

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008

To approve, on an emergency basis, Contract No. DCHC-2008-C-9595 with Capitol Health Management Services, LLC, to provide health-care services on an outpatient basis to approximately 30,000 patients at the DC Ambulatory Care Center, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHC-2008-C-9595 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. DCHC-2008-C-9595 to provide health-care services on an outpatient basis to approximately 30,000 patients at the DC Ambulatory Care Center and authorizes payment to Capitol Health Management Services, LLC, in the amount of \$2.75 million for goods and services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

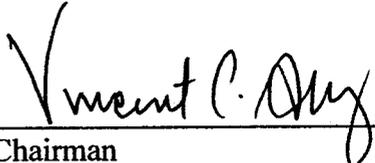
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

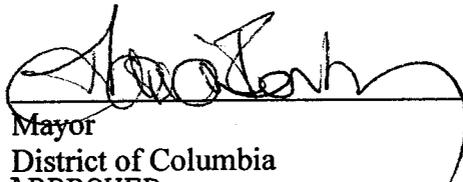
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

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in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to require that members of the Fire and Emergency Medical Services Department with severe burn injuries shall have an extension of the allowable work days in a less-than-full-duty status from 64 days to 170 days.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Burned Fire Fighter Relief Emergency Amendment Act of 2008".

Sec. 2. Section 623 of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-633), is amended as follows:

*Note,
§ 5-633*

(a) Subsection (d) is amended by striking the phrase "subsections (e) and (f)" and inserting the phrase "subsections (e), (f), and (g)" in its place.

(b) A new subsection (g) is added to read as follows:

"(g) If a member of the Fire and Emergency Medical Services Department has sustained, in the performance of duty at the scene of a fire, 2nd or 3rd degree burns over 15% or more of the member's body for which the member requires critical care treatment in a hospital intensive care unit or its equivalent, the member shall not be processed for retirement pursuant to subsection (d) of this section unless the member, as a result of the burns sustained, has spent more than 170 cumulative work days in a less-than-full-duty status over the 2-year period following the date the member sustained the burns."

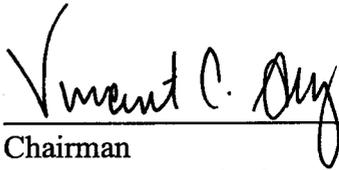
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

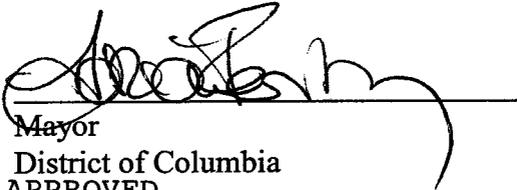
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-244

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 23, 2008

To order, on an emergency basis, the closing of a public alley in Square 696, bounded by I Street, S.E., 1st Street, S.E., K Street, S.E., and Half Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 696, S.O. 07-8302, Emergency Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the public alley in Square 696, as shown on the Surveyor's plat filed under S.O. 07-8302, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file S.O. 07-8302, including the establishment of an easement required by the District Department of Transportation and fulfillment of the housing linkage contribution required by the Comprehensive Plan.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor, the Office of the Recorder of Deeds, and the Office of Planning.

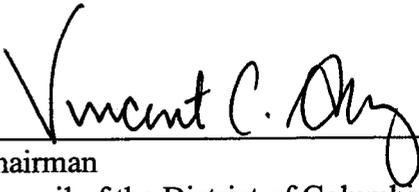
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Closing of a Public Alley in Square 696, S.O. 07-8302, Act of 2008, passed on 2nd reading on January 8, 2008 (Enrolled version of Bill 17-448), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

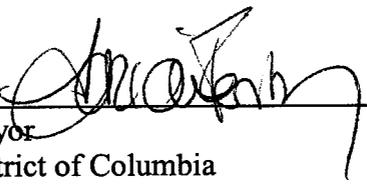
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Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-245

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
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To amend, on an emergency basis, due to Congressional review, Chapter 20 of Title 21 of the District of Columbia Official Code to clarify presumption of capacity, to add definitions of “best interests”, “emergency care”, “incapacitated individual for health-care decisions”, and “substituted judgment”, to amend the definition of “guardian”, to permit the court to waive the appointment of a visitor and examiner in certain circumstances, to prohibit the appointment of a guardian with a conflict of interest, to require guardians to limit their caseloads, to require the court to appoint a guardian who is least restrictive to the individual, to authorize the court to appoint a health-care guardian, to clarify the powers and duties of a guardian, to clarify the reasons that the court may remove a guardian, and to clarify the situations in which the estate of a ward shall be deemed depleted; to amend Chapter 22 of Title 21 of the District of Columbia Official Code to authorize psychologists to certify incapacity to make a health-care decision, to provide that nothing in this chapter condones mercy-killing or conflicts with the Emergency Medical Treatment and Labor Act, to permit court-appointed mental retardation advocates to provide substituted consent for health-care decisions for incapacitated customers, and to authorize a health-care provider, the District of Columbia, or an interested person to file a petition for the appointment of a limited guardian if there is no individual who can act as a substitute health-care decision-maker for an incapacitated customer; and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to add definitions of “behavioral plan”, “best interests”, “comprehensive evaluation”, “psychotropic medication”, and “substituted judgment”, to repeal a provision providing a process for authorizing emergency medical surgery for a customer that is inconsistent with federal law, to require initial and periodic evaluations of the decision-making capacity of and the availability of healthcare decision-making supports for the Department on Disability Services customers, to require informed consent for services and to establish a process for informed consent for psychotropic medications, to require the Department on Disability Services to complete a comprehensive review of psychotropic medication use for all Department on Disability Services customers within one year, to establish a Department on Disability Services

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health-care decisions policy, and to require the Department on Disability Services Administrator to issue reports on required evaluations and the agency's health-care decision-making activities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health-Care Decisions for Persons with Developmental Disabilities Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2002 is amended by adding a new subsection (d) to read as follows:

Note, § 21-2002

“(d) An individual shall be presumed competent and to have the capacity to make legal, health-care, and all other decisions for himself or herself, unless certified otherwise under section 21-2204 or deemed incapacitated or incompetent by a court. Incapacity shall not be inferred from the fact that an individual:

“(1) Has been voluntarily or involuntarily hospitalized for mental illness pursuant to Chapter 5 of Title 21; or

(2) Has mental retardation or has been determined by a court to be incompetent to refuse commitment under Chapter 13 of Title 7.

(b) Section 21-2011 is amended as follows:

Note, § 21-2011

(1) Re-designate paragraph (1) as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1) “Best interests” means promoting personal well-being by assessing:

“(A) The reason for the proposed action, its risks and benefits, and any alternatives considered and rejected; and

“(B) The least intrusive, least restrictive, and most normalizing course of action possible to provide for the needs of the individual.”

(3) A new paragraph (5C) is added to read as follows:

“(5C) "Emergency care" means immediate treatment, including diagnostic treatment, provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death.".

(4) Paragraph (8) is amended to read as follows:

“(8) “Guardian” means a person who has qualified as a guardian of an incapacitated individual pursuant to court appointment, not including a guardian ad litem, but including:

“(A) A limited guardian whose powers are limited by the court as described in section 21-2044(c);

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“(B) A temporary guardian appointed as described in section 21-2046 for a finite period of time to serve as:

“(i) An emergency guardian whose authority may not extend beyond 15 days and who may exercise any powers granted by court order and not prohibited by law;

“(ii) A health-care guardian whose authority is granted for up to 90 days and may be extended for up to an additional 90 days to provide substituted consent in accordance with section 21-2210 for an individual certified as incapacitated for a health-care decision; or

“(iii) A provisional guardian whose authority is granted for a specified period not to exceed 6 months, upon the court's finding that any guardian is not effectively performing duties and that the welfare of the incapacitated individual requires immediate action; and

“(C) A general guardian not limited by the court in scope as described in section 21-2044(c) or in time as described in section 21-2046.

(5) A new paragraph (11A) is added to read as follows:

“(11A) “Incapacitated individual for health-care decisions” means an adult individual who lacks sufficient mental capacity to:

“(A) Appreciate the nature and implications of a health-care decision;

“(B) Make a choice regarding the alternatives presented; or

“(C) Communicate that choice in an unambiguous manner.”.

(6) A new paragraph (25A) is added to read as follows:

“(25A) “Substituted judgment” means making a decision that conforms as closely as possible with the decision that the individual would have made, based upon the knowledge of the beliefs, values, and preferences of the individual.”.

(c) Section 21-2041 is amended as follows:

(1) Subsection (a) is amended by striking the word “limited” and inserting the phrase “limited, temporary,” in its place.

(2) Subsection (d) is amended by adding the following sentence at the end:

“The court shall waive the appointments of a visitor and examiner if the petition seeks appointment of an emergency guardian or a health-care guardian and the petition is supported by the certification of incapacity made pursuant to section 21-2204.”.

(3) Subsection (f) is amended by striking the second and third sentences and inserting the following sentence in their place: “The court may waive the appointment of a visitor and, where a current individual habilitation plan prepared pursuant to section 7-1304.03 is submitted to the court, the court may waive the appointment of an examiner.”.

(4) Subsection (g) is amended as follows:

(A) Strike the phrase “other individual” and insert the word “individual” in its place.

Note,
§ 21-2041

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(B) Add the following sentence at the end: "For an individual alleged to be incapacitated for health-care decisions, the certification of incapacity made pursuant to section 21-2204 shall be presented as evidence to the court."

(d) Section 21-2043 is amended as follows:

Note,
§ 21-2043

(1) A new subsection (a-1) is added to read as follows:

"(a-1) (1) Except as provided in paragraph (2) of this subsection, a person may not be appointed as a guardian if the person:

"(A) Provides substantial services to the incapacitated individual in a professional or business capacity;

"(B) Is a creditor of the incapacitated individual; or

"(C) Is employed by any person or entity that provides services to the incapacitated individual in a professional or business capacity.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, a person may be appointed as a guardian if:

"(A) The person is the incapacitated individual's spouse, domestic partner, adult child; parent, adult sibling, or relative with whom the incapacitated individual has resided for more than 6 months prior to the filing of the petition; and

"(B) The court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the best interests of the incapacitated individual. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur."

(2) Subsection (c) is amended by adding a new paragraph (3A) to read as follows:

"(3A) An adult sibling of the incapacitated individual or a person nominated by will of a deceased sibling or by other writing signed by an adult sibling and attested by at least 2 witnesses;"

(3) A new subsection (e) is added to read as follows:

"(e) A guardian shall limit his or her caseload to a size that allows the guardian:

"(1) To accurately and adequately support and protect each ward;

"(2) To make a minimum of one visit per month with each ward; and

"(3) To have regular contact with service providers."

(e) Section 21-2044(a) is amended to read as follows:

Note,
§ 21-2044

"(a) The court shall exercise the authority conferred in this subchapter so as to encourage the development of maximum self-reliance and independence of the incapacitated individual. The court, on appropriate findings, may appoint a limited guardian, a temporary guardian, or a general guardian. When the court appoints a guardian, it shall appoint the type of guardianship that is least restrictive to the incapacitated individual in duration and scope, taking into account the incapacitated individual's current mental and adaptive limitations or other warranted conditions."

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Note,
§ 21-2046

(f) Section 21-2046 is amended to read as follows:

“§ 21-2046. Temporary guardians.

“(a) Temporary guardians are guardians appointed for a finite period of time. Temporary guardians include emergency guardians, health-care guardians, and provisional guardians. All provisions of this chapter apply to temporary guardians unless otherwise specified.

“(b)(1) The court, on appropriate petition, may appoint an emergency guardian, whose authority may not extend beyond 15 days, if:

“(A) An incapacitated individual has no guardian;

“(B) A life-threatening situation or situation involving emergency care exists; and

“(C) No other person appears to have authority to act within the circumstances.

“(2) An emergency guardian appointed pursuant to this subsection may exercise those powers granted in the order.

“(3) Immediately upon receipt of the petition, the court shall appoint counsel for the individual alleged to be incapacitated and provide notice to the individual alleged to be incapacitated and to interested persons, pursuant to section 21-2042.

“(4) The individual alleged to be incapacitated, counsel for that individual, or any other interested person may request a hearing at any time within the period of the temporary guardianship. The hearing shall be held no later than 48 hours after the request.

“(5) The court may extend the authority of an emergency guardian appointed pursuant to this subsection to authorize the emergency guardian to serve as a health-care guardian consistent with subsection (c) of this section.

“(c)(1) The court, on appropriate petition, may appoint a health-care guardian for the individual alleged to be incapacitated for a specified period of time of up to 90 days if:

“(A) An individual has been determined to be incapacitated under section 21-2204;

“(B) The individual has no guardian; and

“(C) No other person appears to have authority to act within the circumstances.

“(2) The health-care guardian shall have the powers and duties set forth at section 21-2047b(b).

“(3) An appropriate petition shall include the certification of incapacity made pursuant to section 21-2204. Immediately upon receipt of the petition, counsel shall be appointed for the individual alleged to be incapacitated, and notice provided to the individual alleged to be incapacitated and to interested persons, pursuant to section 21-2042. The hearing shall be held within 7 days of receipt of the petition.

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“(4) The court may extend the authority of a health-care guardian for one additional period of up to 90 days:

“(A) Upon determination of continued incapacity and determination of a continued need for the provision of substituted consent for any health-care service, treatment, or procedure pursuant to section 21-2210; or

“(B) If a petition for a permanent limited guardian or general guardian, pursuant to section 21-2041, has been filed with the court prior to the expiration of the appointment of the temporary guardian.

“(d) If the court finds that any appointed guardian is not effectively performing duties and that the welfare of the ward requires immediate action, it may appoint, with notice to interested parties within 14 day after the appointment, a provisional guardian. The provisional guardian shall have the powers set forth in the previous order of appointment for a specified period not to exceed 6 months. The authority of any permanent guardian previously appointed by the court is suspended as long as a provisional guardian has authority.”.

(g) Section 21-2047 is amended as follows:

(1) The section heading is amended to read as follows:

“§ 21-2047. Powers and duties of general guardian and limited guardian.”.

(2) The lead-in text is amended by striking the word “guardian” and inserting the phrase “a general guardian or a limited guardian” in its place.

(3) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the word “guardian” and inserting the phrase “general guardian or limited guardian” in its place.

(B) Paragraph (4) is amended by striking the word “and” at the end.

(C) Paragraph (5) is amended by striking the phrase “as required by court rule, but at least semi-annually.” and inserting the phrase “on any order of the court, but at least semiannually;” in its place.

(D) New paragraphs (6), (7), and (8) are added to read as follows:

“(6) Make decisions on behalf of the ward by conforming as closely as possible to a standard of substituted judgment or, if the ward’s wishes are unknown and remain unknown after reasonable efforts to discern them, make the decision on the basis of the ward’s best interests;

“(7) Include the ward in the decision-making process to the maximum extent of the ward’s ability; and

“(8) Encourage the individual to act on his or her own behalf whenever he or she is able to do so, and to develop or regain capacity to make decisions in those areas in which he or she is in need of decision-making assistance, to the maximum extent possible.”.

(4) The lead-in text of subsection (b) is amended by striking the word “guardian” and inserting the phrase “general guardian or limited guardian” in its place.

(5) Subsection (c) is repealed.

Note,
§ 21-2047

ENROLLED ORIGINAL

(h) New sections 21-2047a and 21-2047b are added to read as follows:

“§ 21-2047a. Limitations on temporary, limited, and general guardians.

“A guardian shall not have the power:

“(1) To consent to an abortion, sterilization, psycho-surgery, or removal of a bodily organ, except to preserve the life or prevent the immediate serious impairment of the physical health of the incapacitated individual, unless the power to consent is expressly set forth in the order of appointment or after subsequent hearing and order of the court;

“(2) To consent to convulsive therapy, experimental treatment or research, or behavior modification programs involving aversive stimuli, unless the power to consent is expressly set forth in the order of appointment or after subsequent hearing and order of the court;

“(3) To consent to the withholding of non-emergency, life-saving, medical procedures unless it appears that the incapacitated person would have consented to the withholding of these procedures and the power to consent is expressly set forth in the order of appointment or after subsequent hearing and order of the court;

“(4) To consent to the involuntary or voluntary civil commitment of an incapacitated individual who is alleged to be mentally ill and dangerous under any provision or proceeding occurring under Chapter 5 of Title 21, except that a guardian may function as a petitioner for the commitment consistent with the requirements of Chapter 5 of Title 21 or Chapter 13 of Title 7;

“(5) To consent to the waiver of any substantive or procedural right of the incapacitated individual in any proceeding arising from an insanity acquittal; or

“(6) To prohibit the marriage or divorce, or consent to the termination of parental rights, unless the power is expressly set forth in the order of appointment or after subsequent hearing and order of the court.

“§ 21-2047b. Powers and duties of emergency and health-care guardians.

“(a) Except as limited by sections 21-2046 and 21-2047a, an emergency guardian or health-care guardian is responsible for providing substituted consent for an incapacitated individual and for any other duties authorized by the court, but is not personally liable to third persons by reason of that responsibility or acts of the incapacitated individual.

“(b) An emergency or health-care guardian shall:

“(1) Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of his or her capacities, limitations, needs, opportunities, and physical and mental health;

“(2) Make decisions on behalf of the ward by conforming as closely as possible to a standard of substituted judgment or, if the ward’s wishes are unknown and remain unknown after reasonable efforts to discern them, make the decision on the basis of the ward’s best interests;

Note,
§ 21-2047

ENROLLED ORIGINAL

“(3) Include the ward in the decision-making process to the maximum extent of the ward’s ability;

“(4) Encourage the individual to act on his or her own behalf whenever he or she is able to do so, and to develop or regain capacity to make decisions in those areas in which he or she is in need of decision-making assistance, to the maximum extent possible; and

“(5) Make any report the court requires.

“(c) An emergency or health-care guardian may:

“(1) Grant, refuse, or withdraw consent to medical examination and health-care treatment for an individual who has been deemed incapacitated pursuant to section 21-2204;

“(2) Obtain medical records for the purpose of providing substituted consent pursuant to section 21-2210; and

“(3) Have the status of a legal representative under Chapter 12 of Title 7.”.

(i) Section 21-2049(a) is amended to read as follows:

“(a) (1) On petition of the guardian, the court, after a hearing, may accept a resignation of a guardian.

Note,
§ 21-2049

“(2) The court may remove a temporary guardian at any time.

“(3) On petition of the ward or any interested person, or on the court’s own motion, the court, after a hearing, may remove a limited guardian or a general guardian for any of the following reasons:

“(A) Failure to discharge his or her duties, including failure to conform as closely as possible to a standard of substituted judgment or, if the ward’s wishes are unknown and remain unknown after reasonable efforts to discern them, to make a decision on the basis of the ward’s best interests, pursuant to section 21-2047(a)(6) or 21-2047b(b)(2);

“(B) Abuse of his or her powers;

“(C) Failure to comply with any order of the court;

“(D) Failure to educate or provide for the ward as liberally as the ward’s financial situation permits, if education and financial management fall within the scope of the guardianship;

“(E) Interference with the ward’s progress or participation in programs in the community; or

“(F) For any other good cause.”.

(j) Section 21-2060 is amended by adding a new subsection (a-1) to read as follows:

“(a-1) The estate of a person or ward shall be deemed depleted for purposes of this chapter, and all compensation, expenses, and payouts made under this section shall be paid from a fund established by the District:

Note,
§ 21-2060

“(1) If the person or ward qualifies for federal Supplemental Security Income under Title XVI of the Social Security Act;

“(2) If the person or ward qualifies for Medicaid or Medicaid Expansion Programs as allowed by federal, state, or local requirements;

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"(3) If the person or ward qualifies for other means-tested public assistance programs as allowed by federal, state, or local requirements, including Temporary Assistance for Needy Families, Interim Disability Assistance, Food Stamps, or D.C. Healthcare Alliance;

"(4) If the person or ward qualifies for federal disability benefits, including Old Age, Survivors, and Disability Insurance Benefits under Title II of the Social Security Act, Rehabilitation Services Administration Payments, Railroad Retirement Board, or Veterans benefits and such benefits constitute the person or ward's sole source of income;

"(5) If the person or ward has been found to be unable to pay for habilitation, care, or legal services by any branch of the Superior Court of the District of Columbia; or

"(6) If the circumstances listed in paragraphs (1), (2), (3), (4), or (5) of this subsection do not apply, the person or ward establishes, by affidavit or other proof satisfactory to the court, the inability to pay any costs without substantial financial hardship to himself or herself or his or her family."

Sec. 3. Chapter 22 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2202 is amended by adding a new paragraph (6A) to read as follows:

Note,
§ 21-2202

"(6A) "Qualified psychologist" means a person who is licensed pursuant to § 3-1205.01 and has:

"(A) One year of formal training within a hospital setting; or

"(B) Two years of supervised clinical experience in an organized health-care setting, one year of which must be post-doctoral."

(b) Section 21-2204(a) is amended as follows:

Note,
§ 21-2204

(1) Strike the word "physicians" wherever it appears and insert the word "professionals" in its place.

(2) Strike the second sentence and insert the sentence "One of the 2 certifying professionals shall be a physician and one shall be a qualified psychologist or psychiatrist." in its place.

(c) Section 21-2210 is amended as follows:

Note,
§ 21-2210

(1) Subsection (a) is amended to add a new paragraph (1A) to read as follows:

"(1A) A court-appointed mental retardation advocate of the patient, if the ability to grant, refuse, or withdraw consent is within the scope of the advocate's appointment under section 7-1304.13."

(2) New subsections (h) and (i) are added to read as follows:

"(h) If no person listed in subsection (a) of this section is reasonably available, mentally capable, and willing to act, the health-care provider, or the District of Columbia, for those persons committed or admitted to receive habilitation or other services pursuant to Chapter 13 of Title 7, or any interested person may petition the Superior Court of

ENROLLED ORIGINAL

the District of Columbia for appointment of a health-care guardian pursuant to section 21-2044 or section 21-2046.

“(i) The health-care provider who is treating or providing services to the incapacitated patient at the time of the health-care decision shall accept the decision of the individual authorized under this section to grant, refuse, or withdraw consent on behalf of the patient as the decision of the principal.”

(d) Section 21-2212 is amended to read as follows:

“§ 21-2212. Effect of chapter.

“(a) Nothing in this chapter shall be construed to condone, authorize, or approve mercy-killing or to permit any affirmative or deliberate act to end a human life other than to permit the natural dying process.

“(b) Nothing in this chapter shall be construed to conflict with or supersede, the Emergency Medical Treatment and Labor Act, approved April 17, 1986 (100 Stat. 164; 42 U.S.C. § 1395dd).

“(c) Emergency health care may be provided without consent to a patient who is certified incapacitated under § 21-2204, if no authorized person is reasonably available or if, in the reasonable medical judgment of the attending physician, attempting to locate an authorized person would cause:

“(1) A substantial risk of death to the incapacitated individual;

“(2) The health of the incapacitated individual to be placed in serious jeopardy;

“(3) Serious impairment to the incapacitated individual’s bodily functions; or

“(4) Serious dysfunction of a bodily organ or part of the incapacitated

individual”.

Sec. 4. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 7-1301.03) is amended as follows:

(1) Redesignate paragraph (2A) as paragraph (2C).

(2) New paragraphs (2A) and (2B) are added to read as follows:

“(2A) “Behavioral plan” means a written plan that, at a minimum:

“(A) Identifies challenging or problematic behavior;

“(B) States the working hypothesis about the cause of the individual’s behavior and uses the working hypothesis as the basis for the selected intervention;

“(C) Identifies strategies to teach or encourage the individual to adopt adaptive behavior as an alternative to the challenging or problematic behavior;

“(D) Considers the potential for environmental or programmatic changes that could have a positive impact on challenging or problematic behaviors; and

Note,
§ 21-2212

Note,
§ 7-1301.03

ENROLLED ORIGINAL

“(E) Addresses the individual’s need for additional technological or supervisory assistance to adapt or cope with day to day activities.

“(2B) “Best interests” means promoting personal well-being by assessing:

“(A) The reason for the proposed action, its risks and benefits, and any alternatives considered and rejected; and

“(B) The least intrusive, least restrictive, and most normalizing course of action possible to provide for the needs of the individual.”.

(3) Paragraph (6) is amended to read as follows:

“(6) “Comprehensive evaluation” means an assessment of a person with mental retardation by persons with special training and experience in the diagnosis and habilitation of persons with mental retardation, which includes a documented sequence of observations and examinations intended to determine the person’s strengths, developmental needs, and need for services. The initial comprehensive evaluation shall include documentation of:

“(A) A physical examination that includes the person’s medical history;

“(B) An educational evaluation, vocational evaluation, or both;

“(C) A psychological evaluation, including an evaluation of cognitive and adaptive functioning levels;

“(D) A social evaluation;

“(E) A dental examination;

“(F) An evaluation of whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment; and

“(G) A determination of whether the person:

“(i) Has executed or could execute a durable power of attorney in accordance with D.C. Official Code § 21-2205;

“(ii) Has been offered an opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205 and declined; or

“(iii) Has an individual reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210.”.

(4) Redesignate paragraphs (14A) and (14B) as paragraphs (14B) and (14C), respectively.

(5) A new paragraph (14A) is added to read as follows:

“(14A) “Human Rights Advisory Committee” or “HRAC” means the committee of the Department on Disability Services which provides guidance and oversight regarding matters pertaining to the human rights of individuals receiving services through the Department on Disability Services and reviews allegations of human rights violations.”.

(6) A new paragraph (20A) is added to read as follows:

“(20A) “Psychotropic medication” means a medication prescribed for the treatment of symptoms of mental or emotional disorders or to influence and modify behavior,

ENROLLED ORIGINAL

cognition, or affective state. The term "psychotropic medication" includes the following categories of medications:

- "(A) Antipsychotics or neuroleptics;
- "(B) Antidepressants;
- "(C) Agents for control of mania or depression;
- "(D) Antianxiety agents;
- "(E) Sedatives, hypnotics, or other sleep-promoting drugs; and
- "(F) Psychomotor stimulants."

(7) A new paragraph (24C) is added to read as follows:

"(24C) "Substituted judgment" means making a decision that conforms as closely as possible with the decision that the individual would have made, based upon knowledge of the beliefs, values, and preferences of the individual."

(b) Section 413 (D.C. Official Code § 7-1304.13) is amended by adding a new subsection (n) to read as follows:

Note,
§ 7-1304.13

"(n) If so authorized by the Court, the mental retardation advocate shall be permitted to grant, refuse, or withdraw consent on behalf of his or her client with respect to the provision of any health-care service, treatment, or procedure, consistent with the provisions of Chapter 22 of Title 21 of the District of Columbia Official Code."

(c) Section 504(a) (D.C. Official Code § 7-1305.04(a)) is amended to read as follows:

"(a) (1) Prior to each customer's commitment under this act, the customer shall receive, pursuant to section 403, a comprehensive evaluation or screening and an individual habilitation plan. Within 30 days of a customer's admission pursuant to section 302, the customer shall have a comprehensive evaluation or screening and an individual habilitation plan.

Note,
§ 7-1305.04

"(2) All individual habilitation plans shall include information on whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment and shall identify whether the person:

"(A) Has executed or could execute a durable power of attorney in accordance with D.C. Official Code § 21-2205;

"(B) Has been offered an opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205 and declined; or

"(C) Has an individual reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210.

"(3) Annual reevaluations or screenings of the customer shall be provided as determined by the customer's interdisciplinary team. Annual reevaluations and screenings shall include a review and update to the individual habilitation plan information on whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment and whether the person:

"(A) Has executed or could execute a durable power of attorney in accordance with D.C. Official Code § 21-2205;

ENROLLED ORIGINAL

“(B) Has been offered an opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205 and declined; or

“(C) Has an individual reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210.

“(4) The DDS shall establish written procedures for incorporating a review of all mental health services, including psychotropic medications, behavioral plans, and any other psychiatric treatments, into the annual reevaluations and screenings conducted by the customer’s interdisciplinary team.

“(5) Nothing in this subsection shall be construed as requiring any person to execute a durable power of attorney for health care.”

(d) New sections 506a, 506b, and 506c are added to read as follows:

“Sec. 506a. Informed consent.

“(a) Except in accordance with the procedures described in subsections (b) and (c) of this section, in D.C. Official Code § 21-2212, or as otherwise provided by law, no DDS customer shall be given services pursuant to this act absent the customer’s informed consent. In seeking informed consent, the provider or DDS shall present the customer with available options and all material information necessary to make the decision, including information about the proposed service, potential benefits and risks of the proposed service, potential benefits and risks of no service, side effects, and information about feasible alternative services, if any.

“(b) If the provider or DDS reasonably believes that the customer lacks the capacity to provide informed consent for the proposed service, the provider or DDS promptly shall seek a determination of the individual’s capacity in accordance with D.C. Official Code § 21-2204. If the individual is certified as incapacitated for health-care decisions in accordance with D.C. Official Code § 21-2204, DDS or the provider shall promptly seek the provision of substituted consent from the customer’s attorney-in-fact pursuant to D.C. Official Code § 21-2206 or, if no attorney-in-fact has been authorized pursuant to D.C. Official Code § 21-2205 or is reasonably available, mentally capable, and willing to act, from an individual authorized to provide substituted consent pursuant to D.C. Official Code § 21-2210.

“(c) If the customer is certified as incapacitated and unable to consent to the proposed service in accordance with D.C. Official Code § 21-2204, and no attorney-in-fact or person listed in D.C. Official Code § 21-2210(a) is reasonably available, mentally capable, and willing to act:

“(1) For any proposed services except psychotropic medications, the District shall petition the Court for appointment of a guardian pursuant to Chapter 20 of Title 21. The District’s petition shall request the form of guardianship which is least restrictive to the incapacitated individual in duration and scope, taking into account the incapacitated individual’s current mental and adaptive limitations or other conditions warranting the procedure. This

Note,
§ 7-1305.06

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subsection does not preclude any other party from petitioning the Court for appointment of a guardian; or

“(2) For all proposed psychotropic medications, the provider may administer medication only when the administration of medication is accompanied by a behavioral plan and only after receiving approval from an independent panel appointed by the DDS Administrator pursuant to section 506b.

“Sec. 506b. Review panel for administration of psychotropic medications.

“(a) Subject to the availability of appropriations, the DDS Administrator shall establish an independent panel to review all proposals to administer psychotropic medications to customers made pursuant to section 506a(c) and in accordance with the procedures set forth in this section and those to be developed by the Administrator as required by this section.

“(b) The panel shall be comprised of 3 members. The members of the panel and their employers shall be immune from suit for any claim arising from any good faith act or omission under this section. The members of the panel shall not be affiliated with the individual, the provider, or the physician seeking to administer the medication, but shall include:

“(1) A board-certified psychiatrist;

“(2) A licensed professional; and

“(3) A customer, or, if unavailable, a Mental Retardation Advocate or other customer advocate.

“(c) The administrative procedure established by DDS for the panel shall include, at a minimum:

“(1) A meeting by the panel no later than one week after DDS receives a request for consent;

“(2) Written and oral notice to the customer not less than 48 hours prior to when the panel will meet;

“(3) The right of the customer to be present when the panel meets and to have a representative present during any such meeting;

“(4) The opportunity, at the meeting of the panel, for the customer and his or her representative to present information and to discuss the wishes of the customer;

“(5) The issuance of a written decision by the panel no later than one week after the meeting of the panel, to be provided to the customer, the customer’s representative, and the provider; and

“(6) The right of the customer to request that the DDS Human Rights Advisory Committee or its successor entity review the decision of the panel.

“(d) If the customer requests a review by the DDS Human Rights Advisory Committee, or its successor entity, before the decision of the panel has been implemented, the decision shall not be implemented until after the DDS Human Rights Advisory Committee, or its successor entity, responds to the requested review. The DDS Human Rights Advisory Committee, or its

ENROLLED ORIGINAL

successor entity, shall conduct the review at its next meeting or no later than 30 days after the request, whichever is earlier, and shall issue a response promptly.

“(e) The panel shall issue a written decision which may grant, refuse, or withdraw consent to the prescription of the proposed psychotropic medication. The panel shall seek to conform as closely as possible to a standard of substituted judgment or, if the individual’s wishes are unknown and remain unknown after reasonable efforts to discern them, make the decision on the basis of the individual’s best interests. If the panel grants consent, the consent shall be granted for a limited period of time and shall last no longer than 9 consecutive months.

“(f) For individuals for whom the panel has provided consent, DDS shall offer the individual the opportunity to execute a durable power of attorney in accordance with D.C. Official Code § 21-2205 and shall continue to seek to identify one or more individuals listed in D.C. Official Code § 21-2210(a) who may be reasonably available, mentally capable, and willing to act.

“(g) For individuals for whom the panel has provided consent for 3 or more consecutive months, and for whom there is a reasonable likelihood that no decision-maker will become available and that the individual will not achieve capacity during the next 6 months to make decisions regarding psychotropic medications on his or her own behalf, the District shall petition the Court for appointment of a guardian pursuant to Chapter 20 of Title 21 of the District of Columbia Official Code. The District’s petition shall request the type of guardianship that is least restrictive to the incapacitated individual in duration and scope, taking into account the incapacitated individual’s current mental and adaptive limitations or other warranted conditions. This subsection does not preclude any other party from petitioning the Court for appointment of a guardian.

“(h) Refusal to consent to psychotropic medications shall not be used as evidence of an individual’s incapacity.

“(i) Refusal to consent to services on the basis of a valid religious objection shall not be overridden absent a specific court order requiring the provision of services.

“Sec. 506c. Psychotropic medication review.

“(a) Within one year of the effective date of the Health-Care Decisions for Person’s with Developmental Disabilities Emergency Amendment Act, effective October 18, 2007 (D.C. Act 17-161; 54 DCR ___), the DDS shall complete a psychotropic medication review for all DDS customers.

“(b) Within one year of the effective date of the Health-Care Decisions for Person’s with Developmental Disabilities Emergency Amendment Act, effective October 18, 2007 (D.C. Act 17-161; 54 DCR ___), the DDS shall establish written procedures, which shall include timelines and identify responsible entities or individuals, for promptly implementing the recommendations for each customer identified by the psychotropic medication review.

“(c) The psychotropic medication review shall be conducted by a review team that includes professionals with expertise in the prescription, use, and side effects of psychotropic

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medications as therapy for individuals who have been dually diagnosed with mental retardation and mental illness.

“(d) The review team shall establish in writing:

“(1) Procedures for an initial administrative review of psychotropic medication prescriptions for all DDS customers;

“(2) Procedures and criteria for determining which customers receive only an initial administrative review of psychotropic medications and which customers also receive a more detailed clinical review of psychotropic medications; and

“(3) Criteria for screening and determining the clinical appropriateness of each psychotropic medication prescribed for each customer.

“(e) The review team shall complete the initial administrative review of psychotropic medications. The initial administrative review of psychotropic medications shall determine, at minimum, for each DDS customer:

“(1) All prescribed psychotropic medications;

“(2) The diagnosis justifying each prescription;

“(3) The provision of informed consent for each prescription;

“(4) The presence of an accompanying behavioral plan; and

“(5) Any other mental health services being provided to the customer.

“(f) The review team shall conduct a clinical review of psychotropic medications when the initial administrative review meets the review team’s criteria indicating that a detailed clinical review of the customer’s psychotropic medication is warranted. The clinical review shall seek to determine the clinical appropriateness of each prescribed psychotropic medication and the potential for alternative approaches. The clinical review shall include, at a minimum, interviews with the customer, the prescribing physician, and the customer’s residential and day service providers, if any.

“(g) By no later than 30 days after completing a psychotropic medication review of a customer, the review team shall issue a written report, which shall include recommendations for:

“(1) Continued use, modification, or termination of psychotropic medication;

“(2) Potential use of alternative approaches including therapies, behavioral plans, skill development, and environmental modifications;

“(3) Informed consent, if informed consent has not been provided; and

“(4) Development of a behavioral plan, if no behavioral plan is present.

“(h) A copy of the written report of the review team shall be appended to the customer’s individual habilitation plan and be provided to:

“(1) The customer;

“(2) The customer’s legal representative, if any;

“(3) The customer’s mental retardation advocate, if any;

“(4) The customer’s DDS case manager;

ENROLLED ORIGINAL

“(5) The individuals identified in the customer’s individual habilitation plan as reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210, if any;

“(6) The customer’s residential service provider; and

“(7) The Quality Trust for Individuals with Disabilities, Inc.”.

(e) Section 507 (D.C. Official Code § 7-1305.07) is repealed.

(f) A new section 507a (to be codified at D.C. Official Code § 7-1305.07a) is added to read as follows:

“Sec. 507a. Health-care decisions policy, annual plan, and quarterly reports.

“(a) It shall be the policy of the District government to ensure that all persons who become incapable of making or communicating health-care decisions for themselves have available health-care decision-makers. In addition, it shall be the policy of DDS to ensure that every DDS customer has the opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205, and has one or more individuals identified as reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210, if the customer were to become certified as incapacitated to make a health-care decision in accordance with D.C. Official Code § 21-2204.

“(b) The DDS Administrator shall issue by November 1 of each year an annual plan describing how DDS will comply with subsection (a) of this section during the current fiscal year. The plan shall include data from the prior fiscal year which assess the current and potential health-care decision-making needs of all DDS customers. The plan shall include, at a minimum:

“(1) Aggregate statistics summarizing the numbers of DDS customers who:

“(A) Have a general guardian, a limited guardian, a health-care guardian, or an emergency guardian as of the end of the prior fiscal year;

“(B) At any time during the prior fiscal year, had an emergency guardian authorized to make health-care decisions or a health-care guardian;

“(C) Have executed a durable power of attorney in accordance with D.C. Official Code § 21-2205;

“(D) Have been offered an opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205 and declined;

“(E) Have an individual identified as reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210; and

“(F) Lack any available substitute health-care decision-maker;

“(2) Aggregate statistics describing the numbers of customers taking psychotropic medications as of the end of the previous fiscal year, and an assessment of the degree to which health-care decision-making support for the prescription of psychotropic medication may be required for these customers;

Note, Repeal
§ 7-1301.07
Note,
§ 7-1305.07

ENROLLED ORIGINAL

“(3) Aggregate statistics describing the requests for consent reviewed during the prior fiscal year by the independent psychotropic medication panel authorized in section 506b, analyzing outcomes, monthly and yearly trends, and requests for review by the DDS Human Rights Committee;

“(4) Aggregate statistics describing for the prior fiscal year:

“(A) The number of substitute decisions which required intervention by DDS to identify an individual to provide substituted consent pursuant to D.C. Official Code § 21-2210;

“(B) The nature of the health-care needs and medical treatments; and

“(C) The average time elapsed between a request for a substituted decision and the provision of substituted consent; and

“(5) An analysis of the statistics described in this subsection, identification of yearly and multiyear trends, and a plan for remedial measures to be taken when the statistics identify process or service deficiencies.

“(c) The DDS Administrator shall produce a quarterly report on all substituted consent activities pursuant to subsection (a) of this section until October 2010. Quarterly reports shall be complete by the 15th day of October, January, April, and July and shall include:

“(1) Statistics describing:

“(A) The number of substitute decisions during the prior quarter which required intervention by DDS to identify an individual to provide substituted consent pursuant to D.C. Official Code § 21-2210;

“(B) The nature of the health-care needs and medical treatments for each substituted decision;

“(C) The time elapsed between each request for a substituted decision and the provision of substituted consent; and

“(D) If the process for identifying an individual to provide substituted consent pursuant to D. C. Official Code § 21-2210 is not complete, a summary of the specific barriers currently identified and the specific action needed; and

“(2) An analysis of the statistics described in this subsection, and a plan for remedial measures to be taken, when the statistics identify process delays.

“(d)(1) The DDS Administrator shall submit the annual plan described in subsection (b) of this section and the quarterly report described in subsection (c) of this section to:

“(A) The Committee of the Council under whose purview DDS falls;

“(B) The Mayor; and

“(C) The designated state protection and advocacy agency for the District of Columbia established pursuant to the Protection and Advocacy for Mentally Ill Individuals Act of 1986, approved May 23, 1986 (100 Stat. 478; 42 U.S.C. § 10801 *et seq.*), and section 509 of the Rehabilitation Act of 1973, approved October 29, 1992 (106 Stat. 4430; 29 U.S.C. § 794e).

ENROLLED ORIGINAL

“(2) The DDS Administrator shall make copies of the annual plan and quarterly reports described in this section and make them available to members of the public upon request.

"(e) Nothing in this section shall be construed as requiring any person to execute a durable power of attorney for health care."

Sec. 5. Applicability.

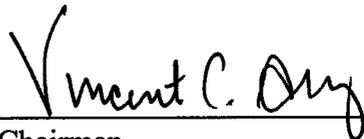
This act shall apply as of January 16, 2008.

Sec. 6. Fiscal impact statement.

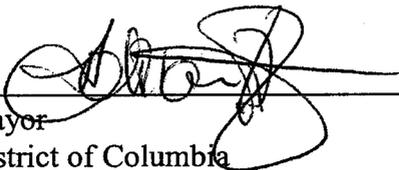
The Council adopts the fiscal impact statement for the Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-219; 54 DCR 12180), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-246IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 23, 2008Codification
District of
Columbia
Official Code

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to require certain records to be made available to the Child and Family Services Agency as part of an investigation of suspected child abuse or neglect.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Abuse and Neglect Investigation Record Access Congressional Review Emergency Amendment Act of 2008".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*), is amended by adding a new section 106b to read as follows:

"Sec. 106b. Obtaining records.

"(a) Notwithstanding any other provisions of law, upon the Agency's request, a person who is required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), shall immediately provide the Agency copies of all records of a child who is the subject of a report of child abuse or neglect, or of any other child residing in the home where the abuse or neglect is alleged to have occurred, that are in the possession of the person or the person's employees.

"(b) The Agency shall request the records needed for its investigation conducted under Title I.

"(c) The Agency shall not be charged a fee for the records provided to it under this section."

Sec. 3. Applicability.

This act shall apply as of January 15, 2008.

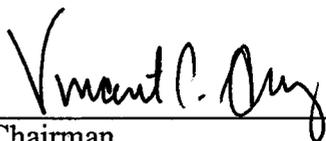
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement for the Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-212; 54 DCR 12162), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

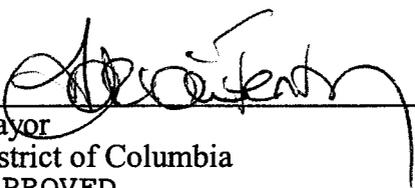
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Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-247IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to include limited grant-making authority among the duties and powers of the Director of the Child and Family Services Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Family Services Grant-making Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended by adding a new paragraph (3A) to read as follows:

*Note,
§ 4-1303.03*

"(3A) To issue grants to community and neighborhood-based groups for programs that deliver prevention and intervention services;"

Sec. 3. Applicability.

This act shall apply as of January 11, 2008.

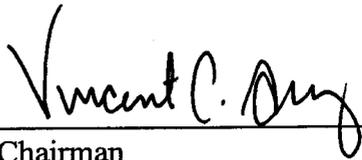
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement for the Child and Family Services Grant-making Temporary Amendment Act of 2007, signed by the Mayor on November 28, 2007 (D.C. Act 17-224; 54 DCR 12221), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

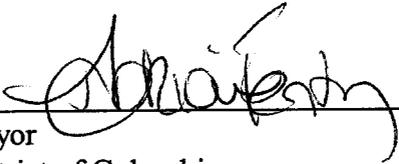
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Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Advisory Neighborhood Commissions Act of 1975 to clarify that an Advisory Neighborhood Commission may provide reimbursement for an authorized purchase made with a personal credit or debit card, or cashier's check.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Advisory Neighborhood Commissions Clarification Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 16(f) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.13(f)), is amended to read as follows:

Note,
§ 1-309.13

"(f)(1) Any expenditure of funds by a Commission shall be recorded by the treasurer in the Commission's books of accounts. No expenditure of any amount shall be made without the specific authorization of the Commission. The depository in which the Commission maintains a checking account shall be immediately notified of any change in Commission officers.

"(2)(A) An expenditure made by check shall:

"(i) Be signed by at least 2 officers of the Commission, one of whom shall be the treasurer or Chairperson;

"(ii) Be pre-numbered;

"(iii) Be issued in consecutive order; and

"(iv) Bear the name of the Commission and "District of Columbia Government" on its face.

"(B) Before signature, the check shall contain the:

"(i) Date of payment;

"(ii) Name of the payee; and

"(iii) Amount of the payment.

"(C) No check may be made payable to cash.

ENROLLED ORIGINAL

“(3) A Commission may provide reimbursement for an authorized purchase made with a personal credit card, debit card, or cashier’s check that is documented with a receipt, a copy of which shall be submitted to the Commission.”.

Sec. 3. Applicability.

This act shall apply as of January 16, 2008.

Sec. 4. Fiscal impact statement.

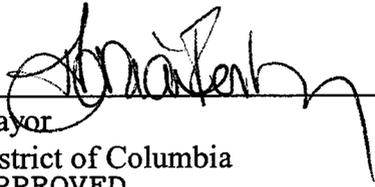
The Council adopts the fiscal impact statement in the committee report for the Advisory Neighborhood Commissions Clarification Amendment Act of 2007, signed by the Mayor on November 16, 2007 (D.C. Act 17-178; 54 DCR 11644), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008Codification
District of
Columbia
Official Code

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Community Access to Health Care Amendment Act of 2006 to authorize the Mayor to capitalize a public-private partnership in an amount not to exceed \$79 million; and to amend the Health Services Planning Program Re-Establishment Act of 1996 to limit certificate of need application fees paid by Specialty Hospitals of America, LLC, or certain of its subsidiary entities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "East of the River Hospital Revitalization Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 102 of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932), is amended as follows:

Note,
§ 7-1932

(a) Subsection (b)(1) is amended by striking the phrase "*et seq.*;" and inserting the phrase "*et seq.*". Notwithstanding the preceding provisions of this paragraph, the Mayor may invest, subject to approval by the Council, up to \$79 million to capitalize a public-private partnership by non-competitive negotiations with Specialty Hospitals of America, LLC, or certain of its subsidiary entities, to acquire, improve, and operate Greater Southeast Community Hospital;" in its place.

(b) Subsection (c)(3) is amended by striking the phrase "and the findings of the comprehensive assessment described in subsection (b)(7) of this section".

Sec. 3. Section 21 of the Health Services Planning Program Re-Establishment Act of 1996, effective April 19, 1997 (D.C. Law 11-191; D.C. Official Code § 44-420), is amended as follows:

Note,
§ 44-420

(a) Designate the existing text as subsection (a).

(b) A new subsection (b) is added to read as follows:

"(b) Notwithstanding the provisions of subsection (a) of this section, the maximum

ENROLLED ORIGINAL

application fee that may be collected from Specialty Hospitals of America, LLC, or certain of its subsidiary entities, for facilities located in Lots 3 and 4, Square 5919, related to the acquisition of Greater Southeast Community Hospital shall be \$300,000.”.

Sec. 4. Applicability.

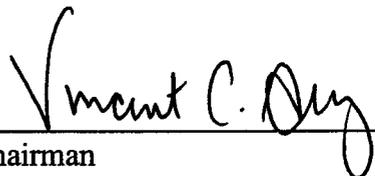
This act shall apply as of January 17, 2008.

Sec. 5. Fiscal impact statement.

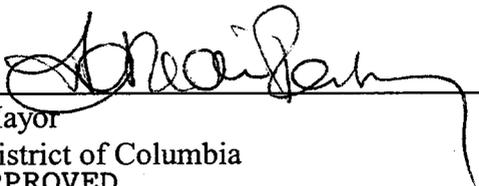
The Council adopts the fiscal impact statement for the East of the River Hospital Revitalization Temporary Amendment Act of 2007, signed by the Mayor on November 16, 2007 (D.C. Act 17-183; 54 DCR 11659), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Health Services Planning Program Re-establishment Act of 1996 to exempt non-hospital-based substance abuse treatment facilities from certificate of need requirements for a period of 2 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Services Planning Program Re-establishment Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 8(b) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407(b)), is amended by adding a new paragraph (14) to read as follows:

*Note,
§ 44-407*

"(14) A non-hospital-based substance abuse treatment facility shall be exempt from the certificate of need requirements, but shall continue to be subject to the certification requirements under section 5 of the District of Columbia Substance Abuse Treatment and Prevention Act of 1989, effective March 15, 1990 (D.C. Law 8-80; D.C. Official Code § 44-1204). This exemption shall expire 2 years from the effective date of the Health Services Planning Program Re-establishment Act Amendment Act of 2007, as introduced on September 17, 2007 (D.C. Bill 17-358)."

Sec. 3. Applicability.

This act shall apply as of January 15, 2008.

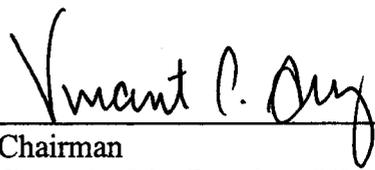
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement for the Health Services Planning Program Re-establishment Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-210; 54 DCR 11943), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

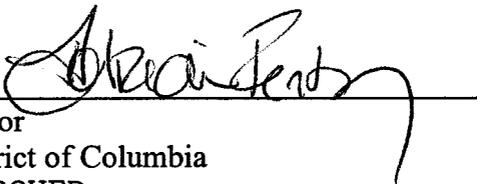
ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-251

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 23, 2008

Codification
District of
Columbia
Official Code
2001 Edition
2008 Winter
Supp.
West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to clarify that the dollar volume subcontracting requirement may include purchases from small business enterprises that provide materials, goods, and supplies, to extend many of the benefits of the act afforded to small, local, and disadvantage business enterprises to all certified business enterprises, and to provide the Department of Small and Local Business Development with grant-making authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grant-making Authority Congressional Review Emergency Amendment Act of 2008".

Sec. 2. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) Section 2302 (D.C. Official Code § 2-218.02) is amended by adding new paragraphs (1A) and (1B) to read as follows: Note, § 2-218.02

“(1A) “Business enterprise” means a business entity organized for profit.

“(1B) “Certified business enterprise” means a business enterprise or joint venture certified pursuant to part D.”

(b) Section 2312 (D.C. Official Code § 2-218.12) is amended as follows: Note, § 2-218.12

(1) Subsection (d) is amended by striking the phrase “local, small, and disadvantaged” and inserting the word “certified” in its place.

(2) Subsection (f) is amended by striking the phrase “local, small, and disadvantaged” and inserting the word “certified” in its place.

(c) Section 2313 (D.C. Official Code § 2-218.13) is amended as follows: Note, § 2-218.13

(1) Subsection (c) is amended as follows:

(A) Paragraph (1)(F) is amended by striking the phrase “contracting with, and procuring from, certified business enterprises” and inserting the phrase “the achievement of the goals set forth in section 2341” in its place.

(B) Paragraph (2) is amended as follows:

(i) The lead-in language is amended by striking the phrase “Contracting Opportunities” and inserting the phrase “Business Opportunities and Access to Capital” in its place.

(ii) Subparagraph (A) is amended by striking the phrase “local, small, and disadvantaged” wherever it appears and inserting the word “certified” in its place.

ENROLLED ORIGINAL

(iii) Subparagraph (E) is amended by striking the phrase “local, small, and disadvantaged” and inserting the word “certified” in its place.

(iv) Subparagraph (I) is amended by striking the phrase “local, small, and disadvantaged” and inserting the word “certified” in its place.

(v) Subparagraph (J) is amended by striking the phrase “local, small, and disadvantaged” and inserting the word “certified” in its place.

(vi) Subparagraph (K) is amended by striking the phrase “local, small, and disadvantaged” wherever it appears and inserting the word “certified” in its place.

(2) A new subsection (c-1) is added to read as follows:

“(c-1) The Department shall have the authority to issues grants to local businesses (whether or not certified pursuant to this subtitle), community and neighborhood groups or other nonprofit organizations as necessary to effectuate the mission of the Department and the purposes of this subtitle.”

(d) Section 2323 (D.C. Official Code § 2-218.23) is amended by striking the phrase “local, small, and disadvantaged” wherever it appears and inserting the word “certified” in its place.

Note,
§ 2-218.23

(e) Section 2325 (D.C. Official Code § 2-218.25) is amended as follows:

Note,
§ 2-218.25

(1) The existing language is designated as paragraph (1).

(2) A new paragraph (2) is added to read as follows:

“(2) The Department may promulgate, amend, repeal, and enforce any bylaws and internal rules of operation, consistent with the provisions of this subtitle, as may be necessary or appropriate to carry out its responsibilities under this subtitle.”

(f) Section 2331(2A) (D.C. Official Code § 2-218.31(2A)) is amended by striking the phrase “Meets 3 of the 4” and inserting the phrase “Meets 1 of the 4” in its place.

Note,
§ 2-218.31

(g) Section 2342 (D.C. Official Code § 2-218.42) is amended by striking the phrase “local, small, and disadvantaged business enterprises, resident-owned businesses, resident businesses, and local business enterprises with principal offices located in an enterprise zone” and inserting the phrase “certified business enterprises” in its place.

Note,
§ 2-218.42

(h) Section 2343(a) (D.C. Official Code § 2-218.43(a)) is amended as follows:

Note,
§ 2-218.43

(1) Paragraph (1)(B) is amended by inserting the word “a” before the word “resident-owned”.

(2) Paragraph (2)(B) is amended by inserting the word “a” before the word “resident-owned”.

(i) Section 2346(a) (D.C. Official Code § 2-218.46(a)) is amended to read as follows:

Note,
§ 2-218.46

“(a)(1) All construction contracts in excess of \$250,000 shall include the following requirements:

“(A) At least 35% of the dollar volume shall be subcontracted to small business enterprises; provided, that the costs of materials, goods, and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods, and supplies are purchased from small business enterprises; or

“(B) If there are insufficient qualified small business enterprises to completely fulfill the requirement of subparagraph (A) of this paragraph, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises; provided, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.

ENROLLED ORIGINAL

“(2) All non-construction contracts in which a portion of the work is subcontracted shall include the following requirements:

“(A) At least 35% of the dollar volume shall be subcontracted to small business enterprises; provided, that the costs of materials, goods, and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods, and supplies are purchased from small business enterprises; or

“(B) If there are insufficient qualified small business enterprises to completely fulfill the requirement of subparagraph (A) of this paragraph, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises; provided, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.”

(j) Section 2348 (D.C. Official Code § 2-218.48) is amended by striking the phrase “local, small, or disadvantaged businesses” both times it appears and inserting the phrase “certified business enterprises” in its place.

Note,
§ 2-218.48

(k) Section 2350 (D.C. Official Code § 2-218.50) is amended as follows:

Note,
§ 2-218.50

(1) Subsection (b)(1) is amended to read as follows:

“(b)(1)(A) A government corporation shall take all measures as shall be reasonably necessary to assure that all contracts entered into by the government corporation, or any agency or subsidiary of the government corporation, with respect to each major phase of the development and construction of a project undertaken by the government corporation, including contracts for professional services, architectural, engineering, and other construction-related services and construction trade work, shall provide that at least 35% of the work on the project shall be awarded to small business enterprises; provided, that the costs of materials, goods, and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods, and supplies are purchased from small business enterprises.

“(B) If there are insufficient qualified small business enterprises to fulfill the small business enterprise contracting requirement, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume of the project to any certified business enterprises; provided, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.”

(2) Subsection (f)(3) is amended by striking the phrase “local, small, and disadvantaged” and inserting the word “certified” in its place.

(3) Subsection (g)(2) is amended by striking the phrase “Local, small, and disadvantaged” and inserting the word “Certified” in its place.

(l) Section 2351(e) (D.C. Official Code § 2-218.51(e)) is amended by striking the phrase “local, small, or disadvantaged” wherever it appears and inserting the word “certified” in its place.

Note,
§ 2-218.51

(m) Section 2353 (D.C. Official Code § 2-218.53) is amended as follows:

(1) Subsection (a) is amended as follows:

Note,
§ 2-218.53

(A) Paragraph (1)(D) is amended by striking the phrase “local, small, or disadvantaged”.

(B) Paragraph (2)(A) is amended by striking the phrase “Local, small, and disadvantaged” and inserting the word “Certified” in its place.

(C) Paragraph (3)(A) is amended by striking the phrase “Local, small, and disadvantaged” and inserting the word “Certified” in its place.

(2) Subsection (b)(2)(A) is amended by striking the phrase “Local, small, and

ENROLLED ORIGINAL

disadvantaged” and inserting the word “Certified” in its place.

(n) Section 2354 (D.C. Official Code § 2-218.54) is amended as follows:

(1) The existing language is designated as subsection (a).

(2) Paragraph (1)(D)(iv) of the newly designated subsection (a) is amended by striking the phrase “local, small, or disadvantaged”.

(3) Paragraph (2) of the newly designated subsection (a) is amended as follows:

(A) Subparagraph (C) is amended by striking the word “and” at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(C) A new subparagraph (E) is added to read as follows:

“(E) The actual dollar amount expended with each business enterprise.”.

(4) New subsections (b) and (c) are added to read as follows:

“(b) Within 45 days of its receipt of the annual reports required by section 2350(g), the Department shall submit to the Council and the Commission a report containing the following information with respect to each government corporation for the current and prior fiscal years:

“(1) The expendable budget of the government corporation;

“(2) The government corporation's achievement with respect to the requirements of section 2350; and

“(3) A list of each contract or procurement of the government corporation, which shall include the following:

“(A) A description of the contract or procurement;

“(B) The dollar amount of the contract or procurement;

“(C) The name of the business enterprise from which the goods or services were contracted or procured;

“(D) Whether the business enterprise was a certified business enterprise, and, if it was:

“(i) The category or categories under which the business enterprise is certified; and

“(ii) The identification number of the business enterprise assigned by the Department;

“(E) The source of funding for the contract (local, federal, other, or capital); and

“(F) The actual dollar amount expended with each business enterprise.

“(c)(1) Beginning with the first full quarter after October 25, 2006, the Department shall submit to the Council, within 60 days of the end of each quarter, a copy of the quarterly reports of each agency required by section 2353(a) and a copy of the quarterly reports of each government corporation required by section 2350(f).

“(2) Beginning with the first full quarter after October 25, 2006, the Department shall submit to the Council the following:

“(A) A summary of the information that each agency is required to submit pursuant to section 2353 and the information that each government corporation is required to submit pursuant to section 2350(f), in a format that shows the cumulative progress of each agency's or government corporation's annual certified business enterprise contracting and procurement goals to date and the actual dollar amount expended with each business enterprise for the current fiscal year; and

“(B) A list of all agencies or government corporations that have not

Note,
§ 2-218.54

ENROLLED ORIGINAL

submitted a report for that quarter and a detailed explanation of what actions were taken by the Department to effectuate compliance with the reporting requirement.”

(o) Section 2361(b) (D.C. Official Code § 2-218.61(b)) is amended by inserting the word “longtime” before the phrase “resident business” wherever it appears. Note, § 2-218.61

(p) Section 2371(a) (D.C. Official Code § 2-218.71(a)) is amended by striking the phrase “local, small, and disadvantaged” wherever it appears and inserting the word “certified” in its place. Note, § 2-218.71

Sec. 3. Section 2375 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 2-218.75), is amended as follows: Note, § 2-218.75

(a) Subsection (c)(2) is amended by inserting the word “section” before the term “2363(c)”.

(b) Subsection (d) is re-designated as subsection (e).

(c) The second subsection designated as subsection (c) is re-designated as subsection (d).

Sec. 4. Applicability.

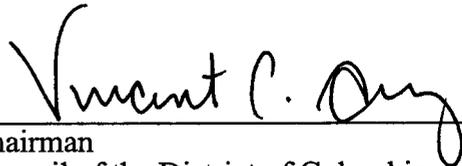
This act shall apply as of January 15, 2008.

Sec. 5. Fiscal impact statement.

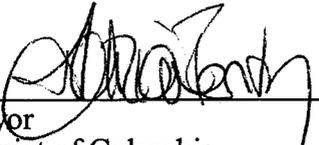
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 23, 2008
Confederation District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 23, 2008

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2008 Winter
 Supp.

West Group
 Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Traffic Act, 1925 to provide for double fines, or increased criminal penalties, for traffic moving infractions when committed in a work zone, and to require the display of signs alerting drivers to the increased fines and penalties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Doubled Fines in Construction and Work Zones Congressional Review Emergency Amendment Act of 2008”.

Sec. 2. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2201.02) is amended by adding a new paragraph (o) to read as follows:

Note,
 § 50-2201.02

“(o) The term “work zone” means the area of a highway or roadway that is affected by construction, maintenance, or utility work activities, including the area delineated by and within all traffic control devices erected or installed to guide vehicular, pedestrian, and bicycle traffic.”.

(b) A new section 9c is added to read as follows:

“Sec. 9c. Motor vehicle moving infractions in work zones; signage required.

“Within 30 days of the effective date of the Double Fines in Construction and Work Zones Emergency Amendment Act of 2007, effective October 18, 2007 (D.C. Act 17-149; 54 DCR 10894):

“(1) For any motor vehicle moving infraction, as defined in Chapter 26 of Title 18 of the District of Columbia Municipal Regulations, committed by the driver within a work zone, during any time when traffic is regulated or restricted through or around the zone, when work is actually being performed in the zone by workers acting in their official capacities, the civil fine shall be double the amount otherwise prescribed and, in a criminal infraction case, the fine shall be one category higher than the penalty prescribed by law; and

ENROLLED ORIGINAL

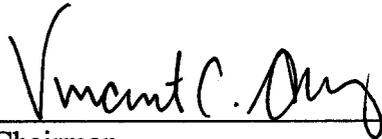
“(2) Signs or notices shall be affixed at the point of ingress of constriction or work zones alerting drivers of doubled fines and increased penalties for moving infractions within the zone.”.

