

DEPARTMENT OF MENTAL HEALTH
NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Mental Health pursuant to the authority set forth in sections 105 and 114 of the Department of Mental Health Establishment Amendment Act of 2001 (Act), effective December 18, 2001, D.C. Law 14-56, D.C. Official Code §§ 7-1131.05 and 7-1131.14 (2005 Supp.) and D.C. Law 5-48, D.C. Official Code § 21-521, hereby gives notice of his intent to adopt the following rules governing certification of Department of Mental Health Officer-Agents, to be contained in Chapter 76 of Title 22 of the District of Columbia Municipal Regulations (DCMR), entitled "Department of Mental Health Officer-Agent Certification", in not less than 30 days after the publication of this notice in the *D.C. Register*.

The purpose of these rules is to establish a Department of Mental Health Committee to oversee the Officer-Agent certification process and to establish the requirements for individuals to become certified Department of Mental Health Officer-Agents in the District of Columbia.

**TITLE 22, CHAPTER 76, DEPARTMENT OF MENTAL HEALTH
OFFICER-AGENT CERTIFICATION.**

22-7600 **PURPOSE AND APPLICATION**

7600.1 These rules establish an Officer-Agent Certification Committee and the requirements for individuals to become certified Department of Mental Health (DMH) Officer-Agents in the District of Columbia.

7600.2 These rules apply to DMH and other District agencies, mental health providers and individuals who seek Officer-Agent Certification.

7601 **GENERAL PROVISIONS**

7601.1 The Department of Mental Health (DMH) certifies eligible individuals as accredited Officer-Agents in the District of Columbia.

7601.2 An Officer-Agent has the authority, when there is reason to believe that a person is mentally ill and, because of such illness, is likely to injure self or others if he or she is not immediately detained, to:

- (a) Without a warrant, take the person into custody;
- (b) Transport the person to a public or private hospital, or to the DMH;
and

- (c) Complete the Form FD-12 to make application for the person's admission thereto (FD-12 Application).

7602 **DMH OFFICER-AGENT ELIGIBILITY**

7602.1 DMH will train and certify eligible persons to be accredited DMH Officer-Agents.

7602.2 To be eligible for certification as an accredited DMH Officer-Agent a person must be one of the following:

- (a)
 - (i) Be a qualified practitioner with a mental health provider approved by DMH; or
 - (ii) Be a paramedic nominated by the District of Columbia Fire and Emergency Medical Services Agency (FEMS), or be nominated by another District agency approved by DMH as needing DMH Officer-Agents; or
- (b) Be a DMH staff member from a DMH program approved by the DMH Chief Clinical Officer as needing DMH Officer-Agents; and
- (c) Be approved by the DMH Officer-Agent Certification Committee (OACC).

7603 **DMH OFFICER-AGENT CERTIFICATION TRAINING REQUIREMENTS**

7603.1 DMH Officer-Agent Certification Training shall be conducted by a psychiatrist and an attorney both of whom must be licensed to practice in the District of Columbia and be approved by the DMH OACC.

7603.2 The DMH Officer-Agent Certification training shall include:

- (a) Reviewing the clinical definition of "mental illness";
- (b) Determining when a mental illness is likely to cause a person to injure self or others;
- (c) Assessing risk of harm and level of functioning;
- (d) Defining cultural competency;
- (e) Reviewing the process of applying for admission for emergency observation, pursuant to D.C. Official Code Section 21-521

Emergency Hospitalization, through preparation of a valid FD-12 application; and

(f) Testifying in court regarding an FD-12 application.

7603.3 DMH Officer-Agent Certification Training shall be offered at least twice a year.

7604 **DMH OFFICER-AGENT CERTIFICATION**

7604.1 After an eligible person successfully completes the DMH Officer-Agent Certification Training, the eligible person will be certified for a period of up to two (2) years (subject to his or her continued employment with the nominating mental health provider, District Agency, or DMH program).

7604.2 Each DMH Officer-Agent will be issued a certificate and a photo identification with a two (2) year expiration date.

7604.3 DMH Officer-Agents may be required to repeat the DMH Officer-Agent Certification Training prior to the expiration of their two (2) year certification in order to be recertified.

7605 **DMH OFFICER AGENT CERTIFICATION COMMITTEE**

7605.1 DMH shall establish an Officer-Agent Certification Committee (OACC) to provide peer review, quality control of the FD-12 applications, and the Officer-Agent certification process.

