


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: July 27, 2020

SUBJECT: Fiscal Impact Statement - Care for LGBTQ Seniors and Seniors with HIV
Amendment Act of 2020

REFERENCE: Bill 23-37, Committee Print as provided to the Office of Revenue
Analysis on July 22, 2020

Conclusion

Funds are not sufficient in the fiscal year 2020 budget and fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the proposed resolution. The bill will cost \$109,000 in fiscal year 2021 and \$434,000 over the financial plan to implement.

Background

The bill requires¹ the Department of Aging and Community Living (DACL) to consider LGBTQ seniors and seniors with HIV when dispersing Older Americans Act (OAA)² grant funding. It does this by requiring DACL to interpret the term “greatest social need” under the OAA to include LGBTQ seniors and seniors with HIV.

The bill also establishes³ an LGBTQ and HIV long-term care bill of rights to provide rights and legal protections for LGBTQ seniors and people with HIV in long-term care. The bill makes it unlawful for long-term care facilities or staff to discriminate against individuals based on actual or perceived sexual orientation, gender identity or expression, or HIV positive status. Long-term care facilities must post notice stating that the facility does not permit discrimination, including harassment on the basis of actual or perceived sexual orientation, gender identity or expression, HIV status, or based on

¹ By amending The District of Columbia Act on Aging, effective March 3, 1979 (D.C. Law 1-24, D.C. Official Code § 7-501.01 et seq.).

² As defined in section 102(24) of the Older Americans Act of 1965, approved September 30, 1992 (106 Stat. 1199; 42 U.S.C. § 3002(24)),

³ By amending Title II of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.01 et seq.).

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FIS: Bill 23-37, "Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020," Committee Print as provided to the Office of Revenue Analysis on July 22, 2020.

association with an individual on account of that individual's actual or perceived sexual orientation, gender identity or expression, or HIV status. The notice shall include information about a resident's right to file a complaint for discrimination with the Office of Human Rights (OHR). The Health Regulation and Licensing Administration (HRLA) at the Department of Health (DC Health) is responsible for the regulatory oversight of senior health locations in the District. Any complaints or incidents related to facility staff treatment of residents based on their gender or gender identity are investigated by DC Health and the Centers for Medicare and Medicaid Services.

The bill requires long-term care facility staff to receive training once every two years on caring for LGBTQ seniors and seniors with HIV. Staff must receive initial training within six months of being hired unless the staff member provides proof of having received training within the prior two years. Long-term care facilities are required to arrange and pay for the required training. OHR must certify a list of training providers on an annual basis. Long-term care facilities must file a report with OHR every two years certifying that all employees have completed required training. If a facility fails to file a report, OHR may assess a fine.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2020 budget and fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the proposed resolution. The bill will cost \$109,000 in fiscal year 2021 and \$434,000 over the financial plan to implement.

OHR will need additional resources in order to implement the oversight, training review, and enforcement actions required in the bill. Specifically, OHR will need to hire an Equal Opportunity Specialist to review long-term care facility compliance with the LGBTQ and HIV long-term care bill of rights and bi-annual training certifications. The total salary cost of hiring this employee is \$107,000 in fiscal year 2021 and \$432,000 over the financial plan. OHR also needs funding to purchase a computer and phone for the new employee.

DC Health can complete any necessary investigations with current staff and resources. DACL does not require additional resources to implement the OAA grant allocation considerations required in the bill.

Bill 23-37 - Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020					
Total Cost					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Salary	\$85,570	\$85,570	\$85,570	\$85,570	\$342,280
Fringe	\$21,906	\$22,235	\$22,568	\$22,907	\$89,615
Computer and Phone	\$1,750	\$0	\$0	\$0	\$1,750
Total	\$109,226	\$107,805	\$108,138	\$108,477	\$433,645

Table Notes:

(a) Assumes one Grade-12, Step 5 Equal Opportunity Specialist.

(b) Assumes fringe rate of 25.6 percent and cost growth of 1.5 percent.