

COUNCIL OF THE DISTRICT OF COLUMBIA

20 DCSTAT 1441

D.C. Act 20-85, effective June 19, 2013 (Expiration date September 16, 2013)

(Applicable as of June 18, 2013)

AN ACT

Bill 20-290

**Emergency
Declaration
Res. 20-136
20 DCStat 1554**

**Codification
District of
Columbia
Official Code
2001 Edition**

To amend, on an emergency basis, due to Congressional review, the District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008 to change the name of the District of Columbia Medical Liability Captive Insurance Agency to the District of Columbia Medical Liability and Earthquake Captive Insurance Agency, to provide property insurance for risks to District government real property assets for earthquake and earthquake-related hazards, to authorize the agency to enter into contracts with other insurance companies and re-insurers, and to require the agency's plan of operation to be modified to include procedures for offering property insurance.

**Captive
Earthquake
Property
Insurance
Congressional
Review
Emergency
Amendment
Act of 2013**

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Captive Earthquake Property Insurance Congressional Review Emergency Amendment Act of 2013”.

Sec. 2. The District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.81) is amended as follows:

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

“(2) “Agency” means the District of Columbia Medical Liability and Earthquake Captive Insurance Agency.”.

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

“(4A) “District” means District of Columbia.”.

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

“(4B) “District real property asset” means the following: DCS-020 MPD Boys and Girls Club, 801 Shepherd Street, N.W.; DCS-061 - DCPS Logistic Warehouse, 2000 Adams Place, N.E.; MTA-043 Murch Elementary School, 4810 36th Street, N.W.; MTA-067 Ross Elementary School – Repairs, 1730 R Street, N.W.; MTA-066 Maury Elementary School – Repair, 1250 Constitution Avenue, N.E.; MTA-026 Whittier Education Campus, 6201 5th Street, N.W.; MTA-068 Bunker Hill Elementary School, 1401 Michigan Avenue, N.E.; DCS-027 - 4 Story Brick and Reinforced Concrete Building, 1413 Girard Street, N.W.; . MTA-050 Walker - Jones Elementary School, 100 L Street, N.W.; MTA-045 Seaton Elementary School, 1503 10th Street, N.W.; MTA-053 Shepherd Elementary School, 7800 14th Street, S.E.; MTA-054 Fletcher Johnson Elementary School, 4650 Benning Road, S.E.; DCS-078 D.C. Therapeutic/TR Center, 3030 G Street, S.E.; DCS-025 Lab Building, 5000 Overlook Avenue, S.W.; MTA-051 West

**Note,
§ 1-307.81**

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Elementary School, 1338 Farragut Street, N.W.; MTA-029 Leckie Elementary School, 4200 Martin Luther King, Jr. Avenue, S.E.; MTA-049 Emery Elementary School, 1720 1st Street, N.E.; MTA-057 C W Harris Elementary School, 301 53rd Street, S.E.; DCS-031 Model Cities Senior Wellness Center, 1901 Evarts Street, N.E.; DCS-063 Metropolitan Police Department, 2nd District, 3320 Idaho Avenue, N.W.; MTA-039 Columbia Heights Education Campus, 3101 16th Street, N.W.; MTA-058 Patterson Elementary School, 4399 South Capital Terrace, S.W.; MTA-059 M.C. Terrell Elementary School, 3301 Wheeler Road, S.E.; DCS-087 Sumner School, 1201 17th Street, N.W.; DCS-014 301 Bryant Street, N.W.; DCS-021, New York Avenue Shelter, 1357 New York Avenue, N.E.; DCS-024 National Guard Armory D.C. Armory, 2001 E. Capitol Street, S.E.; DCS-015 Central Maintenance Facility, 5000 Overlook Avenue, S.W.; DCS-016 Reinforced Concrete Building, 2720 Martin Luther King Jr. Avenue, S.E.; DCS-035 Sherwood Recreation Center, 640 10th Street, N.E.; DCS-044 310 McMillian Drive, N.W.; DCS-020 New Endeavors, 611 N Street, N.W.; DCS-092 Pump Station B2-1, 5000 Overlook Avenue, S.W.; MTA-033 School Without Walls High School, 2130 G Street, N.W.; MTA-040 Eastern Senior High School, 1700 East Capitol Street, N.E.; MTA-035 Stuart Hobson Middle School, 410 E Street, N.E.; MTA-024 Drew Elementary School, 5600 Eads Street, N.E.; MTA-060 Coolidge Senior High School, 6315 5th Street, N.W.; MTA-061 Langley Education Campus, 101 T Street, N.E.; MTA-023 Paul Public Charter School, 5800 8th Street, N.W.; MTA-048 Eaton Elementary School, 3301 Lowell Street, N.W.; DCS-017, One Judiciary Square, 441 4th Street, N.W.; DCS-018, 1350 Pennsylvania Avenue, N.W.; MTA-046 Amidon Elementary School, 401 Eye Street, S.W.; MTA-041 Eliot Junior High School, 1830 Constitution Avenue, N.E.; MTA-062 Banneker Senior High School, 800 Euclid Street, N.W.; MTA-052 Davis Elementary School, 4430 H Street, S.E.; MTA-044 Nalle Elementary School, 219 50th Street, S.E.; MTA-042 Peabody Elementary School, 425 C Street, N.E.; and MTA-031 MacFarland Middle School, 4400 Iowa Avenue, N.W.”.

(4) Paragraph (5) is amended by striking the phrase “Medical Liability” both times it appears and inserting the phrase “District of Columbia Medical Liability and Earthquake” in its place.

(5) A new paragraph (8A) is added to read as follows:

“(8A) “Medical malpractice” means professional negligence by act or omission by a health care provider in which the treatment provided falls below the accepted standard of practice in the medical community and causes injury or death to the patient, with most cases involving medical error.”.

(6) A new paragraph (9A) is added to read as follows:

“(9A) “Property insurance” means an insurance policy that protects against earthquake and earthquake-related hazards and risks.”.

(b) Section 3 (D.C. Official Code § 1-307.82) is amended to read as follows:

“Sec. 3. Establishment of the District of Columbia Medical Liability and Earthquake Captive Insurance Agency.

**Note,
§ 1-307.82**

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“(a) There is established, as a subordinate agency under the Mayor, the District of Columbia Medical Liability and Earthquake Captive Insurance Agency.

“(b) The purpose of the Agency is to:

“(1) Provide medical malpractice liability insurance policies for health centers, including coverage for the staff, contractors, and volunteer service providers for the services provided at the health centers; and

“(2) Provide property insurance for earthquake and earthquake-related hazards for District real property assets and other personal property, including equipment, content, and vehicles.

“(c) The liability of the Agency for medical malpractice liability and property insurance policies shall be limited to the funds in the District of Columbia Medical Liability and Earthquake Captive Trust Fund.”.

(c) Section 4(a) (D.C. Official Code § 1-307.83(a)) is amended follows:

**Note,
§ 1-307.83**

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

“(1) By delegation from the Mayor, to exercise procurement authority as is necessary or proper to carry out the provisions and purposes of this act, including contract oversight and contracting:

“(A) With other insurance companies and re-insurers;

“(B) With similar captives of other states for the joint performance of common administrative functions; and

“(C) With persons or other entities for the performance of organizational, management, or administrative functions;”.

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

“(4A) Issue policies of property insurance for earthquake and earthquake-related hazards for District real property assets and other personal property, including equipment, content, and vehicles, in accordance with the requirements of the plan of operation under section 8;”.

(d) Section 8(b) (D.C. Official Code § 1-307.87(b)) is amended by adding a new paragraph (4A) to read as follows:

**Note,
§ 1-307.87**

“(4A) Establish procedures for the offering of property insurance for earthquake and earthquake-related hazards for District real property assets and other personal property, including equipment, content, and vehicles;”.

(e) Section 11 (D.C. Official Code § 1-307.90) is amended to read as follows:

**Note,
§ 1-307.90**

“Sec. 11. Coverage.

“(a) The Agency shall offer:

“(1) Health centers medical malpractice insurance that is consistent with coverage offered in the market; and

“(2) Property insurance for the benefit of the District for earthquake and earthquake-related hazards for District real property assets and other personal property, including equipment, content, and vehicles, that is consistent with coverage offered in the market.

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“(b) The insurance policies offered pursuant to this section shall be established by the Risk Officer with the advice of the Advisory Council and subject to the approval of the Commissioner.

“(c) Any policy offered by the Agency shall state that the liability of the Agency shall be limited to the funds in the District of Columbia Medical Liability and Earthquake Captive Trust Fund.

“(d) The coverage to be issued to the health centers shall be established by the Risk Officer with the advice of the Advisory Council and subject to the approval of the Commissioner.”.

(f) Section 12 (D.C. Official Code § 1-307.91) is amended as follows:

**Note,
§ 1-307.91**

(1) The section heading is amended by striking the phrase “Medical Liability” and inserting the phrase “District of Columbia Medical Liability and Earthquake” in its place.

(2) Subsection (a) is amended by striking the phrase “Medical Liability” and inserting the phrase “District of Columbia Medical Liability and Earthquake” in its place.

Sec. 3. Applicability.

This act shall as of June 18, 2013.

**Applicable as
of June 18,
2013**

Sec. 4. 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. 5. 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)).