A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To improve the quality of early childhood health and welfare by establishing a ten-year pilot program for home visiting services within the Department of Health, to implement a feasibility study to identify needs and opportunities for home visiting services in the District, to establish a fund to support home visiting services, to authorize the Department of Health to issue capacity building grants to improve the quality of home visiting services, to create an independent evaluator panel to ensure accountability in pay-for-success contracts, to encourage the increased use of pay-for-success contracts for the provision of home visiting services, to require annual reporting on home visiting services, to implement the Help Me Grow program District-wide, and to create a central intake system for home visiting services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Home Visiting Services Pilot Program Establishment Act of 2017”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “At-risk” means having a high probability of failing to achieve a selected performance target as determined by the feasibility study.

(2) “Central intake system” means a system which creates a single entry point into appropriate services for families, screens families systematically to identify their needs, and then refers each family to the program that best fits the family’s needs.
(3) "Cultural competence" shall have the same meaning as provided in section 102(5) of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.02(5)).

(4) "Department" means the Department of Health.

(5) "Deputy Mayor" means the Deputy Mayor for Health and Human Services.

(6) "Eligible organization" means a nonprofit organization that is exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

(7) "Evaluator panel" means the independent evaluator panel for home visiting services established pursuant to section 6.

(8) "Feasibility study" means the pay-for-success feasibility study conducted pursuant to section 3.

(9) "Fund" means the Home Visiting Fund established pursuant to section 4.

(10) "Help Me Grow" refers to the Help Me Grow DC program implemented by the Department.

(11) "Home visiting services" means an evidence-based program that includes visiting a participant’s residence as a primary service delivery strategy and is offered on a voluntary basis to pregnant women or families with children, newborn to age 5, targeting improvement in each participant’s outcomes based on the performance targets.

(12) "Office" means the Office of Public-Private Partnerships.

(13) "Pay-for-success contract" shall have the same meaning as provided in section 1132(1) of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 2-211.01(1)).

(14) "Performance targets" means any objective goal that the feasibility study may identify.

(15) "Pilot program" means the home visiting pilot program established pursuant to section 7.

Sec. 3. Pay-for-Success Feasibility Study.

(a) The Deputy Mayor for Health and Human Services shall conduct a feasibility study to assess the ability of a pay-for-success model to improve, expand, and sustain home visiting programs in the District by doing the following:
(1) Determining appropriate performance targets for District-wide home visiting services. For each performance target, the Deputy Mayor for Health and Human Services shall identify:

(A) Demographic groups who are underserved by or who would benefit from home visiting services;

(B) Criteria for assessing the threshold for children or families to be at-risk for not meeting the performance target which shall determine eligibility for home visiting services;

(C) Quantitative criteria and final outcome objectives;

(D) Timelines for implementation of the pilot program;

(E) Qualitative criteria for assessing the performance of home visiting services providers;

(F) Recommends results-based accountability measures to track progress toward the performance target;

(G) Data available for analyzing accountability measures including any gaps in data;

(G) Financing needs and the availability of funding needed to establish the viability of the pilot program, including by identifying what level of funding conditionality in pay-for-success contracts is necessary to incentivize satisfactory performance; and

(G) Potential cost savings to the District from providing home visiting services; and

(2) Developing a comprehensive implementation plan to address the performance targets identified in paragraph (1) of this subsection and to reduce future demand for tax-supported services by the end of the tenth fiscal year during which this act is applicable. The plan shall:

(A) Identify prevention-focused techniques, with an emphasis on early identification and intervention;

(B) Outline how to offer comprehensive care within a continuum of services;

(C) Develop methods of engaging communities, families, and youth in the planning, delivery, and evaluation of home visiting services;
(D) Establish results-based accountability measures to track progress toward the performance targets; and
(E) Identify a baseline of the status of supply and demand for home visiting services in the District.
(b) The feasibility study shall determine whether a pay-for-success contracting model is feasible for home visiting services.
(c) The Deputy Mayor shall transmit the feasibility study to the Council within 150 days of the applicability date of this act.

Sec. 4. Home Visiting Fund.
(a) There is established as a special fund the Home Visiting Fund, which shall be administered by the Department in accordance with subsection (c) of this section.
(b) Revenue from the following sources shall be deposited in the fund:
   (1) Appropriations by the District for the purpose of the fund;
   (2) Donations from public or private entities;
   (3) Grants, coordination of spending between agencies, or other forms of assistance established to support home visiting services; and
   (4) Fees received from eligible organizations, as applicable.
(c) To the extent that funding for home visiting services is available through Medicaid, the Department of Health Care Finance shall deposit such money in the fund.
(d) Money in the fund shall be used for the following purposes:
   (1) Awarding grants issued pursuant to section 5 of this act; or
   (2) Making payments due in accordance with pay-for-success contracts issued pursuant to section 7 of this act.
(e)(1) The money deposited into the fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.
   (2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the fund shall be continually available without regard to fiscal year limitation.

Sec. 5. Capacity building grants.
(a) The Department is authorized to issue grants for the purposes of doing the following:
   (1) Improving the quality and sustainability of home visiting services;
   (2) Improving cultural competence among providers of home visiting services;
(3) Providing technical assistance for providers of home visiting services on reporting, budget development and implementation, and workforce development;
(4) Promoting best practices in the provision of home visiting services;
(5) Providing start-up funding to new organizations providing home visiting services for the first time; and
(6) Supporting the home visiting workforce by providing professional learning opportunities.

(b) The Department shall establish eligibility criteria through rulemaking done pursuant to section 9 for recipients of grants issued pursuant to this section.

(c) In addition to the reporting requirements in section 1097 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.16), before January 1 of each year, the Department shall submit to the Council and make publicly available an annual status report for all grants issued by, or on behalf of, the Department in the previous fiscal year, which shall include, for each grant:

(1) Detailed information about the grantee and any subgrantees;
(2) A description of the specific home visiting services which are supported by the grant;
(3) The location of services and the gender, racial, and economic profile of the participants in the home visiting services supported by the grant; and
(4) The amount of grant funds dedicated to program costs and the amount dedicated to other expenditures.

(c)(1) The Department may not award a grant under this section in excess of $1 million per grantee during a 12-month period.
(2) The proposed grants shall be submitted to the Council for a 45-day review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

Sec. 6. Evaluator panel established.

(a) If the feasibility study described in section 3 determines that pay-for-success contracts are feasible for home visiting services, there is established within the Office an evaluator panel to
promote accountability for pay-for-success contracts issued pursuant to section 7 and to collect information which may help improve provision of home visiting services in the District.

(b) The membership and size of the evaluator panel shall be determined by the Office.

(c)(1) The duties of the evaluator panel shall be to:

(A) Evaluate the performance of each recipient of a pay-for-success contract issued pursuant to section 7;

(B) Determine whether a potential recipient of a pay-for-success contract, solicited pursuant to section 7, is an eligible organization;

(C) Develop a strategic plan for the Department to solicit charitable donations from private or public entities for home visiting services, which donations shall be deposited into the fund;

(D) Establish a model for funding the fund and for implementing the pilot program;

(E) Examine to what extent the use of pay-for-success contracts, authorized under section 7, saves the District money; and

(F) Share information gathered pursuant to subparagraphs (A) through (E) of this paragraph with the Department and the Deputy Mayor on a continuous basis.

(2) The evaluator panel shall conduct all of its duties consistent with the findings of the feasibility study.

(d) The Office shall submit a report to the Council each January 1, detailing the evaluator panel’s activities from the previous year, including any recommendations on methodologies deemed most effective for home visiting services, and providing recommendations on how to improve the provision of home visiting services. This requirement shall not take effect until the act has been applicable for one full year.

Sec. 7. Pilot program established.

(a) There is established a pilot program, which shall be overseen by the evaluator panel. To implement the pilot program, the Department shall solicit donations from private and public entities to increase available funding for home visiting services consistent with the strategic plan developed pursuant to section 6(c)(1)(C).

(b) Consistent with the Fiscal Year 2015 Budget Support Act of 2014 (D.C. Law 20-155; D.C. Official Code § 2-211.01 et seq.), and the feasibility study, the Department shall use pay-
for-success contracts to implement the pilot program. The goal of each pay-for-success contract
shall be to improve the results of at least one performance target. Each pay-for-success contract
shall include:

(1) A requirement that a portion of the pay-for-success contract payment be
conditioned on the achievement of specific outcomes based on defined performance targets;

(2) An objective process by which the evaluator panel shall determine whether the
performance targets have been achieved;

(3) A calculation of the amount and timing of payments that would be earned by
the service provider during each year of the pay-for-success contract if performance targets are
achieved as determined by the evaluator panel;

(4) A requirement that the Department shall not enter into contracts for which it
does not have sufficient money in the fund;

(5) A determination by the Department that the pay-for-success contract will
result in significant performance improvements and budgetary savings across impacted agencies
if the performance targets are achieved.

(c) The Department shall request an appropriation in the budget for each fiscal year that
the pay-for-success contract is in effect, in an amount equal to the expected payments that the
District would ultimately be obligated to pay in the future based upon service provided during
that fiscal year, if performance targets were achieved;

(d) The Department shall consult with the Office and ensure that any pay-for success
contracts entered into under this act are consistent with the Public-Private Partnership Act of
2014 (D.C. Law 20-550; D.C. Official Code § 2-271.01 et seq.) (“PPP act”), and regulations
issued pursuant to the PPP act.

(e) Eligible organizations shall receive a contracting preference if the eligible
organization:

(1) Provides health services or other family support services; or

(2) Provides services to families that are either at-risk or underserved.

(f) The Department shall establish a central intake procedure for all providers and
recipients of home visiting services to ensure a consistent collection of data.

(g) The total amount of payments under pay-for-success contracts entered into pursuant
to this act shall not exceed, in the aggregate, $3 million per year.
(h) The Department shall not solicit any contracts under this section unless the feasibility study described in section 3 determines that pay-for-success contracts are feasible for home visiting services and until the organization of the evaluator panel.

Sec. 8. Home Visiting Central Intake System

(a) The Department of Health shall implement the Help Me Grow program district-wide by October 1 of the full first fiscal year for which this act is applicable to include a centralized referral and intake function for all home visiting services in the District.

(b) A central intake system as part of Help Me Grow in the District shall facilitate the referral process and intake to the appropriate home visiting services, increase coordination among home visiting services and the health system, and other early childhood and family support services, and improve the utilization of available resources, including when families are referred to Help Me Grow by the health system or other early childhood and family support services.

(c) Nothing in this section shall mean that central intake requires families are required to go to a centralized location for enrolling in home visiting services.

(d) Pursuant to this section, the Department shall advise the Council and the Deputy Mayor on the personal and personnel resources needed to carry out the duties of adding a central intake function to conducting home visiting referral and intake functions through Help Me Grow, and allocate the necessary resources accordingly.

Sec. 9. 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.), may issue rules to implement the provisions of this act.

Sec. 10. Sunset.

This act shall expire 10 years after the applicability date.

Sec. 11. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.
(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c) (1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 12. Fiscal impact statement.


Sec. 13. Effective date.

This act shall take effect after 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.