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15 AN ACT
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20 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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25 To amend The Department of Behavioral Health Establishment Act of 2013 to establish an
26 Interagency Council on Behavioral Health and to describe its members, powers, and
27 duties.
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29 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
30 act may be cited as the “Interagency Council on Behavioral Health Establishment Amendment
31 Act of 2019”.

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33 Sec. 2. The Department of Behavioral Health Establishment Act of 2013, effective
34 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.01), is amended as follows:

35 (a) Section 5112 is amended by adding a new paragraph (5A) to read as follows:

36 “(5A) “Interagency Council” means the Interagency Council on Behavioral
37 Health.

38 (b) A new Part C is added to read as follows:

39 “Part C.

40 “Sec. 5120d. Establishment of Interagency Council on Behavioral Health.

65 "(L) Court Services and Offender Supervision Agency;

66 "(M) Department of Youth Rehabilitation Services;

67 "(N) Department of Health Care Finance;

68 "(O) Health Benefit Exchange Authority;

69 "(P) Office on Aging;

70 "(Q) Interagency Council on Homelessness; and

71 "(R) Department of Insurance, Securities, and Banking.

72 "(5) One representative each from a minimum of 3 and a maximum of 4
73 organizations that are providing services within the behavioral health system of care;

74 "(6) A minimum of 4 and a maximum of 5 individuals experiencing a behavioral
75 health challenge or individuals in recovery, or an immediate family member, guardian, or
76 caregiver of such an individual;

77 "(7) A minimum of 4 and a maximum of 5 representatives of advocacy
78 organizations for the District's population experiencing behavioral health challenges;

79 "(8) A minimum of 4 and a maximum of 5 representatives of business, academic,
80 philanthropic, or other private sector organizations that have resources or expertise to contribute
81 to addressing behavioral health in the District;

82 "(9) A minimum of 2 and a maximum of 4 representatives of trade associations
83 that represent organizations that provide behavioral health services for District residents.

84 "(10) A minimum of 2 and a maximum of 4 representatives of professional
85 associations that represent individuals employed to provide behavioral health services for
86 District residents;

87 "(11) A representative of each Medicaid Managed Care Organization with a
88 current contract with the Department of Health Care Finance; and

89 “(12) The Chairman of the Council, or his or her designee, and the Chairman of
90 the committee of the Council having purview over behavioral health services, or his or her
91 designee, both of whom shall be non-voting members.

92 “(c)(1) The Mayor shall appoint a Director of the Interagency Council on Behavioral
93 Health (“Director”), pursuant to § 1-523.01(a). The Director shall report to the Mayor, and shall
94 be experienced in the delivery of behavioral health care.

95 “(2) The Director shall:

96 (A) Coordinate the behavioral health system of care efforts across agencies
97 in the District;

98 (B) Provide a single point of accountability for the improvement of the
99 behavioral health system of care efforts in the District;

100 (C) Help lead and coordinate the Interagency Council on Behavioral
101 Health;

102 (D) Work with community stakeholders and the Interagency Council to
103 create, coordinate, and implement a long-term strategic action plan to improve the behavioral
104 health system of care in the District;

105 (E) Develop and monitor performance measures to track the District's
106 progress toward improving the behavioral health system of care; and

107 (F) Report to the Mayor and to the Council by September 30 of each year,
108 beginning in 2021, on the District's progress to improve the behavioral health system of care.

109 “(d)(1) All non-government members of the Interagency Council described in subsection
110 (b)(5)-(10) of this section shall be nominated for appointment by the Mayor and approved by the
111 Council.

112 "(2) The Mayor shall transmit to the Council nominations of each non-
113 government member of the Interagency Council for a 60-day period of review, excluding days of
114 Council recess. If the Council does not approve or disapprove a nomination by resolution within
115 the 60-day review period, the nomination shall be deemed approved.

116 “(e) Members of the Interagency Council described in subsection (b)(9)-(12) shall be
117 non-voting members.

118 "Sec. 5120e. Powers and duties of the Interagency Council.

119 "(a) The Interagency Council shall provide leadership in the identification and
120 prioritization of strategies, policies, and objectives that guide the development and
121 implementation of the District's policies and programs for meeting the needs of individuals and
122 families who are experiencing behavioral health challenges or are at risk of experiencing
123 behavioral health challenges.