7605.2 The OACC shall be chaired by the DMH Chief Clinical Officer or designee.

7605.3 The OACC shall be comprised of no more than twelve (12) members appointed by the DMH Chief Clinical Officer.

7605.4 At least six (6) of the OACC members shall be government representatives from the following offices:

- (a) DMH Chief Clinical Office
- (b) DMH Community Services Agency
- (c) Comprehensive Psychiatric Emergency Program
- (d) DMH Homeless Outreach
- (e) DMH Mental Health Litigation Section
- (f) District Fire and Emergency Services

7605.5 The DMH Chief Clinical Officer may appoint up to six (6) members who are non-government mental health providers

- 76056 The OACC shall:
- (a) Approve the curriculum for certification;
 - (b) Ensure nominees meet the eligibility criteria for certification;
 - (c) Maintain a central registry of DMH Officer-Agents in the District of Columbia;
 - (d) Meet as needed, as determined by the chair of the OACC, to review and evaluate FD-12 applications and the certification process;
 - (e) Recommend recertification of Officer-Agents if appropriate; and
 - (f) Make recommendations for revocation of Officer-Agent certification to the DMH Chief Clinical Officer.
- 7605.7 Members who are not government employees shall be appointed for terms of 3 (three) years, ending in June of every other year.
- 7605.8 Members shall serve without compensation.
- 7606 **DMH CHIEF CLINICAL OFFICER AUTHORITY**
- 7606.1 The DMH Chief Clinical Officer shall have the authority to:
- (a) Determine the total number of persons to be certified as DMH Officer-Agents;
 - (b) Revoke an Officer-Agent certification; and
 - (c) Determine which DMH programs, mental health providers, and District agencies, other than DMH, may have DMH Officer-Agents.
- 7607 **DMH OFFICER-AGENT REPORTING REQUIREMENTS**
- 7607.1 District agencies, mental health providers, and DMH programs that employ DMH Officer-Agents shall:
- (a) Maintain a list of current DMH Officer-Agents in their employment;

- (b) Maintain a copy of all FD-12 applications completed by their respective Officer-Agents; and
- (c) Provide copies of all FD-12 applications completed by their respective Officer-Agents to the OACC upon request.

7607.2 DMH Comprehensive Psychiatric Emergency Program (CPEP) shall:

- (a) Maintain a copy of all FD-12 applications that it receives; and
- (b) Provide copies of all completed FD-12 applications that it receives to the OACC on a monthly basis.

7608 **DEFINITIONS**

7608.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Certification” – successful completion of DMH Officer-Agent Training and a determination that a person has met requisite qualifications established by the OACC.

“CPEP” – Comprehensive Psychiatric Emergency Program.

“District” – District of Columbia.

“DMH Officer -Agent” – a person who has been certified by DMH pursuant to DCMR Title 22, Chapter 76.

“FD-12” – Application form used for emergency admission for observation and diagnosis.

“Mental Health Provider” - any individual or entity, public or private, that is licensed or certified by the District of Columbia to provide mental health services or mental health supports, or any individual or entity, public or private, that has entered into an agreement with DMH to provide mental health services or mental health supports.

“Mental Illness” - a psychosis or other disease which substantially impairs the mental health of a person.

“Qualified Practitioner” – (i) a psychiatrist; (ii) a psychologist; (iii) an independent clinical social worker; (iv) an advanced practice registered nurse; (v) a registered nurse; (vi) a licensed professional counselor; (vii) an independent social worker; and (viii) an addiction counselor.

“Revoke” – to nullify or cancel DMH Officer-Agent certification.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Deon C. Merene, Assistant Attorney General, Department of Mental Health, 64 New York Ave, N.E., Fourth Floor, Washington, D.C. 20002 or deon.merene@dc.gov. Additional copies of these rules are available from the Office of the General Counsel, Department of Mental Health.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

NOTICE OF PROPOSED RULEMAKING

APPLICATION NO. 17787

The Foreign Missions/Board of Zoning Adjustment of the District of Columbia, pursuant to the authority set forth in the Foreign Missions Act, (96 Stat. 283, Pub. L. 97-241, codified at D.C. Official Code § 6-1301 *et seq.*), and the Zoning Regulations of the District of Columbia, hereby gives notice of its intention to approve, or in the alternative, disapprove, Application No. 17787, of **The Republic of Uganda**, pursuant to 11 DCMR §§ 201.1 and 1000.1, to allow the establishment of a chancery (offices of a foreign mission) in the SSH/R-1-B District at premises 5909 16th Street, N.W. (Square 2724, Lot 4).

Final action on this application will be taken in not less than thirty days from the date of publication of this notice.

