


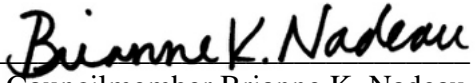
1 
2 Chairman Phil Mendelson

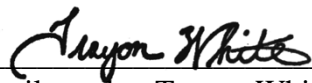

Councilmember Robert C. White, Jr.

3
4
5 
6 Councilmember Charles Allen

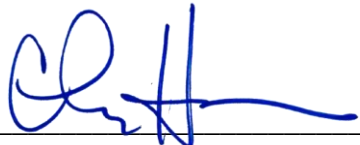

Councilmember Anita Bonds

7
8
9
10 
11 Councilmember Vincent C. Gray


Councilmember Brianne K. Nadeau

12
13
14
15 
16 Councilmember Trayon White, Sr.


Councilmember Brooke Pinto

17
18
19 
20 Councilmember Christina Henderson


Councilmember Janeese Lewis George

21
22
23
24
25 A BILL

26
27
28
29
30 IN THE COUNCIL OF DISTRICT OF COLUMBIA

31
32
33
34 To amend An Act to provide for regulation of certain insurance rates in the District of Columbia,
35 and for other purposes to prohibit medical malpractice insurers from taking adverse
36 action against a health care practitioner who provides legal health care.

37
38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
39 act may be cited as the “Medical Malpractice Clarification Amendment Act of 2024”.

40 Sec. 2. An Act to provide for regulation of certain insurance rates in the District of
41 Columbia, and for other purposes, approved May 20, 1968 (62 Stat. 242; D.C. Official Code §
42 31-2701 *et seq.*), is amended as follows:

43 (a) A new section 3a is added to read as follows:

44 “Sec. 3a. Additional Requirements for Medical Malpractice Insurers.

45 “(a) A medical malpractice insurer shall not take any adverse action, including refusing to
46 issue or renew a malpractice policy; charging higher rates for a malpractice policy;
47 canceling or terminating a malpractice policy; or imposing any sanctions, fines, penalties, or rate
48 increases, against a health care practitioner based solely on the fact that:

49 “(1) The health care practitioner provided, facilitated, aided, or assisted, or
50 attempted to provide, facilitate, aid, or assist a patient or client, except to the extent that such
51 conduct would be prohibited under District law:

52 “(A) Reproductive health care; or

53 “(B) Gender-affirming care; or

54 “(2) The person’s license, registration, or certification in another state was
55 revoked, suspended, or restricted solely based on the provision or facilitation, or attempted
56 provision or facilitation to a patient or client, except to the extent that such conduct would be
57 prohibited under District law:

58 “(A) Reproductive health care; or

59 “(B) Gender-affirming care.

60 “(b) This section shall apply regardless of where the patient or client resides, including if
61 the patient is a resident of a state where the provision or facilitation of certain reproductive health
62 care services or gender-affirming care is illegal.

63 “(c) Nothing in this section shall prohibit a medical malpractice insurer from taking
64 adverse actions against a health care practitioner for care provided that would otherwise
65 constitute professional misconduct in the District.

66 “(d) For the purposes of this section, the term:

67 “(1) “Gender-affirming care” shall have the same meaning as provided in section
68 301 of the Human Rights Sanctuary Amendment Act of 2023, effective February 23, 2023 (D.C.
69 Law 24-257; D.C. Official Code § 2-1401.02(12A).

70 “(2) “Health care practitioner” means an individual, groups of individuals,
71 partnership, or corporation, including a health care facility, that is licensed, certified, or
72 otherwise authorized by law to provide professional health care services in the District to an
73 individual.

74 “(3) “Reproductive health care” means all supplies, care, and services of a
75 medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic,
76 preventative, rehabilitative or supportive nature, including medication, relating to pregnancy,
77 contraception, assisted reproduction, pregnancy loss management or the termination of a
78 pregnancy in accordance with the applicable standard of care as defined by major medical
79 professional organizations and agencies with expertise in the relevant field.”.

80 Sec. 3. Fiscal impact statement.

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

84 Sec. 4. Effective date.

85 This act shall take effect following approval by the Mayor (or in the event of veto by the
86 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
87 provided in sections 602(c)(1) of the District of Columbia Home Rule Act, approved December

88 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
89 Columbia Register.