

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis due to congressional review, the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011 to change the composition and procedures of the Fiscal Management Board; and to repeal obsolete provisions of law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Coronavirus Public Health Extension Congressional Review Emergency Amendment Act of 2021”.

Sec. 2. The Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21, D.C. Official Code § 44-951.01 et seq.), is amended as follows:

(a) Section 5115(m) (D.C. Official Code § 44-951.04(m)) is amended as follows:

(1) Paragraph (2) is amended to read as follows:

“(2) Voting members of the Fiscal Management Board shall include:

“(A) The Chief Financial Officer of the District of Columbia, or his or her designee, who shall serve as chair of the Fiscal Management Board;

“(B) The Deputy Mayor for Health and Human Services, or his or her designee;

34 “(C) One citizen member from either Ward 7 or Ward 8, appointed by the  
35 Mayor, who has experience in public health or health care delivery;

36 “(D) A citizen member, appointed by the Mayor, who has experience  
37 serving as the City Administrator of the District of Columbia;

38 “(E) An individual with expertise in hospital management or finance,  
39 appointed by the Mayor; and

40 “(F) One representative from each of the two unions, selected by each  
41 representative union, maintaining the largest collective bargaining units at United Medical  
42 Center.”.

43 (2) Paragraph (4) is amended by striking the phrase “January 31, 2023.” and  
44 inserting the phrase “December 31, 2024, the operations of the hospital have been dissolved, or  
45 such time as the Board is reinstated by an act of the Council.” in its place.

46 (3) A new paragraph (5) is added to read:

47 “(5) The member listed in subparagraph (E) of subsection (m)(2) shall not be a  
48 member of the Board of the Corporation as constituted on May 1, 2021.”.

49 (4) A new paragraph (6) is added to read:

50 “(6) In general, each voting member of the Fiscal Management Board shall:

51 “(A) Have experience, knowledge, and expertise in finance, management,  
52 and the organization or operation of a business or government;

53 “(B) Not be an individual who provides goods or services to the  
54 Corporation, or be employed by an entity that provides goods or services to the Corporation, and  
55 is not the spouse, parent, child, or sibling of an individual who provides goods and services to the  
56 Corporation; and

57 “(C) Maintain a primary residence or a primary place of business in the  
58 National Capital Region.”.

59 (b) Section 5120(b) (D.C. Official Code § 44-951.09(b)) is amended as follows:

60 (1) Paragraph (1) is amended to read as follows:

61 “(1) If any of the conditions set forth in section 5115(l) has been met, the Fiscal  
62 Management Board shall meet no later than 45 days thereafter and approve an operating budget  
63 that requires a subsidy from the District no greater than \$40 million in Fiscal Year 2021, and no  
64 greater than \$22 million per year thereafter, that supports the following services:

65 “(A) An emergency department;

66 “(B) Behavioral health (e.g. psychiatric) services;

67 “(C) The inpatient, outpatient, and support services necessary to provide  
68 services pursuant to subparagraphs (A) and (B) of this paragraph; and

69 “(D) Any additional critical care services meeting a community need that  
70 the Fiscal Management Board deems viable within the budget and financial plan for UMC  
71 adopted by the Council.”.

72 (2) Paragraph (3)(B) is amended by striking the word “Financial” and inserting  
73 the word “Fiscal” in its place.

74 (3) A new paragraph (4) is added to read as follows:

75 “(4)(A) By July 1, 2021, the Fiscal Management Board shall develop an  
76 operational plan for the Corporation with an implementation schedule providing for reductions in  
77 services and staffing necessary to meet the requirements set forth in paragraph (1) of this  
78 subsection through the time of dissolution of the Corporation under section 5130. The Fiscal  
79 Management Board shall make the best effort to ensure that the nonsupervisory employees will  
80 be the last staff to be impacted by reduction of staffing after supervisory and contracted staff

81 have been impacted; provided, that any staffing plan or decisions regarding reductions in staffing  
82 made by the Fiscal Management Board shall prioritize the health and safety of patients.

83 “(B) The budgetary aspects of the operational plan shall be certifiable by  
84 the Chief Financial Officer, and then, no later than 15 days after the approval by the Fiscal  
85 Management Board of an operational plan pursuant to subparagraph (A) of this paragraph, the  
86 Chief Financial Officer of the District of Columbia shall certify that the operational plan will  
87 satisfy the requirements set forth in paragraph (1) of this subsection.

88 “(C) Beginning October 1, 2021, the Corporation shall produce quarterly  
89 financial reports subject to audit by the Chief Financial Officer measuring progress against the  
90 operational plan.

91 “(D) Copies of such reports shall also be filed with the Secretary of the  
92 Council of the District of Columbia.

93 “(E) The Fiscal Management Board shall make adjustments to the  
94 Corporation’s budget and operations as necessary to maintain spending within the requirements  
95 of paragraph (1) of this subsection”.

96 (c) Section 5130 (D.C. Official Code § 44-951.19) is amended as follows:

97 (1) Subsection (a) is amended by striking the phrase “December 31, 2022,” and  
98 inserting the phrase “December 31, 2024,” in its place.

99 (2) Subsection (b) is amended by striking the phrase “January 31, 2023,” and  
100 inserting the phrase “December 31, 2024,” in its place.

101 (3) Subsection (c) is amended by striking the phrase “January 31, 2023,” and  
102 inserting the phrase “December 31, 2024,” in its place.

103 (4) Subsection (d) is amended by striking the phrase “Fiscal Year 2023” and  
104 inserting the phrase “Fiscal Year 2025” in its place.

105           Sec. 3. Repealers.

106           (a) The D.C. Healthcare Alliance Reform Amendment Act of 2019, effective September  
107 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is repealed.

108           (b) Section 507(d) of the Coronavirus Support Temporary Amendment Act of 2021,  
109 enacted May 3, 2021 (D.C. Act 24-62; 68 DCR 4824) is repealed.

110           Sec. 4. Fiscal impact statement.

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

114           Sec. 5. Effective date.

115           This act shall take effect following approval by the Mayor (or in the event of veto by the  
116 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
117 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
118 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
119 D.C. Official Code § 1-204.12(a)).