

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Health Services Planning Program Re-establishment Act of 1996 to provide hospitals and health care service providers with a valid certificate of need that expired during or within 30 days prior to the declaration of a public health emergency a waiver from the need to renew the certificate of need until 60 days after the end of the public health emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Good Faith Waiver of Certificates of Need for Health Care Providers Emergency Declaration of 2021”.

Sec. 2. On March 11, 2020, the Mayor issued Mayor’s Orders 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. Since that initial order, additional orders have been issued to extend the public health emergency.

(b) Shortly before and during the public health emergency, several health care providers’ certificate of need issued by the Department of Health’s State Health Planning and Development Agency (“SHPDA”) to offer health services to District residents expired. When a provider’s

36 certificate of need expires, a provider no longer is able to provide health services or complete
37 necessary construction projects that would promote the delivery of health services.

38 (c) The Department of Health has acknowledged that the District is experiencing a
39 healthcare worker shortage. Currently, regulations do not permit SHPDA to readily extend the
40 validity of certificates of need.

41 (d) The underlying emergency legislation would extend the validity of certificates of need
42 that otherwise would have expired until 60 days after the end of the public health emergency,
43 allowing hospitals and healthcare service providers to continue to operate during the public
44 health emergency and the District to continue to manage the health care needs of District
45 residents.

46 Sec. 3. The Council of the District of Columbia determines that the circumstances
47 enumerated in section 2 constitute emergency circumstances making it necessary that the Good
48 Faith Waiver of Certificate of Need for Health Providers Emergency Amendment Act of 2021 be
49 adopted after a single reading.

50 Sec. 4 This resolution shall take effect immediately.