

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2011 Winter
Supp.

To establish, on a temporary basis, the DC High Risk Pool Program supported by federal funds; and to amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to coordinate enrollment between the open enrollment program and the DC High Risk Pool Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “DC High Risk Pool Program Establishment Temporary Act of 2010”.

TITLE I. DC HIGH RISK POOL PROGRAM.

Sec. 101. Establishment of the DC High Risk Pool Program.

(a) There is established the DC High Risk Pool Program (“Program”), which shall provide affordable health insurance benefits to eligible individuals.

(b) The Program shall be:

(1) Administered by the Department of Health Care Finance, established by the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code §7-771.01 *et seq.*);

(2) Funded through federal funds made available through the temporary high risk pool program, established by the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 119; 42 U.S.C. § 18001) (“federal act”), and administered by the U.S. Department of Health and Human Services;

(3) Subject to the availability of funding; and

(4) Expire on December 31, 2013; provided, that federal requirements or contractual obligations between the District and the U.S. Department of Health and Human Services do not necessitate a different date.

(c) Nothing in this section shall be construed to create or constitute an entitlement to health insurance or to health or medical benefits.

Sec. 102. Program eligibility.

An individual shall be eligible for the Program if the individual:

(1) Is a District resident;

(2) Is a United States citizen, or lawfully in the country;

- (3) Has not had creditable health coverage for the 6 months prior to applying for the Program;
- (4) Has one or more pre-existing conditions that have resulted in the inability to obtain commercial insurance coverage on the individual market; and
- (5) Is not eligible for public health-insurance benefits.

Sec. 103. Program benefits.

The Program shall provide comprehensive coverage for services that meet the requirements of the temporary high risk pool program, established by the federal act.

Sec. 104. Affordability of coverage.

Under the Program:

- (1) The premium levels charged to enrollees shall be no greater than 100% of the standard risk rate for each age group, with a variability no greater than 4-to-1 between any 2 age groups;
- (2) The out-of-pocket limit of coverage for cost-sharing for the required benefits shall not be greater than the applicable amount described in section 223(c)(2) of the Internal Revenue Code of 1986, approved December 8, 2003 (117 Stat. 2469; 26 U.S.C. § 223(c)(2)), for the year involved; and
- (3) There shall not be any annual or lifetime dollar limits on any service, including prescription drugs.

Sec. 105. Program implementation.

To meet the deadline set by the U.S. Department of Health and Human Services, the Mayor is authorized to enter into a contract with a qualified insurer or hospital and medical services corporation licensed in the District.

Sec. 106. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.

TITLE II. CONFORMING AMENDMENT.

Sec. 201. The Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*), is amended as follows:

(a) Section 2(7A)(A)(v) (D.C. Official Code § 31-3501(7A)(A)(v)) is amended to read as follows:

Note,
§ 31-3501

“(v) Participation in the open enrollment program (including the health maintenance organization product) may be limited to District residents who are ineligible for the DC High Risk Pool Program, as defined in the DC High Risk Pool Program Establishment Temporary

ENROLLED ORIGINAL

Act of 2010, passed on 2nd reading on September 21, 2010 (Enrolled version of Bill 18-939). Participant eligibility shall be subject to periodic confirmation; and”.

(b) Section 15(d) (D.C. Official Code § 31-3514(d)) is amended by striking the phrase “District of Columbia,” and inserting the phrase “District of Columbia who is ineligible for the DC High Risk Pool Program,” in its place.

**Note,
§ 31-3514**

TITLE III. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

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

Sec. 302. Effective date.

(a) 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia