

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 4.**  
**PUBLIC CARE SYSTEMS.**

**CHAPTER 6A.**  
**HEALTHY DC PROGRAM.**

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**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 6A. HEALTHY DC PROGRAM.**

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# CHAPTER 6A. HEALTHY DC PROGRAM.

## § 4-631. DEFINITIONS.

For the purposes of this chapter, the term "health insurer" means any person that provides one or more health benefit plans or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefit society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance, Securities, and Banking.

(Aug. 16, 2008, D.C. Law 17-219, § 5041, 55 DCR 7598.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

Law 17-219, the "Fiscal Year 2009 Budget Support Act of 2008", was introduced in Council and assigned Bill No. 17-678, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 13, 2008, and June 3, 2008, respectively. Signed by the Mayor on June 26, 2008, it was assigned Act No. 17-419 and transmitted to both Houses of Congress for its review. D.C. Law 17-219 became effective on August 16, 2008.

#### *Miscellaneous Notes*

Short title: Section 5040 of D.C. Law 17-219 provided that subtitle R of title V of the act may be cited as the "Healthy DC Act of 2008".

## § 4-632. ESTABLISHMENT OF HEALTHY DC PROGRAM; ADMINISTRATION.

(a) There is established the Healthy DC Program ("Program"), which shall provide affordable health benefits to eligible individuals.

(b) The Program shall be administered by the Department of Health Care Finance, established by Chapter 7D of Title 7.

(c) The Program shall be funded through the Healthy DC and Health Care Expansion Fund, established by § 31-3514.02.

(d)(1) The Program shall be subject to the availability of funding.

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

(Aug. 16, 2008, D.C. Law 17-219, § 5042, 55 DCR 7598; Sept. 24, 2010, D.C. Law 18-223, § 5025(a), 57 DCR 6242.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 18-223, in subsec. (c), substituted "Healthy DC and Health Care Expansion Fund" for "Healthy DC Fund".

#### *Temporary Amendments of Section*

Section 5(a) of D.C. Law 18-205, in subsec. (c), substituted "Healthy DC and Health Care Expansion Fund" for "Healthy DC Fund".

Section 7(b) of D.C. Law 18-205 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 18-270, in subsec. (a), substituted "health benefits or premium subsidies for employer-sponsored coverage" for "health benefits".

Section 4(b) of D.C. Law 18-270 provides that the act shall expire after 225 days of its having taken effect.

For temporary (90 day) amendment of section, see § 5(a) of Medicaid Resource Maximization Emergency Amendment Act of 2010 (D.C. Act 18-390, May 7, 2010, 57 DCR 4339).

For temporary (90 day) amendment of section, see § 2(a) of Healthy DC Emergency Amendment Act of 2010 (D.C. Act 18-528, August 3, 2010, 57 DCR 8095).

For temporary (90 day) amendment of section, see § 5025(a) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

For temporary (90 day) amendment of section, see § 2(a) of Healthy DC Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-569, October 19, 2010, 57 DCR 10082).

*Legislative History of Laws*

For Law 17-219, see notes following § 4-631.

For Law 18-223, see notes following § 4-261.21.

## **§ 4-633. PROGRAM ELIGIBILITY.**

(a) An individual shall be eligible for the Program if the individual:

- (1) Has resided in the District for at least 6 months at the time of application to the Program;
- (2) Resides in a household having a gross household income not exceeding 400% of the federal poverty guidelines as updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2); and
- (3) Does not qualify for:
  - (A) The DC HealthCare Alliance;
  - (B) Medicare;
  - (C) Medicaid; or
  - (D) Other federal health-benefits programs; and
- (4)(A) Has not had health insurance during the 6-month period prior to application to the Program;
- (B) Has had health insurance during the 6-month period prior to application to the Program but the insurance was terminated due to:
  - (i) The loss of employment;
  - (ii) A death of a spouse, domestic partner, or family member who maintained the individual as a beneficiary on a health-insurance plan;
  - (iii) Changes in student status, including graduation, a leave of absence, or reduction to part-time study;
  - (iv) A change of employment to a new employer who does not provide group health insurance;
  - (v) A legal annulment, separation, divorce, or the dissolution of a domestic partnership;
  - (vi) The loss of financial eligibility under Medicaid or the DC HealthCare Alliance;
  - (vii) The cancellation or discontinuation of a group health insurance contract by a health insurer; or
  - (viii) Any other reason as determined by the Mayor; or
- (C) Has health insurance but the annual cost to the individual is deemed unaffordable, as determined by the Mayor.

(b) Eligibility for the Program shall not be subject to any pre-existing condition exclusions.

(Aug. 16, 2008, D.C. Law 17-219, § 5043, 55 DCR 7598; Feb. 4, 2010, D.C. Law 18-104, § 3(a), 56 DCR 9182.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 18-104, in subsec. (a)(2), substituted "not exceeding" for "between 200% and"; and, in subsec. (a)(4)(C), deleted "employer-based" following "Has" and deleted "premium" following "annual".

*Temporary Amendments of Section*

Section 3(a) of D.C. Law 18-134, in subsec. (a)(2), substituted ""not exceeding" for "between 200% and"; and, in subsec. (a)(4)(C), deleted "employer based" and "premium".

Section 6(b) of D.C. Law 18-134 provides that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 18-270 added subsec. (c) to read as follows:

"(c) Regarding premium subsidies for employer-sponsored coverage:

"(1) To be eligible for premium subsidies for employer-sponsored coverage, an individual shall meet the criteria set forth in subsection (a) of this section and be offered qualified employer-sponsored coverage as defined by the Department of Health Care Finance.

"(2) Subsection (a)(4) of this section shall not apply to family members of an eligible individual for the purpose of receiving premium subsidies for family coverage."

Section 4(b) of D.C. Law 18-270 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(a) of Hospital and Medical Services Corporation Regulatory Emergency Amendment Act of 2009 (D.C. Act 18-277, January 11, 2010, 57 DCR 935).

For temporary (90 day) amendment of section, see § 2(b) of Healthy DC Emergency Amendment Act of 2010 (D.C. Act 18-528, August 3, 2010, 57 DCR 8095).

For temporary (90 day) amendment of section, see § 2(b) of Healthy DC Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-569, October 19, 2010, 57 DCR 10082).

#### *Legislative History of Laws*

For Law 17-219, see notes following § 4-631.

Law 18-104, the "Hospital and Medical Services Corporation Regulatory Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-401, which was referred to the Committee on Public Services and Consumer Affairs. The bill was adopted on first and second readings on October 6, 2009, and November 3, 2009, respectively. Signed by the Mayor on November 30, 2009, it was assigned Act No. 18-239 and transmitted to both Houses of Congress for its review. D.C. Law 18-104 became effective on February 4, 2010.

## **§ 4-634. PROGRAM BENEFITS; AFFORDABILITY.**

(a) The Program shall provide, at a minimum, health and medical benefits that are equal to those provided to individuals enrolled in the DC HealthCare Alliance.

(b) The Program shall limit annual premium costs for program participants as follows:

(1) For a program participant with a gross household income of 300% of the federal poverty guidelines or less, the annual premium shall not exceed 3% of the participant's gross household income; and

(2) For a program participant with a gross household income that exceeds 300% of the federal poverty guidelines, the annual premium shall not exceed 5% of the participant's gross household income.

(Aug. 16, 2008, D.C. Law 17-219, § 5044, 55 DCR 7598; Feb. 4, 2010, D.C. Law 18-104, § 3(b), 56 DCR 9182.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 18-104 rewrote subsec. (b), which had read as follows:

"(b) The Program shall limit annual premium costs to 3% or less of a Program participant's gross income."

##### *Temporary Amendments of Section*

Section 201(a) of D.C. Law 17-326, in subsec. (a), substituted "October 1, 2009" for "July 1, 2009".

Section 402(b) of D.C. Law 17-326 provides that the act shall expire after 225 days of its having taken effect.

Section 3(b) of D.C. Law 18-134 amended subsec. (b) to read as follows:

"(b) The Program shall limit annual premium costs for program participants as follows:

"(1) For a program participant with a gross household income of 300% of the federal poverty guidelines or less, the annual premium shall not exceed 3% of the participant's gross household income; and

"(2) For a program participant with a gross household income that exceeds 300% of the federal poverty guidelines, the annual premium shall not exceed 5% of the participant's gross household income."

Section 6(b) of D.C. Law 18-134 provides that the act shall expire after 225 days of its having taken effect.

Section 2(c) of D.C. Law 18-270 rewrote subsec. (a) and added subsec. (c) to read as follows:

"(a) The Program shall provide health and medical benefits comparable to the DC Employee Health Benefits

Program."

"(c) Subsection (b) shall not apply to program participants receiving premium subsidies."

Section 4(b) of D.C. Law 18-270 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(b) of Hospital and Medical Services Corporation Regulatory Emergency Amendment Act of 2009 (D.C. Act 18- 277, January 11, 2010, 57 DCR 935).

For temporary (90 day) amendment of section, see § 2(c) of Healthy DC Emergency Amendment Act of 2010 (D.C. Act 18-528, August 3, 2010, 57 DCR 8095).

For temporary (90 day) amendment of section, see § 2(c) of Healthy DC Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-569, October 19, 2010, 57 DCR 10082).

*Legislative History of Laws*

For Law 17-219, see notes following § 4-631.

For Law 18-104, see notes following § 4-633.

## **§ 4-635. PROGRAM IMPLEMENTATION.**

(a) The Mayor shall make the Program available to eligible individuals by January 1, 2010.

(b) To meet the deadline set forth in subsection (a) of this section, the Mayor is authorized to enter into a contract with one or more health insurers to administer the Program.

(c) Any contract entered into pursuant to this section shall require annual reporting of clinical-quality measurements and utilization data to the Mayor.

(Aug. 16, 2008, D.C. Law 17-219, § 5045, 55 DCR 7598; Feb. 4, 2010, D.C. Law 18-104, § 3(c), 56 DCR 9182.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 18-104, in subsec. (a), substituted "January 1, 2010" for "July 1, 2009".

*Temporary Amendments of Section*

Section 3(c) of D.C. Law 18-134, in subsec. (a), substituted "January 1, 2010" for "July 1, 2009".

Section 6(b) of D.C. Law 18-134 provides that the act shall expire after 225 days of its having taken effect.

Section 2(d) of D.C. Law 18-270 added subsec. (d) to read as follows:

"(d) The Mayor is authorized to provide premium subsidies to qualified eligible individuals."

Section 4(b) of D.C. Law 18-270 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 201(b) of Fiscal Year 2009 Balanced Budget Support Emergency Amendment Act of 2008 (D.C. Act 17-572, December 2, 2008, 55 DCR 12452).

For temporary (90 day) addition, see § 201(b) of Fiscal Year 2009 Balanced Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-13, February 23, 2009, 56 DCR 1920).

For temporary (90 day) amendment of section, see § 3(c) of Hospital and Medical Services Corporation Regulatory Emergency Amendment Act of 2009 (D.C. Act 18- 277, January 11, 2010, 57 DCR 935).

For temporary (90 day) amendment of section, see § 2(d) of Healthy DC Emergency Amendment Act of 2010 (D.C. Act 18-528, August 3, 2010, 57 DCR 8095).

For temporary (90 day) amendment of section, see § 2(d) of Healthy DC Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-569, October 19, 2010, 57 DCR 10082).

*Legislative History of Laws*

For Law 17-219, see notes following § 4-631.

For Law 18-104, see notes following § 4-633.

## **§ 4-636. PROHIBITIONS.**

It shall be unlawful for a health insurer to eliminate or restrict the availability of a health insurance plan offered in the District with the intent of shifting beneficiaries to the Program. An entity found to be in

violation of this section shall be subject to a fine of not less than \$10,000.

(Aug. 16, 2008, D.C. Law 17-219, § 5046, 55 DCR 7598.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 17-219, see notes following § 4-631.

## **§ 4-637. DISPOSITION OF FINES AND PENALTIES.**

Fines and penalties collected pursuant to this chapter shall be deposited in the Healthy DC and Health Care Expansion Fund, established by § 31-3514.02.

(Aug. 16, 2008, D.C. Law 17-219, § 5047, 55 DCR 7598; Sept. 24, 2010, D.C. Law 18-223, § 5025(b), 57 DCR 6242.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 18-223 substituted "Healthy DC and Health Care Expansion Fund" for "Healthy DC Fund".

*Temporary Amendments of Section*

Section 5(b) of D.C. Law 18-205 substituted "Healthy DC and Health Care Expansion Fund" for "Healthy DC Fund".

Section 7(b) of D.C. Law 18-205 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 5(b) of Medicaid Resource Maximization Emergency Amendment Act of 2010 (D.C. Act 18-390, May 7, 2010, 57 DCR 4339).

For temporary (90 day) amendment of section, see § 5025(b) of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

*Legislative History of Laws*

For Law 17-219, see notes following § 4-631.

For Law 18-223, see notes following § 4-261.21.

## **§ 4-638. RULES.**

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this chapter.

(Aug. 16, 2008, D.C. Law 17-219, § 5048, 55 DCR 7598.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 17-219, see notes following § 4-631.