2022 and thereafter, will cause the provisions of the statute that  
19 created the Board of Directors to expire and will cause the Not-for-Profit Hospital  
20 Corporation to be governed by a Fiscal Management Board; the non-public health  
21 emergency subsidy limitation in any fiscal year is changed to \$20 million.  
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23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

24 That this act may be cited as the “Not-for-Profit Hospital Corporation Public Health  
25 Emergency Subsidy Limitation Emergency Amendment Act of 2021”.

26 Sec. 2. Section 44-951.04(l)(1) of the District of Columbia Official Code is  
27 struck and replaced with the following:

28 “(l)(1) Except as provided in Section (l)(1A), subsections (a), (b), (c), (d), (e), and  
29 (f) of this section shall expire if:

30 “(A) By September 15, 2019, the Board does not adopt a revised budget  
31 for Fiscal Year 2020 that has been certified by the Chief Financial Officer of the District  
32 of Columbia as being balanced with a District operating subsidy of \$22.14 million or  
33 less;

1                   “(B) At any time in Fiscal Year 2020, an annual subsidy of more than  
2 \$22.14 million is required; or

3                   “(C) At any time after September 30, 2020, a District operating subsidy of  
4 more than \$20 million per fiscal year is required.”

5                   Sec. 3. Section 44-951.04(1)(1A) of the District of Columbia Official Code is  
6 struck and replaced with the following:

7                   “(1A) During the period of time for which the Mayor has declared a public health  
8 emergency pursuant to § 7-2304.01, subsections (a), (b), (c), (d), (e), and (f) of this  
9 section shall expire if:

10                   “(A) By September 15, 2019, the Board does not adopt a revised budget  
11 for Fiscal Year 2020 that has been certified by the Chief Financial Officer of the District  
12 of Columbia as being balanced with a District operating subsidy of \$22.14 million or  
13 less;

14                   “(B) At any time during fiscal year 2021, a District operating subsidy of  
15 more than \$40 million is required; or

16                   “(C) At any time during fiscal year 2022 and thereafter, a District  
17 operating subsidy of more than \$20 million per fiscal year is required.”

18                   Sec. 4. A new Section 44-951.04(1)(3) is inserted as follows:

19                   “(1)(3) The provision of a District subsidy under subsections (1) or (1A) in any  
20 fiscal year shall not remove the ongoing requirement and expectation that the hospital  
21 operator develops and takes all necessary action, including expense reduction, cost  
22 savings, and revenue preservation activities, to maintain a balanced budget for each fiscal  
23 year.”

1           Sec. 5. Section 44-951.04(m) of the District of Columbia Official Code is  
2 amended by striking the phrase “If any of the conditions set forth in subsection (l)(1) of  
3 this section has been met:” and inserting the phrase “If any of the conditions set forth in  
4 subsection (l)(1) or (l)(1A) of this section has been met:” in its place.

5           Sec. 6. Fiscal impact statement.

6           The Council adopts the fiscal impact statement of the Chief Financial Officer as  
7 the fiscal impact statement required by section 602(c)(3) of the District of Columbia  
8 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-  
9 206.02(c)(3)).

10          Sec. 7. Effective date.

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