Written comments may be submitted to the Board of Zoning Adjustment through Jerrily Kress, FAIA, Director of the Office of Zoning, at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. Copies of this notice are available from the Office of Zoning. For further information, call the Office of Zoning at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 07-11**

(Text and Map Amendments – 11 DCMR - Southeast Federal Center Overlay District)

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03), hereby gives notice of its intent to amend Chapter 18 of the Zoning Regulations, Title 11, DCMR. Chapter 18 sets forth the provisions of the Southeast Federal Center Overlay District ("SEFC"). At the time of the Overlay's establishment in 2004, it was noted that amendments to its provisions would likely be necessary as actual development plans for the site were formed. These amendments reflect changes in, and clarifications of, the Overlay text necessary to implement those now-formed development plans.

The amendments also include amendments to the Zoning Map of the District of Columbia to adjust the boundary between the SEFC and the adjacent Navy Yard and the underlying zone boundary lines within the SEFC. The latter map changes are made in response to recommendations of the Historic Preservation Office to establish historic vistas within the SEFC along certain rights-of-way.

The Commission notes, and requests comments on, the proposal of two alternatives for the new text language of § 1804.3(a)(i). Both alternatives attempt to address the question of providing preferred uses along Tingey Street, S.E. In the text amendment language published in the Notice of Public Hearing, such preferred uses were required all along the length of the south side of Tingey Street, S.E., between its intersection with 4th Street, S.E. and its intersection with 5th Street, S.E., the next perpendicular street to the east. Due to flood plain issues and the consequent need to construct a flood wall in this area, a recommendation was made at the hearing to revise the text amendment language to concentrate the preferred use square footage at and near the corner of Tingey Street, S.E. and 4th Street, S.E.

The first alternative retains the language from the Notice of Public Hearing, which simply requires preferred uses along Tingey Street, S.E. The second alternative restricts the preferred use requirement to within approximately a 50-foot length of the southeast corner of Tingey Street, S.E. and 4th Street, S.E.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

A. Amend the Zoning Map of the District of Columbia as follows:

1. The boundary lines of the SEFC/CR District located immediately west of the Navy Yard are revised as described and depicted in the metes and bounds description and plan in the application.

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2. The boundary lines of the SEFC/R-5-E District are revised as described and depicted in the metes and bounds description and plan in the application.
 3. The boundary lines of the SEFC/R-5-D District are revised as described and depicted in the metes and bounds description and plan in the application.
 4. The boundary lines of the SEFC/W-0 District and of the Development Area are revised as described and depicted in the metes and bounds description and plan in the application.
- B. Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, is amended as follows (new language is shown in **bold** and underlined, and deleted wording is shown in ~~striketrough~~ lettering):

1. Section 1803 is amended as follows:

- a. By repealing §§ 1803.2(a) and 1803.2(d) as follows:

1803.2 (a) ~~Art gallery;~~ [repealed]

...

1803.2(d) ~~Cabaret;~~ [repealed]

- b. By amending § 1803.3 to read as follows:

1803.3(a) Any building or structure with frontage on M Street, S.E. ~~or New Jersey Avenue, S.E.~~ or N Street, S.E. shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage on M Street, S.E. or N Street, S.E. and a minimum of ~~fifty~~ seventy-five percent (~~50~~75%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior facade of the front of building, not including parking, parking access, mechanical and fire control rooms and other non-public spaces. This requirement shall not apply to (i) buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains or (ii) any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803.3(b) below, preferred uses may be provided on the ground floor level of such buildings;

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1803.3(b) In addition to the locations in which preferred uses are required pursuant to §1803.3(a), pPreferred uses may be provided on the ground floor level of buildings ~~without frontage on M Street, S.E. or New Jersey Avenue, S.E. in other areas within the SEFC/CR District,~~ but are not required. If provided, ~~the~~ such preferred use area shall not be required to conform to the requirements of §§ 1803.3(a), (e), (f), and (g);

...

1803.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those ~~properties building frontages~~ building frontages described in §§ 1803.3(a) ~~and (b)~~ shall be devoted to doors or display windows having clear or low emissivity glass;

...

1803.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be ~~fifteen (15)~~ fourteen (14) feet; and

c. By amending § 1803.4 to read as follows:

1803.4 In accordance with the procedures outlined in § 1810, two or more lots, whether contiguous or non-contiguous and whether located in the same square or other squares, within the SEFC/CR District may be combined for the purpose of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot, provided that the aggregate residential and non-residential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone districts, as may have been modified by the Overlay.

d. By amending § 1803.13 to read as follows:

1803.13 In the SEFC/CR District, a ~~building occupied by both residential and non-residential uses shall be permitted 100% lot occupancy.~~ residential building which includes preferred uses in compliance with the requirements of § 1803.3(a), (e), (f), and (g), shall be permitted 100% lot occupancy for only the ground and second floors.

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- e. By inserting new §§ 1803.14 and 1803.15 to read as follows:

1803.14 **A record lot may be created with respect to the parcel on which Building 167 is located, notwithstanding other requirements of this title. Any enlargements or additions to Building 167 shall comply with all requirements of this title.**

1803.15 **In the SEFC/CR District, the public space requirements of § 633 shall not be applicable.**

2. Section 1804 is amended as follows:

- a. By amending § 1804.2(f) to read as follows:

1804.2(f) All buildings and structures that abut the Open Space Area, as described in § 1805.4, whether or not a street intervenes **but excluding buildings and structures that abut the Development Area, including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., west of 4th Street, S.E. east of Third St., S.E., and south of Tingey Street, S.E.).**

- b. By amending § 1804.3 to read as follows:

1804.3(a) ~~Any building or structure facing onto 4th Street, S.E. or the SEFC/W 0 District shall provide preferred uses comprising a minimum of seventy five percent (75%) of the frontage and a minimum of fifty percent (50%) of the gross floor area of the ground floor, not including parking, parking access, mechanical rooms, and other non-public spaces; Preferred uses shall be provided in any building or structure facing:~~

(i) Tingey Street, S.E., and;

OR

(i) Tingey Street, S.E., west of 4th Street, S.E., and east of 4th Street, S.E., but in the latter case, and only along the southern side of Tingey Street, S.E., for a length of fifty (50) feet minimum as measured from the west exterior façade of any building or structure constructed on the

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southeast corner of Tingey St., S.E. and 4th Street, S.E.,
and;

(ii) the SEFC/WO District.

Where required, preferred uses shall comprise a minimum of seventy-five (75%) of the frontage facing Tingey Street, S.E., or the SEFC/W-O District, and a minimum of seventy-five percent (75%) of the applicable portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior façade of the front of the building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces.

The requirement to provide preferred uses shall not apply to any addition to a building facing onto Tingey Street, S.E. or the SEFC/W-O District if the addition to the building has no frontage facing onto Tingey Street, S.E. or the SEFC/W-O District, but, as allowed pursuant to § 1804.3(b) below, preferred uses may be provided on the ground floor level of such addition.

For Building 160, notwithstanding the requirements noted above, the total amount of preferred use space shall be a minimum of 3,000 square feet of space facing Tingey Street, S.E. and a minimum of 6,000 square feet of space facing Water Street, S.E., for a total of at least 9,000 square feet.

1804.3(b) In addition to the locations in which preferred uses are required pursuant to §1804.3(a), Ppreferred uses may be provided on the ground floor level of buildings or structures that do not face 4th Street or the SEFC/W-O District in other areas within the SEFC/R-5-D and SEFC/R-5-E Districts, but are not required. If provided, the such preferred use area shall not be required to conform to the requirements of §§ 1804.3(a), (e), (f), and (g). If the bonus density authorized pursuant to § 1804.3(c) is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;

...

1804.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those **properties**

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building frontages dedicated to preferred uses described in § 1804.3(a) ~~and (b)~~ shall be devoted to doors or display windows having clear or low emissivity glass;

...

1804.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be ~~fifteen (15)~~ **fourteen (14)** feet.

c. By inserting a new § 1804.6 to read as follows:

1804.6 In the SEFC/R-5-D and SEFC/R-5-E Districts, a building which includes preferred uses in compliance with the requirements of §1804.3(a) shall be permitted 100% lot occupancy for only the ground and second floors.

3. Section 1805 is amended as follows:

a. By amending § 1805.3 to read as follows:

1805.3 The SEFC/W-0 Development Area consists of the northeastern portion of the SEFC/W-0 District, specifically the existing Building ~~173 171~~ and that portion of the SEFC/W-0 District located directly to the east of Building ~~173 171~~, north of a line extending east from the southern ~~facade elevation~~ of Building ~~173 171~~.

b. By amending § 1805.9 to read as follows:

1805.9 The gross floor area of existing ~~building~~ **Building 173 171** shall not count toward any FAR computation.

c. By amending § 1805.10 to read as follows:

1805.10 The minimum floor-to-ceiling height for the ground floor level of buildings in the SEFC/W-0 District shall be ~~fifteen (15)~~ **fourteen (14)** feet.

d. By inserting a new § 1805.12 to read as follows:

1805.12 Notwithstanding the requirements of §2517.1, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the

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**SEFC/W-0 District provided that such principal buildings
or structures comply with all other requirements of § 2517.**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary of the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking may be obtained at cost by writing to the above address.