Sec. 3. Fiscal impact statement.

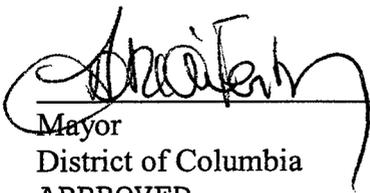
The Council adopts the fiscal impact statement in the committee report for the Doubled Fines in Construction or Work Zones Amendment Act of 2007, signed by the Mayor on November 19, 2007 (D.C. Act 17-179; 54 DCR 11646), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-253

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until October 1, 2008, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification, and to clarify that a Chief Medical Examiner appointed pursuant to the waiver must meet the requirement by October 1, 2008 to continue to be eligible to hold office.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Appointment of the Chief Medical Examiner Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 2903(c) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(c)), is amended to read as follows:

Note,
§ 5-1402

"(c)(1) The CME, the Deputy CME, and any medical examiners appointed pursuant to subsection (b) of this section shall be physicians licensed to practice medicine in the District of Columbia.

"(2) Except as provided in paragraph (3) of this subsection, the CME, the Deputy CME, and any medical examiners appointed after October 19, 2000, shall be certified in forensic pathology by the American Board of Pathology or be eligible for such certification.

"(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor until October 1, 2008 for the CME. Any individual appointed as the CME to fill the term beginning on May 1, 2007 and ending on April 30, 2013 pursuant to this waiver shall not be eligible to serve as CME after October 1, 2008, and shall not be eligible to serve in a holdover status after October 1, 2008, unless he or she meets the certification requirement."

ENROLLED ORIGINAL

Sec. 3. Applicability.

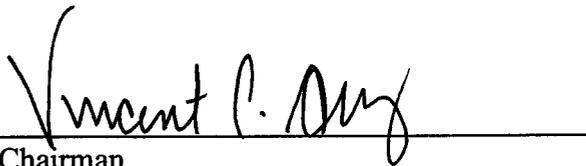
This act shall apply as of January 15, 2008.

Sec. 4. Fiscal impact statement.

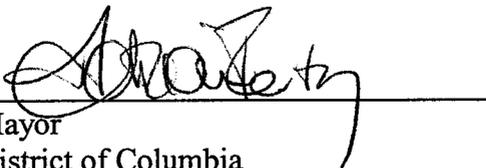
The Council adopts the fiscal impact statement in the committee report for the Appointment of the Chief Medical Examiner Amendment Act of 2008, passed on 2nd reading on January 8, 2008 (Enrolled version of Bill 17-351), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-254

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.

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Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property owned by Building Hope, an organization that provides funding for public charter school facilities in the District of Columbia, during the period from August 21, 2006, through March 22, 2007, and to provide equitable tax relief to the organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Building Hope Real Property Tax Exemption and Equitable Property Tax Relief Congressional Review Emergency Act of 2008".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1077. Building Hope; Lot 802, Square 5357."

(b) A new section 47-1077 is added to read as follows:

"§ 47-1077. Building Hope; Lot 802, Square 5357.

"(a) The real property, described as Lot 802 in Square 5357 in the District of Columbia, is exempt from real property and recordation and transfer taxes for the period from August 21, 2006 through March 22, 2007, the period in which the property was owned by Building Hope, an organization that provides funding for public charter school facilities in the District.

"(b) All real property and transfer and recordation taxes, along with any interest, penalties, fees, and other related charges, assessed against the real property described as Lot 802 in Square 5357 for the period of August 21, 2006, through March 22, 2007, shall be forgiven, and any payments made for these purposes during this period shall be refunded to the payer."

Note,
§ 47-1076

ENROLLED ORIGINAL

Sec. 3. Availability of funds contingency.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Applicability.

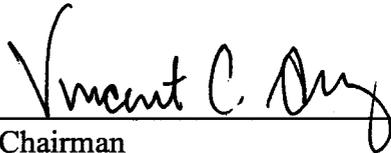
This act shall apply as of January 16, 2008.

Sec. 5. Fiscal impact statement.

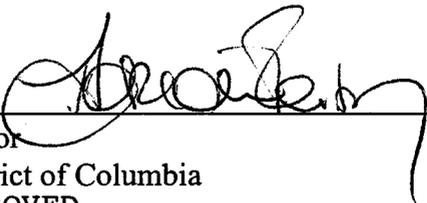
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-255

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

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2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Office of Administrative Hearings Establishment Act of 2001 to permit the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders in cases in which they have held evidentiary hearings before October 1, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rent Administrator Hearing Authority Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 6(b-1)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-1)(1)), is amended as follows:

*Note,
§ 2-1831.03*

(a) The existing language is designated as subparagraph (A).

(b) A new subparagraph (B) is added to read as follows:

“(B) Notwithstanding subparagraph (A) of this paragraph, the Rent Administrator, or any employee or other person to whom authority has been delegated by the Rent Administrator, may issue a final order in any case in which an evidentiary hearing was conducted before October 1, 2006, but in which no final order was issued before that date, and may rule upon any post-hearing motion, including a motion for reconsideration.”.

Sec. 3. Applicability.

This act shall apply as of January 15, 2008.

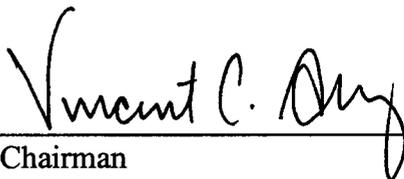
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

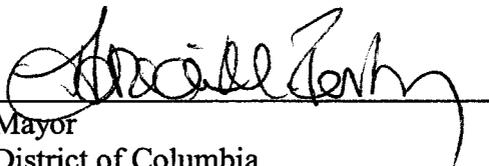
ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 23, 2008

*Codification
 District of
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2001 Edition

2008 Summer
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West Group
 Publisher

To amend the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984 to establish a voluntary system of bicycle registration designed to utilize the National Bike Registry to track and locate stolen bicycles, to authorize the Mayor to supplement or replace the National Bike Registry with another voluntary bicycle registry, to require the Metropolitan Police Department to check the identification number of any recovered bicycle against the National Bike Registry and against any bicycle registry established by the Mayor, to require persons regularly engaged in the business of selling bicycles to inform purchasers how to voluntarily register their bicycles, and to require a lessor of bicycles to provide detailed information regarding the terms of any bicycle rental; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to make it a criminal offense to knowingly remove, obliterate, tamper with, or alter a bicycle identification number; and to amend Title 18 of the District of Columbia Municipal Regulations to eliminate mandatory bicycle registration provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bicycle Registration Reform Amendment Act of 2008".

Sec. 2. The District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1601 *et seq.*), is amended as follows:

- (a) Designate the existing text as "TITLE I. BICYCLE SAFETY."
 (b) Section 10 (D.C. Official Code § 50-1609) is amended by adding new paragraphs (1A) and (1B) to read as follows:

"(1A) "Identification number" means a numbered stamp, sticker, or other label or plate issued for a bicycle for the purpose of identifying the bicycle as having been registered, including any sticker or label provided by the National Bike Registry or a registry established by the Mayor for the purpose of bicycle registration. The term "identification number" shall also include a serial number that is originally inscribed or affixed by the manufacturer to a

Amend
 § 50-1609

ENROLLED ORIGINAL

bicycle frame or a bicycle part for the purpose of identification.

“(1B) “National Bike Registry” means the nationwide computer database for the registration of bicycles that is an official licensee of the National Crime Prevention Council and is accessible at www.nationalbikeregistry.com or at 1-800-848-BIKE.”

(c) A new Title II is added to read as follows:

“TITLE II.

“BICYCLE REGISTRATION; RENTAL RATE INFORMATION.

“Sec. 201. Bicycle registration.

“(a)(1) No person shall be required to register a bicycle in the District of Columbia.

“(2) A person wishing to register a bicycle to permit the Metropolitan Police Department to track or locate the bicycle if it becomes lost or stolen may do so through the National Bike Registry or a District bicycle registry established by the Mayor in accordance with this section.

“(b)(1) The Mayor may establish, through rulemaking, another bicycle registry to serve as a supplement to or replacement for the National Bike Registry.

“(2) Any bicycle registry established by the Mayor shall be web-based and easily utilized by any bicycle purchaser or owner, or law enforcement official.

“(c)(1) Except as provided in paragraph (2) of this subsection, the Metropolitan Police Department shall check the identification number of any bicycle recovered by the Metropolitan Police Department against the National Bike Registry and any other bicycle registry established by the Mayor, and shall notify the registered owner of a recovered bicycle.

“(2) If the Mayor replaces the National Bike Registry with another bicycle registry pursuant to subsection (b)(1) of this section, the Metropolitan Police Department shall be required to check the identification number of any bicycle recovered by the Metropolitan Police only against the registry established by the Mayor.

“(d) As of June 1, 2008, a person regularly engaged in the business of selling bicycles shall inform each purchaser, in writing, how to voluntarily register the purchaser’s bicycle in accordance with this section. For the purposes of this subsection, the term “bicycle” shall exclude tricycles.

“(e) The Mayor, pursuant to Title 1 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 section.

“Sec. 202. Bicycle rental information.

“(a) As of June 1, 2008, a person regularly engaged in the business of renting bicycles shall require each person seeking to rent a bicycle to provide his or her signature on the rental form, or on a separate form, containing each of the following:

“(1) A statement of rental bearing the names and addresses of the lessor and lessee;

“(2) The rate at which the bicycle is being rented; and

“(3) The time for which the bicycle is being rented.

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“(b) The form used to meet the requirements of subsection (a) of this section may be the same form used to meet the requirements of section 6(f).”.

Sec. 3. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended by adding a new section 134 to read as follows:

“Sec. 134. Altering or removing bicycle identification numbers.

“(a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any identification number on a bicycle or bicycle part.

“(b) Any person who violates subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than 180 days, or fined not more than \$1,000, or both.

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

“(1) “Bicycle” shall have the same meaning as provided in section 10(1) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective May 23, 2000 (D.C. Law 13-112; D.C. Official Code § 50-1609(1)) (“Bicycle Act”).

“(2) “Identification number” shall have the same meaning as provided in section 10(1A) of the Bicycle Act.”.

Sec. 4. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Chapter 12 is amended as follows:

(1) Section 1200.7 is repealed.

(2) Section 1202 is repealed.

(3) Section 1203 is repealed.

(4) Section 1207 is amended as follows:

(A) Subsection 1207.2 is repealed.

(B) Subsection 1207.3 is repealed.

(C) Subsection 1207.5 is repealed.

(D) Subsection 1207.6 is repealed.

(E) Subsection 1207.7 is repealed.

(F) Subsection 1207.8 is amended by striking the phrase “the time for which it is rented, and the bicycle’s registration tag and registration plate number.” and inserting the phrase “and the time for which it is rented.” in its place.

(b) Section 2602.1 is amended by striking the following phrases:

(1) “Failure to register a bicycle (§ 1202.1) \$ 5.00”.

(2) “Operating an unregistered bicycle (§ 1201.2) \$ 5.00”.

(3) “Removing registration plate or number (§ 1202.1) \$ 5.00”.

(4) “Renting an unregistered bicycle (§ 1207.7) \$ 5.00”.

(c) Section 9901 is amended by striking the following phrases:

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(1) "Bicycle Registration Year -- a twelve (12) month period beginning and ending on dates designated by the Mayor. (Reg. No. 71-26)".

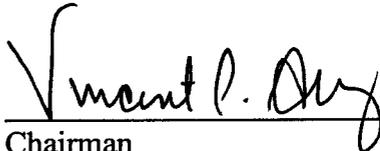
(2) "Registration Tag (bicycle) -- a numbered stamp or sticker issued for a bicycle which shall identify the bicycle as having been registered for a current bicycle year. (Reg. No. 71-26)".

Sec. 5. Fiscal impact statement.

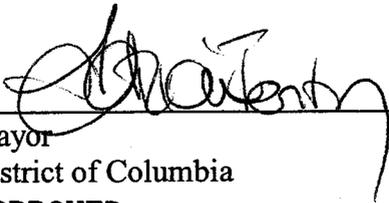
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008

Codification
District of
Columbia
Official Code

2001 Edition

2008 Summer
Supp.

West Group
Publisher

To amend the Minimum Wage Act Revision Act of 1992 to establish minimum compensation requirements for security officers working in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Enhanced Professional Security Amendment Act of 2008".

Sec. 2. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 32-1002) is amended as follows:

Amend
§ 32-1002

(1) A new paragraph (6A) is added to read as follows:

"(6A) The term "office building" means any commercial property where the primary functions are the transaction of administrative, business, civic, or professional services, including properties where handling goods, wares, or merchandise, in limited quantities, is accessory to the primary occupancy or use. The term "office building" does not include libraries, museums, or universities."

(2) A new paragraph (7A) is added to read as follows:

"(7A) The term "security officer" shall have the same meaning as provided in section 2100 of Title 17 of the District of Columbia Municipal Regulations."

(b) Section 4 (D.C. Official Code § 32-1003) is amended as follows:

Amend
§ 32-1003

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the word "As" and inserting the phrase "Except as provided in subsection (h) of this section, as" in its place.

(B) Paragraph (2) is amended by striking the word "As" and inserting the phrase "Except as provided in subsection (h) of this section, as" in its place.

(2) A new subsection (h) is added to read as follows:

"(h) An employer shall pay a security officer working in a office building in the District of Columbia wages, or any combination of wages and benefits, that are not less than the combined amount of the minimum wage and fringe benefit rate for the guard 1 classification established by the United States Secretary of Labor pursuant to the Service Contract Act of

ENROLLED ORIGINAL

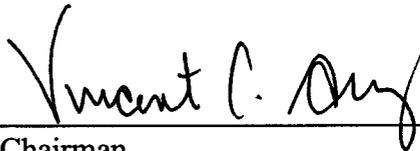
1965, approved October 22, 1965 (79 Stat. 1034; 41 U.S.C. § 351), as amended.”.

Sec. 3. Fiscal impact statement.

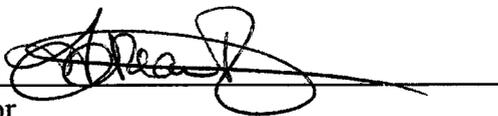
The Council adopts the November 27, 2007 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-258

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until October 1, 2008, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification, and to clarify that a Chief Medical Examiner appointed pursuant to the waiver must meet the requirement by October 1, 2008 to continue to be eligible to hold office.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Appointment of the Chief Medical Examiner Amendment Act of 2008".

Sec. 2. Section 2903(c) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(c)), is amended to read as follows:

Amend
§ 5-1402

"(c)(1) The CME, the Deputy CME, and any medical examiners appointed pursuant to subsection (b) of this section shall be physicians licensed to practice medicine in the District of Columbia.

"(2) Except as provided in paragraph (3) of this subsection, the CME, the Deputy CME, and any medical examiners appointed after October 19, 2000, shall be certified in forensic pathology by the American Board of Pathology or be eligible for such certification.

"(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor until October 1, 2008 for the CME. Any individual appointed as the CME to fill the term beginning on May 1, 2007, and ending on April 30, 2013, pursuant to this waiver shall not be eligible to serve as CME after October 1, 2008, and shall not be eligible to serve in a holdover status after October 1, 2008, unless he or she meets the certification requirement."

Sec. 3. Fiscal impact statement.

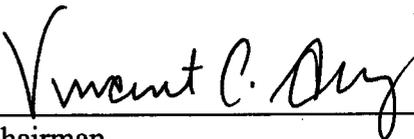
The Council adopts the fiscal impact statement in the committee report as the fiscal

ENROLLED ORIGINAL

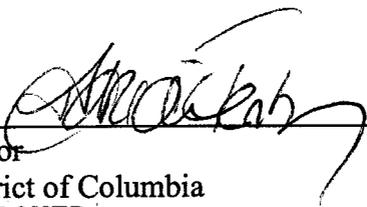
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To amend the Health Services Planning Program Re-establishment Act of 1996 to set the certificate of need application fee for Medical Homes DC projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Services Planning Program Amendment Act of 2008".

Sec. 2. Section 21 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-420), is amended by striking the phrase "application fee." and inserting the phrase "application fee. The certificate of need application fee for any project receiving funds through the Medical Homes DC initiative, as operated by the District of Columbia Primary Care Association, shall be \$5,000." in its place.

Amend
§ 44-420

Sec. 3. Fiscal impact statement.

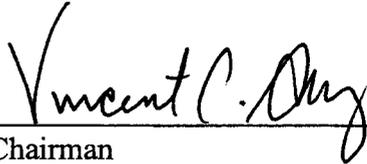
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

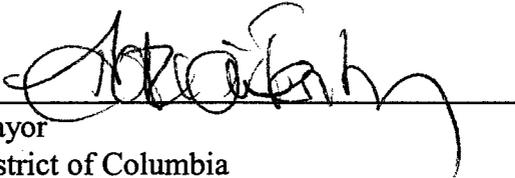
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 23, 2008

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District of
Columbia
Official Code*

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2008 Summer
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Publisher

To designate the East of the River HIV/AIDS Capacity Building Initiative in the Department of Health as the Effi Slaughter Barry HIV/AIDS Initiative, to require the Director of the Department of Health to designate an initiative coordinator to administer the Effi Slaughter Barry HIV/AIDS Initiative, and to authorize the allocation of funding to support the initiative.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Effi Slaughter Barry HIV/AIDS Initiative Act of 2008".

Sec. 2. Findings.

The Council finds that:

(1) Effi Slaughter Barry, a former First Lady of the District of Columbia, was among the first public figures in the District to focus attention on the growing health problem of HIV/AIDS;

(2) Effi Slaughter Barry, a trained and experienced health professional, was a champion of HIV/AIDS prevention and wellness and was particularly concerned with the dearth of services East of the River;

(3) At the time of her death, September 6, 2007, Effi Slaughter Barry, was Director of Special Projects in the Office of the Director of the Department of Health, providing direct leadership to the East of the River HIV/AIDS Initiative; and

(4) In light of Effi Slaughter Barry's commitment to health and, in particular, to helping residents of the District of Columbia combat HIV/AIDS, it is fitting that the East of the River HIV/AIDS Capacity Building Initiative should be known as the Effi Slaughter Barry HIV/AIDS Initiative.

ENROLLED ORIGINAL

Sec. 3. Designation of the Effi Slaughter Barry HIV/AIDS Initiative.

The East of the River HIV/AIDS Capacity Building Initiative administered by the Department of Health shall be known as the Effi Slaughter Barry HIV/AIDS Initiative (“initiative”).

Sec. 4. Purpose.

The initiative shall provide technical and financial assistance to selected community HIV/AIDS service providers as part of a 2-year program designed to build operational capacities, improve HIV/AIDS service delivery, enable accurate performance measurement, and increase revenue diversity.

Sec. 5. Designation of an initiative coordinator.

The Director of the Department of Health shall designate an initiative coordinator, who shall be an employee of the Department of Health and qualified by experience and training to administer the initiative.

Sec. 6. Participant selection and grant award criteria.

The Department of Health shall establish criteria for:

- (1) The selection of community HIV/AIDS service providers to participate in the initiative; and
- (2) Awarding grants to initiative participants, including a requirement that the fiduciary agent of any collaborative representing a ward must be located in the ward.

Sec. 7. Allocation of funding.

The Department of Health is authorized to:

- (1) Transfer the \$650,000 allocated by section 5128 of the Designated Appropriation Allocation Act of 2007, effective September 18, 2007 (D.C. Law 17-20; 54 DCR 7052), to the Office of Partnerships and Grants Development, within the Executive Office of the Mayor, to conduct a 2-year capacity building training program for participants of the initiative, of which \$300,000 shall fund the training program for first-year participants and \$350,000 shall fund the training program for second-year participants; and
- (2) Distribute \$700,000 in capacity building grants to initiative participants no later than March 1, 2008.

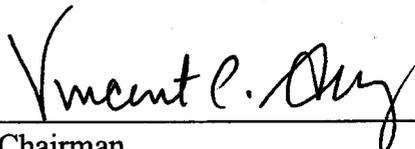
Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(3)).

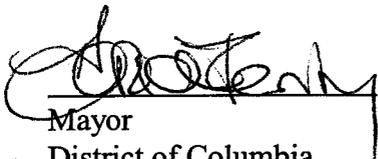
ENROLLED ORIGINAL

Sec. 9. Effective date.

This act shall take effect following 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.



 Chairman
 Council of the District of Columbia



 Mayor
 District of Columbia
 APPROVED
 January 23, 2008