124 "(b) In fulfilling the responsibility described in subsection (a) of this section, the
125 Interagency Council shall:

126 "(1) Coordinate an annual community-wide needs assessment and planning
127 process to identify, prioritize, and target behavioral health needs with the aim of improving the
128 behavioral health system of care of. The needs-assessment shall take into account and integrate
129 existing data, including previous plans, recommendations, and assessments;

130 "(2) At least every 5 years, prepare and publish a long-term strategic action plan
131 for services, facilities, and licensure requirements within the behavioral health system of care, as
132 well as propose changes to the Medicaid State Plan and the D.C. Code, as necessary.

133 "(3) By September 30, 2020, and annually thereafter, prepare and submit to the
134 Mayor an annual update, based on existing data and community input that reviews the strategic
135 plan, changes in the landscape, and an assessment of the need for services among any

136 subpopulations identified for special attention within the strategic plan, and details the resources
137 and strategies needed to support implementation of the strategic plan prepared pursuant to
138 paragraph (2) of this subsection;

139 "(4) As part of the annual update, review the efforts of each member of the
140 Interagency Council to fulfill the goals and policies of the strategic plan prepared pursuant to
141 paragraph (2) of this subsection;

142 "(5) Provide input into the District's planning and application for federal funds for
143 services within the behavioral health system of care.

144 "(6) Regularly review data to assess program and system utilization and
145 performance; and

146 "(7) Review reports of the fair hearings and administrative reviews requested or
147 received by beneficiaries within the behavioral health system of care, which shall include the
148 provider or payor party to the appeal, the subject matter of the appeal, and the final disposition of
149 the appeal.

150 “(c) Beginning 5 years after the effective date of this part, and every 5 years thereafter,
151 the Interagency Council shall evaluate the behavioral health service needs of the District’s
152 children and transition-age youth as compared to individuals in the general population as well as
153 the service needs of the District’s justice-involved population and senior citizens, as compared to
154 individuals in the general population.

155 “(d)(1) The Mayor shall, upon release of the proposed annual budget each year, make
156 available to all Interagency Council members the District’s proposed budget breakdown of each
157 agency’s appropriations for services within the behavioral health system of care.

158 (2) The Interagency Council shall give comments to the Mayor regarding the
159 proposed budget.

160 “(e) All applications for federal funds shall take into account the strategic plan developed
161 by the Interagency Council prepared pursuant to subsection (b)(2) of this section;

162 “(f) Each member agency of the Interagency Council shall:

163 “(1) Conduct or commission an annual audit of any private entity designated by
164 the agency to approve or allocate any grants or contracts, on behalf of the Mayor, for services
165 within the behavioral health system of care, and make available a report of the audit to all
166 Interagency Council members;

167 “(2) Offer training and technical assistance to its employees who directly provide
168 services within the behavioral health system of care and to any providers with which the member
169 agency or its designee contracts to deliver the services; and

170 “(3) Provide data as requested to the Interagency Council to support system
171 planning and performance evaluation efforts.

172 “Sec. 5120f. Operation of the Interagency Council on Behavioral Health.

173 “(a) The Interagency Council shall meet not less than quarterly. All meetings of the
174 Interagency Council shall comply with the following requirements:

175 “(1) Quorum shall be 1/3 of the appointed representatives of member agencies,
176 1/3 of appointed representatives of providers of behavioral health services, and 1/3 of the
177 appointed individuals or advocates currently experiencing behavioral health challenges;

178 “(2) The meetings of the Interagency Council, and the meetings of any
179 committees it may establish pursuant to subsection (c) of this section, shall be subject to the open
180 meetings provisions of § 1-207.42; and

181 “(3) The Interagency Council shall provide a reasonable opportunity at each
182 meeting during which members of the public may comment on matters relevant to the work of
183 the Interagency Council.

184 "(b) The Interagency Council shall enact rules of procedure or bylaws to guide the
185 regular operation of the Interagency Council. The rules of procedure or bylaws shall be made
186 available to the public upon request.

187 "(c) The Interagency Council may establish committees to aid in conducting its business.
188 No meeting of a committee of the Interagency Council shall qualify as a meeting of the
189 Interagency Council for purposes of fulfilling the requirements in subsection (a) of this section.

190 "(d) The Mayor shall, within 30 days of the effective date of this part, designate an
191 existing department or agency to provide staff assistance and support to the Interagency Council,
192 until the appointment and confirmation of the Director of the Interagency Council on Behavioral
193 Health.”.

194 Section 3. Fiscal impact statement.

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

198 Section 4. Effective date.

199 This act shall take effect following approval by the Mayor (or in the event of veto by the
200 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
201 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
202 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
203 Columbia Register.

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