

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the District of Columbia Public Emergency Act of 1980 to extend the Mayor’s authority to declare a public health emergency; to amend 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 Emergency Amendment Act of 2021”.

Sec. 2. Section 7(c-1) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), is amended to read as follows:

“(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and public health emergency executive order (“emergency orders”) issued in response to the novel 2019 coronavirus (SARS CoV-2) until July 25, 2021. After the extension authorized by this subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of this section.”.

Sec. 3. 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(A) An emergency department;

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

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

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

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

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

“(4)(A) By July 1, 2021, the Fiscal Management Board shall develop an operational plan for the Corporation with an implementation schedule providing for reductions in services and staffing necessary to meet the requirements set forth in paragraph (1) of this subsection through the time of dissolution of the Corporation under section 5130. The Fiscal Management Board shall make the best effort to ensure that the nonsupervisory employees will be the last staff to be impacted by reduction of staffing after supervisory and contracted staff have been impacted; provided, that any staffing plan or decisions regarding reductions in staffing made by the Fiscal Management Board shall prioritize the health and safety of patients.

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

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

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

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

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

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

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

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

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

Sec. 4. Repealers.

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

(b) Section 507(d) of the Coronavirus Support Emergency Amendment Act of 2021, effective March 17, 2021 (D.C. Act 24-30; 68 DCR 3101), is repealed.

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

Sec. 5. Applicability.

This act shall apply as of May 10, 2021.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia