

Oct. 19, 2007

*Councilmember Phil Mendelson's*

# At-Large Update

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## Mendelson, Colleagues Introduce Legislation To Halt Billing for Negligent Care

At the October 2<sup>nd</sup> legislative meeting of the Council, Councilmember Mendelson was joined by ten colleagues: Chairman Vincent Gray as well as Councilmembers Alexander (Ward 7), Barry (Ward 8), Brown (At-Large), Catania (At-Large), Cheh (Ward 3), Evans (Ward 2), Graham (Ward 1), Thomas (Ward 5), and Wells (Ward 6) in introducing legislation to prevent the District from billing patients for negligent care. The "Frank Harris Jr. Offset Justice Act of 2007" would make clear that the District shall not charge for the care of an indigent person where the District has been found negligent as to that person's care.

The need for a legislative fix became apparent in light of the case of Frank Harris, Jr., an indigent mentally ill patient who had been committed involuntarily at St. Elizabeth's. Mr. Harris managed to gouge his eyes out with his bare hands despite a physician's order to have constant one-on-one supervision and to remain in four-point restraints. As a result, he is permanently blind. Only after a claim of negligence by Mr. Harris' estate did the District send him what amounted to a \$2.4 million bill for his room and board, a "set-off" in case the District is found negligent.

In other words, if Mr. Harris' family won their lawsuit, Mr. Harris would have to return any monetary award to the government as a payment for the care received.

In February 2000, the District government took the position that the filing of a claim for reimbursement in a case such as this was ill-judged. In 2002, after a protest by every sitting councilmember, the District reaffirmed the position that the filing of set-off claims was not the right public policy. The current administration chose not to follow this precedent, so the need for council action became apparent.

"On the one hand, it is heartening that Councilmembers see the offensive nature of the District billing for negligent care," stated Mendelson. "But on the other hand, I am disappointed that precedent has not been followed and that we have to resort to a legislative fix. In the end, I am confident that we will have a law that does not reward the government for poor care."

## **We're Back! Get the At-Large Update Delivered to Your Computer!**

The Council is back in session, and the At-Large Update is back in business. To receive an electronic version of Councilmember Mendelson's bi-weekly At-Large Update, or to get hard copies to disseminate at your next community meeting, simply send an e-mail that includes your name and pertinent information to [brwheeler@dccouncil.us](mailto:brwheeler@dccouncil.us).

## Home Energy Efficiency Expo

Don't miss out on the opportunity to learn how to lower your household bills and protect the environment at the same time! Sponsored by the DC Office of People's Council, this free event offers a wide variety of information and hands-on demonstrations on how to become more energy efficient.

Saturday, November 10<sup>th</sup> from 10:00 am to 2:00 pm  
Washington Convention Center, Rooms 101 and 102 A&B  
801 Mt. Vernon Place, NW

## Mendelson Guides Consumer-Friendly Arbitration Bill Through Council

The Council has voted unanimously to give preliminary approval to the "Arbitration Admendments Act of 2007." The bill, introduced by Councilmember Mendelson puts in place a number of new mechanisms to regulate arbitration as a means of dispute settlement in the District of Columbia.

Arbitration is desirable because it is an alternative to expensive litigation in the courts. But arbitration has come to be favored by large businesses, which are advantaged over consumers.

Importantly, the Arbitration Amendments Act of 2007 also includes significant consumer-friendly provisions. The legislation introduces regulations for providers of arbitration services, with specific requirements for companies that perform 50 arbitrations per year. This responds to increasing consumer complaints about the strengthening of ties between the arbitration services and the business community that contracts lucratively with them.

Another tool in the bill to help consumers is the requirement for disclosure of arbitration costs. Just as consumers know how much it will cost to file a lawsuit because court fees are publicly available, consumers in arbitration agreements will now know how much arbitration costs, especially when every step of the process involves a fee for service.

"As businesses turn increasingly to arbitration, the need to protect consumers has become critical," stated Councilmember Mendelson. "This progressive legislation implements policies ensuring that the rights of the individual are protected when it comes to using arbitration instead of the courts. The District will be among the best in the nation in protecting its citizens."

Final consideration of the Arbitration Amendments Act will be next week, October 23<sup>rd</sup>.

## Upcoming Hearings of the Committee on Public Safety and the Judiciary\*

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| October 19, 12:00 pm - Room 412: Public Hearing on the:       | "Domestic Partnership Amendment Act of 2007"  |
| October 23, 3:00 pm - Room 412: Public Hearing on the:        | "Police and Fire Cadet Programs Amendment Act of 2007"                                  |
| October 29, 11:00 am - Room 500: Oversight Hearing on:        | Department of Corrections and the Corrections Information Council                       |
| October 30, 10:00 am - Room 123: Public Roundtable on:        | "Frank Harris, Jr. Offset Justice Act of 2007"  |
| October 31, 10:30 am - Room 500: Oversight Hearing on:        | Fire & Emergency Medical Services Department  |
| November 2, 12:00 pm - Room 412: Public Hearing on the:       | "Juvenile Speedy Trial Equity Amendment Act of 2007"                                    |
| November 9, 12:00 pm - Room 412: Public Hearing on the:       | "Fire Safety Cigarette Requirements Act of 07"  |
| November 19, 12:00 pm - Room 412: Oversight Hearing on:       | Office of the Attorney General  |
| November 30, 12:00 pm - Room 500: Oversight Hearing on:       | Metropolitan Police Department  |
| December 7, 12:00 pm - Room 500: Oversight Hearing on:        | Office of Administrative Hearings   |
| January 10, 2008, 11:00 am - Room 500: Public Hearing on the: | "Sense of the Council to Reform Police Court- Papering Requirements Resolution of 2007" |

*\*All hearings will be held at the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. For more information, call (202) 724-7808.*